



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: April 4, 2023
Time: 10:00 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Pages

- | | | |
|---|---------------------|---------|
| 1. CALL TO ORDER | 10:00 AM - 10:05 AM | |
| "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. APPROVAL OF AGENDA | | |
| 3. REPORTS | 10:05 AM - 10:20 AM | |
| 3.1 Trustee Reports | | |
| 3.2 Chair's Report | | |
| 3.3 Electoral Area Director's Report | | |
| 4. PUBLIC COMMENTS | 10:20 AM - 10:30 AM | |
| 5. DELEGATIONS | 10:30 AM - 10:50 AM | |
| 5.1 Engagement Surveys and Densification - Harlene Holme | | 4 - 23 |
| 5.2 Two Decades of Denman Housing: Time for Action - Denman Housing Action Group | | 24 - 35 |
| 6. MINUTES | 10:50 AM - 11:00 AM | |
| 6.1 Local Trust Committee Minutes dated February 7, 2023- for adoption | | 36 - 43 |
| 6.2 Section 26 Resolutions-Without-Meeting Report dated March 27, 2023 | | 44 - 44 |
| 6.3 Advisory Planning Commission Minutes - none | | |
| 7. BUSINESS ARISING FROM MINUTES | 11:00 AM - 11:15 AM | |
| 7.1 Follow-up Action List dated March 27, 2023 | | 45 - 46 |
| 8. APPLICATIONS AND REFERRALS | 11:15 AM - 11:30 AM | |

8.1	DE-ALR-2022.2 Wright - 2961 Northwest Rd. - Staff Report	47 - 62
9.	LOCAL TRUST COMMITTEE PROJECTS	11:30 AM - 12:30 PM
9.1	Denman Housing Review Project - Consultant Report	63 - 106
~ BREAK 12:30 PM - 1:00 PM ~		
10.	CORRESPONDENCE	12:30 PM - 12:35 PM
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
10.1	Email dated February 16, 2023 from Dr. J. Balke regarding Ferry Terminal Denman	107 - 110
10.2	Email dated March 3, 2023 from E. Johnston regarding Growing Concern over Local Trust Committee Focus	111 - 111
10.3	Email dated March 8, 2023 from H. Holm regarding Mar 8-23 NASA image argues for reducing light pollution	112 - 112
10.4	Email dated February 10, 2023 from R. daSilva regarding Recording of Tuesday's Meeting	113 - 114
11.	NEW BUSINESS	12:35 PM - 12:55 PM
11.1	Draft Freedom of Information and Protection of Privacy Bylaw - Request for Decision	115 - 120
11.2	Bylaw Enforcement Notification Bylaw Amendment - Staff Report	121 - 128
12.	REPORTS	12:55 PM - 1:05 PM
12.1	Trust Conservancy Report dated February, 2023	129 - 130
12.2	Applications Report dated March 27, 2023	131 - 135
12.3	Trustee and Local Expense Report dated January, 2023	136 - 136
12.4	Adopted Policies and Standing Resolutions	137 - 141
12.5	Local Trust Committee Webpage	
13.	WORK PROGRAM	1:05 PM - 1:15 PM
13.1	Active Projects Report dated March 27, 2023	142 - 142
13.2	Future Projects Report dated March 27, 2023	143 - 144
14.	UPCOMING MEETINGS	

- 14.1 Next Regular Meeting Scheduled for Tuesday, June 6, 2023 at 10:00 pm at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

15. CLOSED MEETING

1:15 PM - 1:30 PM

- 15.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(f) for the purpose of considering Bylaw Enforcement and that the Recorder and Staff attend the meeting.

- 15.2 Recall to Order

16. ADJOURNMENT

1:30 PM - 1:30 PM

From: HHolm [REDACTED]
Sent: Tuesday, February 1, 2022 10:54 PM
To: Denman Island Local Trust Committee <DenmanIslandLocalTrustCommittee@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Feb. 1-22 submission to the Feb. 15/22 LTC meeting

LTC members, Planner Zupanec and Upland Agricultural Consulting:

For your information and for inclusion in the agenda package for the Feb. 15/22 Special LTC meeting (attached)

Harlene Holm

Submission to the Denman Island Local Trust Committee February 15/22 special meeting.

I have a number of requests of the Local Trust Committee, Planner Zupanec and Upland Agricultural Consulting –all of whom will shape farm regulatory outcomes.

1) Please add the following to the project documents available on the Denman Island Trust website:

a. Taina Uitto's report based on surveying vendors and shoppers at a series of market days. This was a Farm Plan committee initiatives and left out of the Final Farm Plan. Ms. Uitto has promised to email a copy for me to forward to the LTC.

b. Jenny Balke's June 2013 Rural Affordable Housing Project commissioned by Denman Community Land Trust Association (DCLTA) with funding from the Comox Valley Housing Task Force. Dr. Balke's powerpoint presentation to the Task Force forum on Homelessness may also be of interest.

c. DCLTA's formal recommendations arising from Dr. Balke's report.

d. My objection to the use of islanders on the Farm Plan Steering Committee as a funding requirement whereas the bulk of the report embodies conclusions and recommendations that represent those of the Ministry of Agriculture. My objection was submitted at the time the LTC was considering adopting the Farm Plan report. I argued that the report be received for information, not adopted. This submission should be found in the record of the LTC adoption of the Farm Plan.

e. My March 16, 2021 delegation and submission to the LTC outlining the failure of proposed bylaws 228 and 229 to work within the Trust mandate, the intent of the islanders on the Farm Plan committee plus the absence of protection or even representation of wetlands and water courses in what I termed a sustainability-free zone covering nearly half the island.

2) Proposed bylaws 228 and 229 move Agriculture out of Sustainable Resources to stand alone as Agriculture. That alone is alarming. Proposed bylaw 229 allows feedlots (fenced non-grazing area) and intensive agriculture (confined in a building). I have never heard anyone on island extoll feedlots or intensive agriculture as an appropriate use.

How many numbered agricultural zones are there on Denman Island? These represent lots as small as two hectares. There are agricultural uses that exist in BC that could and would be highly destructive to the ground water and wetlands and to the health and well being of neighbours.

Please don't use proposed bylaws 228 and 229 as a starting point except to recognize what not to do going forward. The first step should be to determine what is working at an island-scale, sustainable and community-supported level. What isn't working is the Ministry of Agriculture's existing clout that allows landowners of ALR land to drain and /or divert streams and wetlands.

The Ministry of Agriculture has a mandate to support and expand agriculture as an industry. The Trust mandate is far more complex and appropriate.

3) Please look at existing OCP/bylaw regulations measured against what farming is carried on in this community. If it ain't broke, don't fix it.

4) I understand that the community will be surveyed and “engaged.” Please look at Taina Uitto’s survey report as a model. Residents and particularly farmers have more to do in the spring than fill out a survey and attend meetings in order to avert regulatory damages.

Note the key vision statement and two key guiding principles that reflect the voice of islanders on the Farm Plan Committee:

* An Island where we feed each other abundantly because farming is a viable and valued foundation of our sustainable community. –Vision Statement, Denman Island Agriculture Plan Steering Committee

* Recognizing/supporting the local, small-scale, and diverse nature of Denman Island agriculture

* Recognizing the importance of healthy ecosystems and their interrelationships with farming

Harlene Holm

██████████ Road, Denman Island

Owner and farmer of ALR land

*resigned from the Farm Plan Steering Committee when it was clear the plan was and would remain hijacked

BASIC HOUSING INFORMATION

DENMAN ISLAND

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Prepared by

Peter Spurr
East Road, Denman Island

January 28, 2023

DENMAN ISLAND – BASIC HOUSING INFORMATION

INTRODUCTION

This reviews population and housing data from the Census, land use regulatory material and real estate market information to provide a factual background for Denman Island residents and their Local Trust Committee (LTC) as they go about the current effort to revise Denman's Official Community Plan (OCP).

The Denman LTC has initiated a housing review project ("charter" dated 19 July 2022), with the stated objectives of:

"... exploring possible policy updatesto strengthen housing options."

The review is to consider Denman's OCP and the Land Use Bylaw (LUB) dated 2008 (as consolidated February 2017):

"... to consider policy updates in relation to affordable and attainable housing".

This review is being conducted in response to a new requirement by British Columbia that all OCPs be revised with considerations of affordable housing, and with housing supply and demand information.

It may be expected that the policy options developed for housing on Denman Island will be based on the community's views after completing the mandated examinations of housing supply, demand and affordability. The best information available about housing on Denman Island is provided by the Census of Canada, undertaken every five years in July. Other valuable sources are the zoning map which is part of Denman's LUB and housing market information from BC Assessment and the Multiple Listing Service (MLS).

This paper observes housing-related information from the last four censuses and these other sources.

A PROFILE OF DENMAN ISLAND'S POPULATION AND HOUSEHOLDS

Denman Island has population and household characteristics that are not commonly seen in British Columbia. In the 2021 Census, Denman's population was found to be 1,391. As is common in BC, this included more women than men (745 women and 650 men). Uncommonly, 40 percent of Denman's population was over the age of 64 and only 11 percent was under the age of 20. As seen in the table below, both Denman and Hornby Islands have notably older and slightly younger populations than the Comox Valley Regional District, or Vancouver Island, or British Columbia.

DENMAN ISLAND – BASIC HOUSING INFORMATION

Selected Demographic Statistics Denman Island and Various BC Geographies - 2021						
Age of Population	Denman Island		Hornby Island	CVRD	Vancouver Island	British Columbia
	Population	% of All	% of All	% of All	% of All	% of All
Under 20 years	155	11%	11%	19%	18%	19%
20-64 years	680	49%	45%	53%	56%	60%
Over 64 years	555	40%	44%	28%	26%	20%

Denman's older population structure has developed steadily over the last 20 years. Since 2006 the proportion of Denmaners that are over 64 years has doubled, from 20 percent to 40 percent. During the same period the proportion of Denman's population that is 19 years or younger has dropped from nearly 20 percent to just over 10 percent.

Age Structure of Population Denman Island, 2006 to 2021			
Census Year	Percentage of Population in Various Age Groups		
	0-19 Years	20-64 Years	65 years plus
2006	19%	61%	20%
2011	10%	60%	27%
2016	10%	51%	38%
2021	11%	49%	40%

Denman has grown quickly for the last decade, with growth rates that greatly exceed those in the rest of British Columbia. In 2021 there were 369 more Denman residents than in 2011 and nearly one in five had resided there less than five years. Denman's recent population increases have averaged 46 people per year.

Population Growth, Denman Island and Selected BC Geographies 2016 and 2021				
Geography	2011-2016		2016-2021	
	Population Growth	Growth Rate	Population Growth	Growth Rate
Denman Island	143	14%	226	19%
CVRD	2,989	5%	5,918	9%
Nanaimo CMA	6,915	7%	10,523	10%
Victoria CMA	23,155	7%	29,467	8%
Vancouver Island	40,034	5%	65,464	8%
Vancouver CMA	150,103	6%	179,394	7%
Abbotsford CMA	10,327	6%	15,208	8%
Kelowna CMA	15,043	8%	27,280	14%
Kamloops CMA	5,057	5%	10,331	10%
British Columbia	247,998	6%	352,824	8%

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Denman Island had one household for every two residents in 2021, a total of 695 households. This ratio is notably lower than those in other parts of British Columbia. The low ratio means that people on Denman occupy more housing than is seen elsewhere. Among the reasons for this is that Denman has 240 one person households (35 percent of all households), an uncommonly high proportion of lone occupant households.

Comparison of Denman Island Occupancy Statistics with Various BC Geographies – 2021 Census					
Occupancy Characteristic	Denman Island	Hornby Island	CVRD	Vancouver Island	British Columbia
Population per household	2.0	1.87	2.27	2.26	2.45
Proportion of households with persons living alone (%)	35%	44%	29%	32%	29%

Canada Mortgage and Housing Corporation and Statistics Canada measure “core housing need” described as households in dwellings that are inadequate (need major repair), unsuitable (too small or too costly), or unaffordable (costing more than 30 percent of before-tax income). In the summer of 2021 the Census found 105 of Denman Island’s households were in core housing need. This was 15 percent of Denman’s households, a higher proportion than the 11 percent on Hornby, 9 percent in the CVRD, 11 percent on Vancouver Island and 13 percent in British Columbia.

In 2020 Denman households had a median total income of \$59,200. While median income says little about the distribution of income among Denman households, it does reveal that overall, Denman’s income is much lower than the CVRD median of \$77,500, or the Vancouver Island median of \$79,500, or the BC median of \$85,000. Denman’s median income is 75 percent of the median for the CVRD and 70 percent of the median level for British Columbia.

SUMMARY AND IMPLICATIONS

The foregoing review of Census elements has highlighted important characteristics of housing on Denman that are uncommon elsewhere. Denman is growing faster than other parts of British Columbia, and its population is increasingly comprised of older people. Denman households are smaller than elsewhere and include a higher proportion of persons living alone. Also, Denman has notably lower median household incomes and more households in core housing need than reside elsewhere.

The existence of these uncommon features has several implications. Most of these features upwardly influence demand for housing on Denman, and the existence of multiple such features implies strength in the housing demand pressure on Denman. The high rate of growth requires that there is a high level of demand for housing on Denman. As people living elsewhere in British Columbia have higher incomes than

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those on Denman, the relative prosperity elsewhere creates financial pressure from outside that elevates the value of, and therefore demand for, Denman housing.

Faced with unusually strong demand, if Denman seeks to increase the supply of suitable, affordable housing it will have to pursue vigorous measures. As Denman has lower than average incomes and more core housing need than elsewhere, it must adopt “housing options” that address these excesses in need. If Denman adopts “housing options” that only create supply for well-funded elderly, it will not help the housing situation of those in core need or with lower incomes and may actually worsen these situations. On the other hand, housing options that only address core housing need or low incomes cannot be expected to impact Denman’s high demand for housing, or the overall problem of affordability. These findings, based on data from the Census, imply that a realistic housing policy for Denman must aim to improve at least these two housing challenges.

This profound situation calls for caution when conducting assessments like the LTC’s review of housing options on Denman. Careful attention is needed to ensure that proposed solutions, like increasing supply, would not worsen the housing conditions of lower income households and/or those already in core housing need.

A PROFILE OF DENMAN ISLAND’S HOUSING

Stock

The Census provides information about the stock of housing on Denman Island, described as private dwellings. According to Statistics Canada, a private dwelling is:

“A separate set of living quarters designed for or converted for human habitation in which a person or group of persons reside or could reside. In addition, a private dwelling must have a source of heat or power and must be an enclosed space that provides shelter from the elements, as evidenced by complete and enclosed walls and roof, and by doors and windows that provide protection from wind, rain and snow.”

The 2021 Census found 881 private dwellings, of which 695 were occupied. The low proportion of Denman’s dwellings that were occupied, 79 percent, is unusual. On Hornby Island the occupied proportion was even lower, at 59 percent. Comparable proportions elsewhere include 93 percent in CVRD, 93 per cent on Vancouver Island, and 92 percent in all of British Columbia. Denman’s low proportion increased slightly from 1975 in 2006 and 2011, while elsewhere (in the CVRD, on Vancouver Island and throughout the province) the proportion has been in the range from 91-93 percent.

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Dwelling Stock and Occupied Dwellings, Denman Island & Selected BC Geographies - 2001 to 2021					
Dwelling Data	Denman Island	Hornby Island	CVRD	Vancouver Island	British Columbia
All Private Dwellings - 2021	881	1,117	34,412	412,133	2,211,694
Occupied Private Dwellings - 2021	695	654	31,940	281,864	204,1834
Proportion occupied					
- 2021	79%	59%	93%	93%	92%
- 2016	71%	51%	92%	92%	91%
- 2011	75%	57%	91%	91%	91%
- 2006	75%	56%	91%	N.A.	92%

The difference between the number of dwellings and occupied dwellings is unoccupied dwellings, of which Denman had 186 during the summer of 2021. These are a mixture of seasonal residences which didn't happen to be occupied at the time of the Census, and various kinds of vacant houses, including dilapidated properties without inhabitants. The unoccupied seasonal residences probably aren't available as part of Denman's housing supply, nor are most of the unoccupied dilapidated residences. There is no count available of the vacant houses, and no reasoned estimate of the proportion they constitute of Denman's 186 unoccupied dwellings.

Denman's occupied dwellings were mainly single-detached houses, 96 percent of them (Hornby had 93 percent detached). Of the various types of housing, single-detached is the larger, less-affordable housing type. The predominance of detached houses is far greater than the comparable proportions elsewhere – 67 percent in CVRD, 54 percent in Vancouver Island, and 42 percent in British Columbia. Denman's dominantly detached houses and relatively large number of unoccupied houses constitute a stock that serves a narrower band of interest than is usual in this province.

The Census found 5 semi-detached houses and 15 moveable dwellings on Denman. Moveables include mobile homes and other relocatable dwellings such as houseboats, recreational vehicles and railroad cars. Moveables and semis are usually less expensive forms of housing than detached, but they only comprise 2 percent of Denman's occupied dwellings, which is slightly less than the comparable 5 percent on Hornby, 4 percent in CVRD, 3 percent on Vancouver Island and 3 percent in British Columbia.

Rental housing is usually more affordable than home ownership. The Census found 85 rental homes on Denman, 12 percent of occupied dwellings. This is less than the 18 percent of rentals on Hornby, and far less than the 23 percent in CVRD, 30 percent on Vancouver Island and 33 percent in British Columbia.

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It is also relevant that the age of the housing stock on Denman is similar to that seen elsewhere in British Columbia. Since 2001, both on Denman and elsewhere approximately 15 percent of the housing stock is newly constructed in every decade. While Denman's demand is unusually high, and its housing stock is more limited than elsewhere, Denman is only building new housing at the same rate as elsewhere. This amounts to an ongoing shortage of housing supply.

Age of Occupied Housing Stock, Denman Island and Various BC Geographies					
Period of Construction	Denman Island	Hornby Island	CVRD	Vancouver Island	British Columbia
Pre-1960	12%	8%	13%	17%	13%
1961-2000	55%	60%	58%	58%	58%
2001-2005	5%	6%	6%	5%	6%
2006-2010	6%	7%	8%	7%	8%
2011-2015	9%	5%	7%	5%	7%
2016-mid 2021	8%	5%	9%	8%	9%

Denman's housing stock does not include a varied housing supply with a wide choice of house types, tenures and ages. The overwhelming predominance of single-detached houses, and the unusually low proportion of rental and moveable dwellings, demonstrates that the choice of housing on Denman Island is much more limited, and is probably less affordable, than in other parts of British Columbia. However, the stock includes a significant number of unoccupied dwellings and unfortunately there is no data about them (type, location, condition, availability).

Zoning

Zoning is an important determinant of the supply of housing. Also, since Denman's LTC intends to change the official plan and land use bylaw in order to strengthen housing options, it is important to understand the present regulatory measures that might undergo change.

Denman's LUB describes itself as:

“ *A bylaw to establish regulations and requirements respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, the provision of parking, landscaping, screening, signs, and the subdivision of land within the Denman Island Local Trust Area.* ”

To perform these functions, the LUB zones all the land on Denman Island and specifies what housing is allowable in each zone. Land on which housing is allowable but is not

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yet built is Denman's residential land supply. The zones, and the housing specified for each zone, are summarized in the following table.

ZONES ON WHICH HOUSING IS PERMITTED – DENMAN ISLAND	
Zone Classifications	Minimum Lot Area Per S/F Dwelling Unit
R1 – Residential	1.0 hectare
R2 – Rural Residential	4.0 hectare
R3 – Co-housing	n/a (case-by-case determination)
A - Agriculture	15.0 hectare
RE - Resource	15.0 hectare
F - Forestry	64.0 hectare
C – Commercial	n/a (one S/F Dwelling per lot)
L – Light Industrial	n/a (one S/F Dwelling per lot)

Whether this is intended or not, zoning performs the function of defining the supply of new housing. There is not a variety of lands zoned for housing of different densities and purposes, nor is there zoning that encourages more affordable types of housing. In a few zones it is possible to add dwellings to lots with existing housing if the lot is sufficiently large and has adequate water for all potential residents, as well as being capable of handling the expected sewage.

No data base available to the public quantifies the number of lots in each zone, or which existing lots in zones have houses. The geomatic information system at Islands Trust has the capacity to produce this kind of solid data about Denman's land supply, but it has not made such information available to the public.

Some insight into the relationship between land supply and zoning is afforded by the two-section zoning map which is appended (part of the published Denman LUB):

- There are very few lots zoned Light Industrial, Commercial or Forestry so these cannot be important contributors to the land supply for housing;
- There are about 50 parcels zoned Agriculture where one extra residence is permitted if required for fulltime farm help, and if the farm is large enough to meet the minimum lot area (one residential unit per 1.0 hectares). These limitations mean that this zone is not contributing significantly to the land supply for housing;
- The Resource zone also allows a housing unit with the same size minimum as Agriculture. However, only one property is zoned "Resource" so this is insignificant for the housing supply.

Current regulatory policy has the effect of limiting the supply of housing to land zoned Residential. The appended zoning map affords some insight into the supply implications of the present residential zones.

- The R1 zone is seen in a nine clusters where most Denmaners reside today: downtown Denman; central Northwest Road; the Nixon/Chrisman Roads area, Fillongley, Little Burnaby, Gravelly Bay area, Boyle Point area, Lacon Road

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South and Lacon Road Central. It is not known how many lots are in this zone, or which lots have houses.

- The YELLOW shading on the maps is an attempt to show lots in the R1 zone that are smaller than 1.0 hectares (ha.). These lots are too small for development as additional new housing today, because the zone specifies that at least 1.0 ha. is required to permit subdivision. Consequently, the only contributions to the supply of new housing in R1 zones would have to come from existing vacant lots larger than 1.0 hectares, and it seems unlikely that there are significant numbers of such lots in the 9 R1 clusters.

Under the present zoning regulations it appears that most of the R1 zone could not provide land supply for housing.

- The R2 zone, shaded PURPLE on the maps, covers large sections of the non-park land in the interior of Denman Island, and some shoreline properties at the North, Northeast and Southwest ends of the island. Again, it is not known how many properties are in this zone or which of these properties contain houses.
- These R2 lands could meet the current minimum lot size requirements for housing. Accordingly, under existing policies they appear to be the key components of the future housing land supply.
- It is noted that virtually all of this R2 land is heavily forested which implies that extensive logging and clearing would have to be approved and carried out as a pre-condition of developing these lands for housing. Such logging could be expected to meet considerable opposition from the conservation orientation on Denman, which is also reflected in other parts of Denman's OCP.

The substantive effect of Denman's zoning seems not to be directing and encouraging land use change, but instead to be describing and maintaining existing land uses.

Housing Market

Denman's housing market activity provides useful information about its housing supply. The housing market includes Multiple Listing Service (MLS) sales, private transactions that occur without a realtor, and exclusive listing/sales. Generally, over 90 percent of real estate sales involve the MLS.

On Denman there were 18 MLS sales in 2022, of which 15 were properties with houses. According to BC Assessment 17 properties sold on Denman in 2022, each with buildings having bedrooms and baths so they can be described as housing. Presumably the difference between the numbers in the two data bases was two private sales.

The rate at which the housing stock of Denman Island turns over is unusually low. Expressed as a rate of sales from the entire housing stock, it is more than 50 percent lower than the rate of sales in metropolitan Victoria and Nanaimo. This low rate of sales

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of the limited housing stock is evidence that Denman’s housing market is very constrained.

HOUSING SALES AND HOUSING STOCK - 2022 DENMAN ISLAND, VICTORIA AND NANAIMO			
Type of Data	LOCATION		
	Metropolitan Victoria	Nanaimo area	Denman Island
No. of Occupied Houses (2021)	176,676	49,348	695
MLS Residential Sales (2022)	6,594	1,577 (1)	15
Sales As % of Stock	3.7%	3.2%	2.2%
Note: (1) Nanaimo sales are from 2021 and exclude waterfront and acreage, so understate the actual sales volume			

BC Assessment data reveals that in 2022 the average price of housing that sold on Denman was \$1,003,859 and the average lot size was 2.9 hectares. However these averages are influenced by a few outlying transactions (5 sales for over \$1 Million, and 7 sales that included more than 1.2 hectares of land).

- 10 sales involved lots that were less than 1.0 hectare. These would not meet the LUB requirement for subdivision. Their average sale price was \$902,000 with 3 of the sales over \$1.2 M and 5 sales at less than \$700,001. Assessment data showed that on average 52 percent of the value of these properties was in the lot, although there were 4 properties with land accounting for 64-74 percent of their total values. The implied value of the land involved in these sales varied wildly from about \$150,000 per hectare to over \$4.2 M per hectare (implied value was calculated as the sale price of the property multiplied by the percentage of its assessed value in land divided by the lot area).
 - The most affordable sales were the 5 properties which were smaller than one hectare and priced below \$700,000. It is useful to observe the “affordability” of these houses. A \$700,000 house would require at least a \$45,000 down payment and an insured mortgage of over \$681,000. With current variable mortgage rates around 6.5% this would require monthly payments around \$4,500, with an annual PIT (principal, interest and taxes) around \$58,000. This PIT amount may be compared with the median total income of Denman households in 2020, \$59,200.
- 5 sales involved lots that were larger than 1.0 ha. and had prices below \$1.0 M. These averaged 6.8 hectares in size, and 78 percent of their value was in the land. The average assessed land value of these 34 hectares was \$103,000. per hectare. It is likely that this type of property would offer the best opportunities for redevelopment as housing, possibly more affordable housing. Each of these five sales occurred in a different part of the island.
- 5 sales were priced above \$1.0 M. Three of these were on lots below 0.4 hectares in size, and the implied land prices of these ranged from the \$2.0 to \$4.4 M per hectare range. The two larger properties were: a property of about 11

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hectares with an implied price under \$62,000 per hectare; and a property of about 1.5 hectares with an implied land price of about \$1.0 M per hectare.

SUMMARY AND IMPLICATIONS

This section has discussed the housing supply on Denman Island, including some problematic characteristics and constraints. Denman has an unusually homogenous housing stock and an unusually low rate of property sales. Compared to other places in the province it has few homes of the more affordable housing types and less rental residences. The few sales that occur are at unaffordable price levels when compared to Denman's median incomes. It has a significant stock of unoccupied dwellings but little is known about it and its impact on the overall housing supply is not known. Denman's zoning does not encourage land use change, doesn't provide for choices in housing and doesn't facilitate affordable housing

The information about Denman's housing supply suggests implications for housing policy. The facts that for the last decade Denman's pace of construction is matching other BC centres, even though Denman's population growth far exceeds the others and Denman populace requires more housing per person than is required elsewhere, are conditions that allow Denman's housing supply to remain inadequate for lower incomes. Because both the age of the stock and the pace of construction for the last two decades match other BC communities it can't be said that Denman's uncommon housing characteristics and restrictive supply are the product of some unusual event(s) that occurred recently. Denman's housing characteristics are the product of preferences on the island over an extended period.

Denman's housing situation is well-established and cannot be changed by modest adjustments in policy. To bring about significant change in Denman's housing (as the Islands Trust Charter aims to do), some significantly different policies will be required. More of the same will not produce a different outcome.

LTC's "DENMAN HOUSING REVIEW PROJECT COMMUNITY SURVEY"

The first stage of the housing review project was, in November and December, to undertake a 36-question "community survey". Oddly, the survey proceeded before a research stage to inform the community about the supply, demand and affordability information required by the provincial government. Many survey questions concerned matters having little impact on the goals of the review – improving housing supply and affordability. The following section of this paper paraphrases the questions in the survey and observes the relationship of each question to housing supply and affordability information. These are observations about, not suggested answers to, the questions.

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LAND SUPPLY AND THE “DENMAN HOUSING REVIEW PROJECT COMMUNITY SURVEY”		
Questions		Observations
No.	Content (paraphrased)	
1.1	Should minimum residential lot sizes in subdivision be increased	Increased minimums would decrease the housing supply, increase property values, decrease affordability
1.2	Should minimum lot sizes in subdivision be increased in rural zones	Increase would decrease the housing supply and the land supply for other uses
1.7	Should consolidation be encouraged in residential zones	Consolidation might allow for more housing in R1 zones. Data lacking about quantity of lots effected
2	Any suggestions concerning subdivision	Why not allow subdivision of any parcel where the proposed new lot qualifies for site plan approval
3.8	Only detached housing should be allowed in residential and rural zones	Only SFD limits choice, acts against affordability.
3.9	No more than 5 units are permitted on a property, and there must be 1.0 ha. for each unit	These maxima restrict and limit choice in land supply, reducing multi-family units and rental.
3.10	Secondary suites or units are permitted in rural properties meeting other requirements and if water is adequate	This would add to housing supply and choice, and possibly affordability
3.11	Only special needs, affordable housing and secondary suites totally less than 5% increase can be allowed to cause increase to Denman’s overall density	This would be a barrier to increasing housing supply except for these uses.
3.13	In Forest, Resource and Agriculture zones properties can have one dwelling and one secondary suite	The addition of the secondary suites would increase the housing supply but there aren’t many such properties
3.14	In Agriculture zones an additional dwelling is allowed for fulltime farm help	This is the existing policy – doesn’t change anything. Agriculture zones extend over non-agricultural land on properties, and this indiscriminate drawing of the zones restricts land supply for housing.
3.15	Secondary dwellings can be approved through Temporary Use Permits	The question is misleading because the secondary units can only be approved if many conditions are met
3.16	Landowners are encouraged to cluster buildings	This is irrelevant
4	Any suggestions concerning land use, density that supports affordable and rental housing	Why ask this open-ended question repeatedly?
5.17	Encourage non-profit land trusts for affordable housing	Sure but what about the many other options – land leasing, co-ops, co-housing, community land development?
5.19	LTC should review policies to improve affordability	Sure.
Continues overleaf ...		

DENMAN ISLAND – BASIC HOUSING INFORMATION

LAND SUPPLY AND THE “DENMAN HOUSING REVIEW PROJECT COMMUNITY SURVEY” (Cont’d)		
Questions		Observations
No.	Content (paraphrased)	
6	Any suggestions to support rental and improve affordability	Why ask this open-ended question repeatedly?
7.27	Allow deviations from zoning for otherwise eligible small seniors projects	Would contribute to creating supply, adding choice, perhaps helping affordability
7.28	Allow deviations from zoning for otherwise eligible small affordable housing projects	Would contribute to creating supply, adding choice, helping affordability. The affordability aspect must be better elaborated or else it is a licence to avoid other regulations
8	Any suggestions concerning zoning that supports affordable and seniors housing	Why ask this open-ended question repeatedly?
9	Do secondary dwellings on Temporary Use Permits address housing goals effectively	In theory they may but there is no information available about TUPs approved, purposes, or effectiveness. So any response would be theoretical or speculative.
10	If you didn’t endorse TUPs in Q9 provide suggestions concerning TUPs to support affordable housing	Why ask this open-ended question repeatedly?
11a	Allow secondary suites within primary dwelling in R1 zone	Could increase the housing supply, choice, perhaps affordability. Effectiveness not established. May be de facto already. As long as environmental and health regulations permit it, why not?
11b	Allow secondary dwellings in R1 zone	Could increase the housing supply, choice, perhaps affordability. Effectiveness not established. As long as environmental and health regulations permit it, why not?
11c	Allow mobile homes as secondary dwellings in R1 and R2 zones	Could increase the housing supply, choice, perhaps affordability. Effectiveness not established. As long as environmental and health regulations permit it, why not?
12a	Limit the maximum floor areas permitted on a residential lot, and allow it to be distributed among unlimited numbers of buildings	What would this accomplish? Seems like methodology driving purpose. This technique is employed in higher density urban situations.
12b	Same as 12a but wording a little different	What would this accomplish? Seems like methodology driving purpose. This technique is employed in higher density urban situations.
13a	Review OCP policies to promote rental housing	Why ask this open-ended question repeatedly?
Continues overleaf ...		

DENMAN ISLAND – BASIC HOUSING INFORMATION

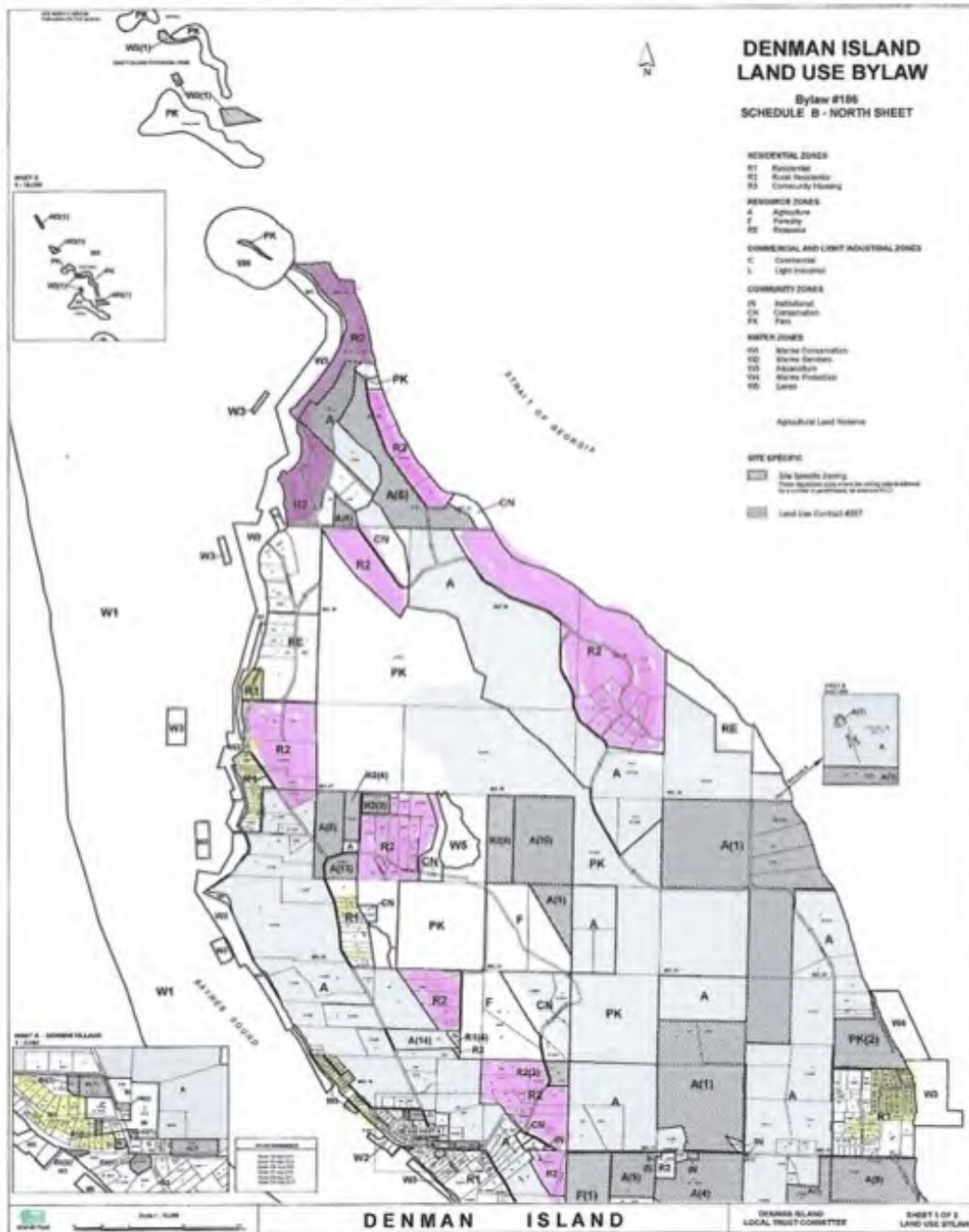
LAND SUPPLY AND THE “DENMAN HOUSING REVIEW PROJECT COMMUNITY SURVEY” (Cont’d)		
Questions		Observations
No.	Content (paraphrased)	
13b	Promote agreements to keep housing affordable	Complicated concept that could aid affordability, but would probably require expensive and possibly ineffective administration
13c	Support non-profits	Why ask this open-ended question repeatedly?
13d	Conduct an inter-censal census	Why? What questions? Who would fund?
14	Any suggestions concerning the previous 4 questions that would support affordable housing	Why ask this open-ended question repeatedly?
15a	Change policies concerning secondary suites in zones R2, A, F and R to increase housing options	What changes? The notion might intend to increase supply and choice, but the numbers would be quite small.
15b	Change policies concerning secondary dwellings in zones R2, A, F and R to increase housing options	What changes? The notion might intend to increase supply and choice, but the numbers would be quite small.
15c	Change policies concerning travel trailers in zones R2, A, F and R to increase housing options	What changes? The notion might intend to increase supply and choice, but the numbers would be quite small.
16	Any suggestions concerning secondary suites, secondary dwellings and travel trailers that would support affordable and seniors housing	Why ask this open-ended question repeatedly? Addressed in 9, 11, 15
17	Priority in protecting natural environment, social fabric and rural character when making regulatory changes	Isn't rural character almost meaningless, and social fabric more a description of what is than an outcome of what is allowed?

CONCLUSION

This paper has presented housing-related information from the best available sources to help the Denman community and the Local Trust Committee of Islands Trust in their current housing review project. The provincial terms of reference that led to this review require that Denman consider housing supply, demand and affordability, and the paper contains observations about each of these, based on the information from these best available sources.

The Denman LTC sent a questionnaire into the community seeking detailed opinions about many housing-related matters. This paper also contains detailed observations about the relevance of each of the questions presented by that questionnaire. It must be observed that there is probably minimal efficacy and value in seeking opinion from the community before providing it with the best relevant information.

DENMAN ISLAND – BASIC HOUSING INFORMATION



DENMAN ISLAND – BASIC HOUSING INFORMATION



Two Decades of Denman Housing Consultations: Time for Action

Denman Island Local Trust Committee, April 4, 2023

Denman Island Housing Action Group – Riane DaSilva & Virginia Spinney Delegates

Since 2002, taxpayers have funded over eight separate public consultations involving housing. These reports document, in exhaustive professional detail, our challenges regarding adequate housing on Denman.

By and large the consultation results have been consistent. Whenever and however asked most people on Denman answered that we wanted to see adequate affordable housing options for islanders that are environmentally sustainable. We want to live in an environmentally-focused, rural place. We want to live in a diverse community.

The eight studies listed below can be broken down into the following categories:

- A) **Three data reviews to identify community housing needs:** 2008 Housing Needs on Hornby and Denman: Final Report; Affordable and Convenient Housing Needs on Denman November 9, 2013; Housing Needs Assessment: Northern Region of Island Trust (final June 21, 2018)
- B) **Two studies which address the need for farm worker and secondary housing on ALR land:** 2013 Rural Affordable Project Final Report; Denman Island Farm Regulations Review: Engagement Summary and Key Directions 2022
- C) **Three advisory studies to assess public support for housing options:** 2002-03 Accessory Dwelling Advisory Committee: Recommendations to the Island Trustees; 2013 Denman Housing Needs Summary Report of August 25th Community Information Meeting (*aka Cooking Up Housing Consultation*); Denman Community Design Charrette January 2018

A) Community Housing Needs

The three community housing needs studies identified the following:

- Housing prices continued to increase faster than income did. Between 2001-2006 the median house price on Denman increased by 133% while median income increased by 9%. By 2018, based on household income only 10% of households on Denman could afford a home with a purchase price of \$581,000. Peter Spurr's recent review of the 2021 census and MLS data shows that: "The few sales that occur are at unaffordable price levels when compared to Denman's median income."

- Denman Island has a shortage of rental housing. The 2008 study identified a rental housing shortfall for 68 households for renters and elders. The 2013 Affordable and Convenient Housing Needs on Denman report by John M Roberts Management Consulting said that approximately 80 households on Denman needed better rental accommodation. Five years later, the 2018 Island Trust study looked at projected population growth for the next 25 years and stated: “Based on the population growth projected for 165 units and 48% need for affordable rental, Denman Island now requires up to 80 affordable housing units.” It noted that in January 2018 there were no long-term homes available to rent. Employees were in critical need for affordable secure rental accommodations and there was no social housing.
- Denman has an aging population. Both the 2008 and 2018 studies provide comprehensive age profiles that document this. Peter Spurr’s recent census review showed that in 2006 people aged 65 and older represented 20% of the population and by 2021 they represented 40% of the population.
- The 2008 study noted that the renter housing need arose primarily from affordability concerns. Some renters would be considered “at risk of homelessness” due to high shelter cost to income ratio while others would be considered “hidden homeless” because of their housing condition.
- The rental stock on Denman is aging and much of it is in poor repair. In 2008, the study noted that some renters were living in marginal or substandard dwellings, that are small or lack basics like running water. The 2013 John M Roberts Consulting study said: “When compared with standards for rental costs, basic amenities (e.g., electricity and running water), rental security, livable condition and adequate space, **about 90% of rental units on Denman Island are inadequate. Across the island there are at least 120 people living in substandard rental housing – 20 of whom are children.**” In the 2018 study survey, the top 3 housing challenges identified: unaffordable relative to income; insecure tenure; lack of available housing options. Unhealthy conditions were also identified by many respondents.
- In 2018 “Eighty-three percent of respondents indicated they were aware of people living in illegal and inappropriate housing on Denman Island.” (Housing Needs Assessment: Northern Region of Island Trust)

B) Farm Worker and Secondary Housing on ALR Land

Denman Island has 2,368 hectares in the ALR, equivalent to 46% of the island. The total acreage reported as being farmed on Denman in 2006 was 1,057 acres [equal to 428 hectares] or approximately the equivalent of 18% of the ALR land; however, farms on Denman were not necessarily located in the

ALR. The Denman Island Farm Plan in 2012 recommended (11) a review of farm worker housing & agritourism accommodation; (13) to implement zoning updates and (14) amend the OCP.

There were two studies, one in 2013 and another in 2022, which specifically addressed the need for worker and secondary housing on ALR land. They both recommended expanding the options for worker housing:

- In the 2013 study it was recommended that secondary suites to be permitted by local governments on bone fide farms and for moveable housing units to be allowed without the need for permanent foundations and for the definition of a moveable housing unit to include various types of suitable construction, not just industrial-manufactured homes.
- In 2022, the review recommended aligning secondary dwelling allowances to ALC Act and regulations and revising the Official Community Plan and Land Use bylaws accordingly. This included removing the need for Temporary Use Permits for secondary suite and secondary dwelling. They also recommended ensuring that all new secondary dwellings have adequate potable water and septic capacity (or equivalent)

C) Public Support for Housing Options

Over the last 20 years we have been consulted about several options to improve the quantity and quality of reasonably priced housing. These consultations were primarily focused on rental housing. They included land shares, multi-tenanted buildings, accessory/secondary dwellings, secondary suites, temporary use permits, movable housing, and room rentals.

In each consultation, people stressed the need for affordable housing, support for aging in place, and keeping families together. They were looking for a compassionate approach and to support a diverse community. At the same time, people were concerned about the potential impact of increased population on the environment particularly on the sustainability and the carrying capacity of the island. They were worried about exploitation by developers and loopholes in the regulations resulting in unaffordable and unsustainable suburbs being built with the need for affordable housing still unmet. People were concerned about vacation rentals and their potential impact on our way of life.

The need for more housing options and what might work:

- In 2003, the community expressed a need/desire for more caregiver, family, guest, and rental facilities on the island. 85.6% of respondents to the questionnaire from the APC supported allowing the building of accessory dwellings. Most responses at the public meeting were supportive.
- Ten years later in 2013, people at the Cooking Up Housing consultation said allowing secondary suites would support affordable housing, intergenerational and elder housing and would require less investment and have less infrastructure impact than other options. Allowing accessory dwellings

would support diversity of housing options. It could alleviate rental scarcity and provide a way to subsidize mortgages. It was also seen as an opportunity for affordable housing, support for aging in place, and keeping families together. Movable housing was seen as a fast, very doable option to provide flexible, affordable housing with a smaller environmental footprint and allowing room rentals was seen as an affordable opportunity to meet transition and emergency needs and to provide an income supplement and had potential to support elder care.

- In the 2018 Denman Community Design Charrette for downtown Denman, the concept of affordable housing was integrated through the designs: including affordable cooperative housing and introducing 10-12 housing units in the core.

Cautions that need to be integrated into any approach:

- In 2003 half the members of the APC were concerned that allowing accessory dwellings would not contribute to the supply of affordable housing and might imperil water conservation. They were concerned about the potential for short term vacation rentals and about the lack of bylaw compliance and enforcement. There was concern that allowing accessory dwellings would lead to doubling the islands population.
- In the 2013 consultation concerns about legalizing secondary suites were around how to ensure suites would be used for affordable housing not vacation rentals & increased density leading to environmental impacts. On accessory dwellings concerns included over-densification and carrying capacity on water and land. They were seen as expensive to build and concern was expressed over the lack of ways to ensure affordability. Concerns about moveable housing were that it not designed for full time use; could increase substandard housing; and lower adjacent property values. People were concerned that room rentals were a temporary, inadequate and insecure solution.

What has Been Approved and Current Impact

Over the past 20 years LTC approvals have been made to facilitate affordable housing.

1. The Denman Island Local Trust Committee approved OPC and bylaw changes to allow secondary suites and temporary use permits for accessory buildings in 2014. It is difficult to quantify the impact of secondary suites as they do not necessarily require permitting. One temporary use permit has been approved to support intergenerational housing. LTC is on record requesting proactive enforcement on short-term vacation rentals.
2. COHO completed all required steps and was approved by LTC for 15 densities in 2011. COHO is currently looking to expand its density by 5 and to potentially add secondary suites to all its homes.
3. Denman Green has now completed all required steps for LTC approval and 20 densities were assigned. They have the land secured and require funding to build.

Conclusions and Recommendations

Today Denman Island has no social housing in place and an almost 0 legal rental vacancy rate. The average listing price to buy a house on Denman in January 2023 was \$1.3 (M) - even adjusted for one high priced outlier, it averaged at \$808,790 (K) In 2013, across the island there were at least 120 people living in substandard rental housing – 20 of whom were children. It has not gotten better. Even with Denman Green in place, we are a long way from meeting the 80 additional affordable housing unit needs identified in 2018 Island Trust Study.

All these reports together show that we keep going over the same ground while the situation continues to get worse. As a community, we need to move forward with compassion. And we now have an obligation to uphold the human right to housing.

In February 2023, the Housing Action Group recommended that the Local Trust Committee:

- Grant amnesty for existing secondary housing. We need to take a look at existing secondary homes that can and are being used for yearly rentals. Make them fully legal. There are clauses in the OCP to assist with this. Fix the zoning and density requirements. Then we can work with landlords, tenants, and CVRD to remove barriers to improving conditions.
- Allow new secondary (accessory) housing on larger lots and use simple template housing agreements to ensure affordability. Look at using a total sq footage approach to all builds to facilitate intergenerational, disability and senior housing units close to existing structures; and to facilitate using tiny homes clusters.
- Place no more restrictions on housing for ALR land than those placed on it by ALC. Adjust the Density Bank baseline to reflect the reality of worker housing or pull the ALR from the density bank entirely.

Appendix A: The Individual Reports and What They Said

1. Accessory Dwelling Advisory Committee: Recommendations to the Island Trustees Jan 23, 2003:

This Advisory Planning Committee was appointed by the Local Trust Committee in 2002 to look at whether the OCP should be changed to allow accessory dwellings and whether and what restrictions should apply. Research including data analysis was completed. A questionnaire was distributed, and results collated. A public meeting was held, and responses assembled.

Key Findings:

- The community expressed a need/desire for more caregiver, family, guest and rental facilities on the island. 85.6% of respondents to the questionnaire supported allowing the building of accessory dwellings. Most responses at the public meeting were supportive.
- Those who were opposed were concerned that accessory dwellings would not contribute to the supply of affordable housing and imperil water conservation. They were concerned about the potential for short term vacation rentals and about the lack of bylaw compliance and enforcement. There was concern that allowing accessory dwellings would lead to doubling the islands population.

Recommendations:

The committee was evenly divided on allowing accessory buildings. If they were to be permitted, the committee agreed the same restrictions should be applied as for principal dwellings re lot coverage; set-back; septic system; parking; outbuildings and home occupations. There was not agreement on additional restrictions regarding which zones would be permitted; minimum lot size; maximum dwelling size; and water supply requirements.

2. 2008 Housing Needs on Hornby and Denman: Final Report

Eberle Planning and Research was retained by the Hornby Island Economic Enhancement Corporation to help Hornby and Denman Island to quantify the need for housing that is affordable, suitable, adequate, and secure. The assessment used a 2-part approach: first a review of published data and second a detailed surveys of island renter and elder households.

Key Findings:

- Between 2001-2006 the median house price on Denman increased by 133% while median income increased by 9%. Purchasing a house on Denman had become increasingly challenging.
- There was a current housing need for 68 households for renters and elders. The population age 45-64 was the only age group that grew between 2001-2006. The consultants warned that in 10 years a large cohort of renters would begin to reach age 55. If current housing needs were not addressed this aging may be accompanied by significant housing needs or an exodus.
- Renter housing need arose primarily from affordability concerns. Some renters would be considered "at risk of homelessness" due to high shelter cost to income ratio while others would be considered

“hidden homeless” because of their housing condition. Some renters were living in marginal or substandard dwellings, that are small or lack basics like running water.

Recommendations:

1. The creation of approximately 20 affordable home ownership opportunities
2. Assistance for renters e.g., linking renters with provincial rent subsidy programs.
3. Home repair assistance for elder homeowners to improve housing conditions.
4. Home care for elders wishing to continue living in their own home.
5. Creation of elder housing units
6. Provision for Secondary suites and dwellings to assist homeowners struggling with affordability and to increase the supply of rental units.
7. Emergency/temporary accommodation to address housing shortages in the summer and housing crises in the winter.

3. 2013 Denman Housing Needs Summary Report of August 25th Community Information Meeting (*aka Cooking Up Housing Consultation*)

This staff report by Rob Milne summarizes the results of the Cooking Up Housing consultation meeting sponsored by the Local Trust Committee to identify objectives to address the evolving housing needs of Denman Island. The review used a SWOT approach (strengths, weaknesses, opportunities, and threats) focusing on secondary suites, accessory dwellings, sustainable affordability mechanisms, movable housing and room rentals.

Key Findings:

- Allowing secondary suites would support affordable housing, intergenerational and elder housing and would require less investment and have less infrastructure impact than other options. Cautions were identified around ensuring it would be used for affordable housing not vacation rentals & increased density leading to environmental impacts.
- Allowing accessory dwellings would support diversity of housing options. It could alleviate rental scarcity and provide a way to subsidize mortgages. It was also seen as an opportunity for affordable housing, support for aging in place, and keeping families together. Concerns included over-density and carrying capacity on water and land. They were seen as expensive to build and concern was expressed over the lack of ways to ensure affordability.
- The sustainable affordability mechanisms discussion focused on opportunities and challenges around the creation of affordable housing agreements, their enforcement and a potential Housing Authority to manage them.
- Movable housing was seen as a fast, very doable option to provide flexible, affordable housing with a smaller environmental footprint. Cautions included the need for full servicing of sites. Concerns

included that housing was not designed for full time use, could increase substandard housing and lower adjacent property values.

- Allowing room rentals was seen as an affordable opportunity to meet transition and emergency needs and to provide an income supplement and had potential to support elder care. People were concerned that they were a temporary, inadequate and insecure solution that could pose safety issues.

Recommendations:

1. That the Denman Island Local Trust Committee give consideration to amendments to the Denman Island Land Use Bylaw such as are being considered for Saltspring and Mayne Island to encourage and facilitate the creation of appropriate housing opportunities as part of the solution to affordable housing on Denman Island.
2. And further that the Denman Island Local Trust Committee give consideration to amending the Denman Island Official Community Plan to allow secondary suites in other designations rather than 'Rural' and Sustainable Resource' as deemed appropriate.

4. 2013 Rural Affordable Project Final Report

Ecofocus Environmental Consultants were retained by The Rural Affordable Project of the Denman Community Land Trust Association and funded by the Comox Valley Housing Task Force, to look at affordable housing opportunities on Denman for those wishing to live and farm in the Agricultural Land Reserve (ALR).

Key Findings:

- Major issues for current and prospective farmers were the high cost of purchasing land, the lack of available affordable farm-labour, the loss of agricultural knowledge and farm production due to the advancing age of most current farming landowners, and the increasing ownership of land by nonfarmers.
- The principal need was for affordable housing of those who wished to farm. The major stumbling block to addressing this need was the lack of suitable regulatory provisions to accommodate affordable farmer-housing options in the ALR.
- "The labour-intensive nature of Denman farms is not unlike other small farming areas, especially those growing diverse vegetable crops. ... These labour-intensive farms create a demand for farm workers. Also, as farmers age and wish to remain on their farms, they need to hire help. ... meeting the costs of labour is a challenge for many small-scale farmers and also the available labour pool is very small. A solution in rural communities is to house the necessary labour as new farmers on the land."
- Denman Island has 2368 hectares in the ALR, equivalent to 46% of the island. Twenty-eight Denman farms reported their statistics in the 2006 Statistics Canada survey. These farms were on land parcels from 10ac to 179ac. The total acreage reported as being farmed on Denman was 1057 acres (equal

to 428 hectares) or approximately the equivalent of 20% of the ALR land; however, farms on Denman are not necessarily located in the ALR.

Recommendations:

1. For respective government agencies together with the ALC and in concert with local communities to develop locally appropriate solutions to three major ALC concerns. These solutions would include first; criteria to justify the need for additional farmer-residences; second, criteria to clearly demonstrate what is meant by minimum impact of a residence on agricultural land; and third, practical, legal methods to ensure that additional residences remain only occupied by bone fide farmers.
2. For secondary suites to be permitted by local governments on bone fide farms.
3. For moveable housing units to be allowed without the need for permanent foundations.
4. For the definition of a moveable housing units to include various types of suitable construction, not just industrial-manufactured homes.
5. For government agencies together with local organizations to enable cooperative multiple-farmer family housing within the ALR. This would mean facilitating the development of an acceptable regulatory framework, permitting trials and evaluating the resulting models.

5. **Affordable and Convenient Housing Needs on Denman November 9, 2013**

The Denman Housing Association engaged John M Roberts Management Consulting to identify housing needs on Denman Island

Key Findings:

- 64% of respondents pay 30% or more of household income for housing.
- 34% reported lacking one or more critical amenities: electricity, running water, indoor toilet, tub or shower. heating, kitchen, etc.
- 52% of respondents reported having no written agreement.
- When compared with standards for rental costs, basic amenities (e.g., electricity and running water), rental security, livable condition and adequate space, **about 90% of rental units on Denman Island are inadequate. Across the island there are at least 120 people living in substandard rental housing – 20 of whom are children.**
- Approximately 80 households on Denman Island need better rental accommodation.
- Should some rentals be legalized and landlords repair their properties - the cost of repairs may lead to a rise in rental rates, increasing the proportion of renters paying more than 30% of their income for accommodation.

6. Denman Community Design Charrette January 2018

Denman Local Trust Committee commissioned Vancouver Island University Community Planning faculty & students to work with the Denman community to vision the future of downtown Denman and to develop a village enhancement and action plan. The students ran a three-day interactive design process with community members.

Key Findings Related to Housing:

- Three key design themes emerged: 1. Housing, 2. Infrastructure and 3. Public Amenities
- The concept of affordable housing was integrated through the designs: including affordable cooperative housing and introducing 10-12 housing units in the core.

7. Housing Needs Assessment: Northern Region of Island Trust_(final June 21, 2018)

Dillon Consulting was commissioned by the Islands Trust to build a housing needs assessment; establish baseline info for long term planning; provide documentation for funding requests and to provide data to guide planning and bylaw development. It included a data review, survey, and focus groups. It covers info for 6 islands - this summary only looks at Denman data.

Key Denman Findings:

- Based on the population growth projected for 165 units and 48% need for affordable rental, Denman Island now requires up to 80 affordable housing units.
- Between 2005 and 2015 there was a 73% decrease in lowest income earners. 157% increase in the very highest income earners
- Based on household income only 10% of households on Denman could afford a home with a purchase price of \$581,000
- "...the issue is not home purchase, but affordable, secure, year-round rental accommodation for all demographics and household types."
- Employees are in critical need for affordable secure rental accommodations.
- January 2018: there were no long-term homes available to rent.
- Denman currently does not have any social housing.
- Top 3 housing challenges identified: unaffordable relative to income; insecure tenure; lack of available housing options. Unhealthy conditions were also identified by many respondents.

Recommendations:

1. Review OCP to ensure supportive policies.
2. Promote the ability to enter into housing agreements.

3. Support the efforts of not-for-profit organizations to increase the amount of safe, secure, appropriate, affordable housing.
4. Consider conducting a local census between federal census years.

8. Denman Island Farm Regulations Review: Engagement Summary and Key Directions 2022

This review was done by Upland Agricultural Consulting and the Investment Agricultural Foundation and funded by the Governments of British Columbia and Canada. Their goal was to enhance and preserve farming activities through updates to the Denman OCP and LUB. Following on the Denman Island Farm Plan 2012 (prepared for the Denman Island Trust Committee by Agroecological Consulting) they were to undertake a review of farm worker housing & agritourism accommodation (11); to implement zoning updates (13) and amend the OCP (14). They completed interviews, a questionnaire, and a community information meeting.

Key Findings:

- The ALC recently changed regulations to allow one secondary dwelling per ALR property if supported by local governments. There are no restrictions on who can live there.
- Most support secondary dwellings and many would like to see requirements re water/septic or equivalent.
- Mixed response re agri-tourism accommodation: 30% support to ALC rules; 45% looking for restricted approach; 20% prohibit completely.

Recommendations:

1. Align secondary dwelling allowances to ALC Act and regulations.
2. Ensure that all new secondary dwellings have adequate potable water and septic capacity (or equivalent)
3. Revise Official Community Plan and Land Use bylaws accordingly including removing the need for Temporary Use Permits for secondary suite and secondary dwelling.
4. Align agri-tourism accommodations allowances with ALC Act and regulations (e.g., connected to property with Farm Tax Status, max 10 beds or tents, 5% lot coverage, seasonal and short-term only. Revise OPC and LUB accordingly.
5. Restrict intensive agriculture in residential areas to properties that are larger than 2.0 ha (5 acres)

Appendix B: Additional Reports Cited

1. Agroecological Consulting. *Denman Island Farm Plan 2012*, Denman Island, 2012.
2. Spurr, Peter. *Basic Housing Information Denman Island*, Denman Island January 28, 2022.



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: February 7, 2023
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Renee Jamurat, Regional Planning Manager
 Sonja Zupanec, Island Planner
 Marlis McCargar, Island Planner
 Stephen Baugh, Planner 2
 Warren Dingman, Bylaw Compliance & Enforcement Manager
 Vicky Bockman, Recorder

Others Present: Approximately twenty-five (25) members of the public

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 12:31 pm. He welcomed the public; introduced Trustees, staff and recorder; and noted this this meeting is being live streamed and recorded for viewing on the Islands Trust website. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT - none

4. REPORTS

4.1 Trustee Reports

Trustee Borthwick reported that he has been busy with Islands Trust orientation, and encouraged community members to contact him at any time about any topic or concern they might wish to discuss.

Trustee Graham reported on the following:

- He and Trustee Borthwick attended Trust Council in December that included sessions on orientation;

- He will be working on the Financial Planning Committee where the budget planning process will be under discussion and working on the Regional Planning Committee as well;
- He expressed his gratitude for the opportunity to serve again as a local Trustee and commented on his appreciation for the Islands Trust preserve and protect mandate.

4.2 Chair's Report

Chair Maude introduced himself with a brief background of his family's history of residing on Mayne Island since 1898. He commented that he is honoured to have been selected by Executive Committee to serve as Chair of the Denman Island Local Trust Committee (LTC) and he looks forward to a positive experience of working with the community.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

Doug Wright - outlined difficulties faced by farmers and stressed the importance and fragility of the food supply system. He proposed suggestions that partially relate to the Farm Plan Implementation Project: let farmers, not bureaucracy, deal with water issues; do not place barriers on the sale of food and agricultural products as proposed; let the Agricultural Land Reserve (ARL) manage farmlands; have a system that allows flexibility as to who farms the land and permits farmers to remain on the land without having to sell; be creative about bringing unused farmland lots into production; have an appreciation of quantities produced when evaluating proposals. He submitted his remarks for the record.

Richard Day – is currently farming under the Agricultural Assessment Act on property zoned RE (Resource). While many lots zoned RE are being re-designated as A (Agriculture), some are being left out as proposed Bylaw Nos. 228 and 229 relate to farms designated as ARL or having farm status. There is a burden if farming but not in Zone A as, for example, Agri-tourism accommodation would require a Temporary Use Permit which would be onerous. He asked the LTC to consider that some lands zoned RE that are currently being farmed but are not in the ARL, be designated as Zone A without a multi-year process.

6. DELEGATIONS

By general consent agenda item 6.1 was moved to follow item 6.2.

6.2 L. Virginia Spinney for Denman Island Housing Action Group regarding Housing - Adequate Housing on Denman

Virginia Spinney presented a report that outlines the housing needs on Denman Island, summarizes barriers to moving forward to achieve adequate housing, and provides suggestions for changes to the Official Community Plan (OCP), Land Use Bylaw (LUB), enforcement practices, and approval processes to help resolve the housing challenges on Denman Island. The presentation document is available for viewing on the Islands Trust website.

6.1 Laura Busheikin for Triple Rock Land Cooperative regarding Increasing capacity at the Triple Rock Land Cooperative

Laura Busheikin reported that Triple Rock Land Cooperative is exploring the possibility of adding five new units to increase the overall density to 20 units, allowing all units to have a secondary suite, increasing the maximum square footage for all accessory buildings, and including changes to square footage conditions to accommodate secondary suites. She explained that the intention for these changes is to help provide housing for islanders and to bring more diversity to the Cooperative. She suggested that these changes might be accomplished with amendments to the regulations in the current OCP/LUB Housing Review and solicited input from the Trustees on this approach. The presentation document is available for viewing on the Islands Trust website.

Trustees asked staff for a general timeline of accomplishing these changes through either the OCP Review or through the application process. Staff estimated that an OCP review is typically a multi-year process while a rezoning application might take a minimum of 12-18 months once an application is complete.

6.3 Erin O'Brien-Hornsey regarding Status of Women Canada Heroines Journey Project Denman Island Women's Outreach - Critical Need for Housing Identified for the Prevention of Violence against Rural Women and Access to Economic Independence

Erin O'Brien-Hornsey presented a report identifying the critical need for housing for the prevention of violence against rural women and access to economic independence, and recognized that in 2023 the need for affordable, safe, year-round and local housing has increased. She proposed the creation of a local action committee, a review of the OCP Density Bank, and to study what exists and is working. The presentation document is available for viewing on the Islands Trust website.

6.4 R. da Silva regarding Human Rights

Riane da Silva spoke to the obligation of the LTC regarding the human right to housing and proposed 13 actions to meet those obligations including requiring Bylaw Enforcement staff to undergo Trauma Informed Practice training. The presentation document is available for viewing on the Islands Trust website.

Trustees' comments on the Delegations included the following:

- Delegation presenters were thanked for the helpful material that has been provided;
- They noted that a Housing Review of OCP and LUB Bylaws is ongoing and that material relevant to that review might be forwarded to Islands Trust Planners to help inform the review and further the conversation at a community level;
- The importance of a diverse community was acknowledged;
- A Trustee expressed support for all those producing food, whether in zone A or RE.

7. MINUTES

7.1 Local Trust Committee Special Meeting Minutes dated January 17, 2023- for adoption

By general consent the minutes dated January 17, 2023 were adopted as presented.

7.2 Section 26 Resolutions-Without-Meeting Report dated January 31, 2023
Received.

7.3 Advisory Planning Commission Minutes dated January 17, 2023 - for receipt
Received.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated January 31, 2023

A Trustee expressed his support for Trustees and staff to attend regular LTC meetings in person at least for the first year of this term with the possibility of exploring compromise options in the future.

9. APPLICATIONS AND REFERRALS

9.1 DE-DP-2022.3 (Smith - 8330 Owl Crescent) - Staff Report

Planner 2 Baugh presented an overview of the Staff Report, reporting that this Development Permit application is to permit the construction of an addition to an existing single family dwelling within Development Permit Area 2 – Steep Slopes. He noted that the applicant has confirmed that no tree cutting is required or proposed.

DE-2023-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2022.3.

CARRIED

9.2 DE-RZ-2021.1 (Denman Housing Association) - Staff Report

Planner Zupanec presented the Staff Report that outlines minor recommended corrections to policy references and minor text amendments to proposed Bylaw Nos. 241 (OCP) and 243 (Housing Agreement). She reported that the applicant has requested that five units of seniors' affordable rental housing be incorporated into the units. She advised that this does not include any new information post public hearing and that the LTC is now asked to consider final reading and adoption of the proposed bylaws.

DE-2023-004

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 241 cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2021" be amended as per Attachment 1 of this staff report and as follows:

- i. Section 1.3, replace "Policy 9" with "Policy 8".
- ii. Section 1.4, replace "Policy 10" with "Policy 11" and "Policy 30" to "Policy 28".
- iii. Section 1.5, replace "Policy 10" with "Policy 11" and adding "27, 28, and 29" in place of "30".
- iv. Section 1.6, replace "Policy 27" with "Policy 26".

CARRIED

DE-2023-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 241 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021” be adopted as amended.

CARRIED

DE-2023-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be adopted.

CARRIED

DE-2023-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw No. 243, 2021” be amended as per Attachment 3 of this staff report and as follows:

- i. Item a. Definitions, “Family Member” be amended by removing the words “under the age of 65 years old”;
- ii. Item a. Definitions, be amended by adding the following definition after “Schedule B” and before “Tenancy Agreement”:
 - “Senior” means a person who is 65 years or older at the time of first occupying a housing unit.
- iii. Item b. Agreement over the Lands, be amended by adding the following new clause after v:
 - vi up to five (5) units of housing will be reserved for seniors.
- iv. Schedule B, Definition of a Qualified Occupant, clause d. be amended by removing the following text:
 - “Immediate family member” means a daughter/son or parent or sibling, to whom the person is related by blood, or by marriage or common-law relationship, or by adoption

CARRIED

DE-2023-008

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw No. 243, 2021” be adopted as amended.

Trustee Graham thanked the Denman Housing Association members and volunteers for the time put into this work, and those involved in the density transfers creative approach to facilitate the project.

CARRIED

DE-2023-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee accept a covenant under section 219 of the *Land Title Act* from the registered owners of LOT B, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 36263 EXCEPT PLAN EPP113337, PID 000-393-941, and designate any two members of the Local Trust Committee to sign the covenant (DE-RZ-2021.1 DHA, 1151 Northwest Road).

CARRIED

Chair Maude invited the applicant to speak.

Simon Palmer on behalf of the Denman Housing Association observed that this is a significant step for Denman Island. He noted that it has been years in the making and commented that this demonstrates that the process was hard and the application should have advanced faster. He supported the creation of an Advisory Planning Commission (APC) dedicated to housing; and thanked those involved in the density transfers which enabled the project, the previous local Trustees, and staff for their work on this project.

By general consent the meeting recessed at 2:18 pm and reconvened at 2:52 pm.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Island Farm Plan Regulation Review Project – Memorandum

Planner McCargar presented an overview of the Memorandum with an update on progress to date on the Farm Plan Regulation Review project. She outlined next steps that will include a Community Information Meeting and Public Hearing, noting that a date for those meetings is unknown at this time.

She reported that the APC supported moving forward to a Public Hearing with Bylaw No. 228 and confirmed that the Denman Growers & Producers had received a referral request for comment.

10.2 Local Trust Committee Active and Future Projects Summary - Staff Report

Trustees reviewed the work program and confirmed the Active and Future Project List with no changes requested at this time.

Planner Zupanec outlined next steps for the Denman Housing Review Project including the process that would be necessary should the LTC wish to consider striking a new APC specifically focused on housing to help inform the project.

DE-2023-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee advertise for expressions of interest for a special Advisory Planning Commission specifically to consider the current Housing Review.

CARRIED

11. CORRESPONDENCE

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

11.1 Email dated January 23, 2023 from H. Holm regarding Flagstone Article – Housing
Received for information with appreciation expressed for the correspondence.

11.2 Email dated January 12, 2023 from S. Carballeira regarding 3060 Lake Road, Lot Line Adjustment (DE-SUB-2022.1)

Trustees requested that Planning staff investigate whether a technical option for a variance to the LUB requirements exists for this lot line adjustment, and advise the applicant of options.

- 11.3 Email dated January 12, 2023 from R. da Silva regarding Denman's Housing Emergency Received.**

12. NEW BUSINESS

12.1 Bylaw Enforcement Update - Staff Report

Bylaw Compliance & Enforcement Manager Dingman presented the Staff Report, providing an update on current compliance and enforcement files for Denman Island.

Discussion followed with the following points noted:

- Currently Bylaw Enforcement staff training does not involve Trauma Informed Practice training. Initiating this practice and the relevant budget requirements could be considered at Trust Council;
- Although a Standing Resolution currently in effect directs the temporary withholding of enforcement against unlawful dwellings unless certain conditions apply, a Trust Council policy requires that a file be opened if a complaint is received and the complaint must be investigated to discover if in contravention;
- The landowner is given notice of investigation of a potential unlawful dwelling. Bylaw Enforcement staff might attempt to notify the occupant; however, provincial legislation provides that it is the landowner's responsibility to inform tenants and the Islands Trust does not have authority to give direction to the landowner to perform that action even though tenants may be impacted;
- Bylaw Compliance & Enforcement Manager Dingman confirmed that the Islands Trust does not have the authority to evict.

DE-2023-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request an In Camera report on unlawful dwellings on Denman Island from Bylaw Compliance & Enforcement Manager for the next Local Trust Committee meeting.

CARRIED

Discussion followed on the Bylaw Enforcement Notification (BEN) system with the following noted:

- A Trustee suggested that the Bylaw fines impact low-income residents disproportionately and that consideration be given to limiting the infractions to Short Term Vacation Rentals, an unlawful practice that generates income for the operators;
- Bylaw Compliance & Enforcement Manager Dingman advised that the BEN Bylaw is in need of amending as a result of a revision to the Siting and Use Bylaw adopted last year. He suggested that the LTC might consider changes to the infraction schedule and fine amounts when the amendment comes before the Committee, possibly at the April LTC meeting.

DE-2023-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the following Standing Resolution:

That the Local Trust Committee acknowledges and affirms its commitment to the human right to housing as laid out by the United Nations Declaration of the Human Right to Adequate Housing.

CARRIED

13. REPORTS

13.1 Trust Conservancy Report dated October 6, 2022

Received.

13.2 Applications Report dated January 31, 2023

Received.

13.3 Trustee and Local Expense Report dated November, 2022

Received.

13.4 Adopted Policies and Standing Resolutions

A Standing Resolution was adopted under agenda item 12.1.

13.5 Local Trust Committee Webpage

No additions or changes were requested.

14. WORK PROGRAM

14.1 Active Projects Report dated January 31, 2023

Received.

14.2 Future Projects Report dated January 31, 2023

Received.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, April 4, 2023 at 12:30 pm at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

The LTC confirmed the next regular meeting location and date of Tuesday, April 4, 2023 at 12:30pm.

16. CLOSED MEETING – None

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:20 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder



Resolutions Without Meetings Log

Denman Island

Resolution Number	Action	Date
2023-001	Carried	14-Feb-2023
Update Letter of Support for DHA application for funding for Devleopment of Affordable Housing		
"That the Denman Island Local Trust Committee request staff to update the 2018 letter of support on behalf of the LTC under the signature of the Chair, for the Denman Housing Association's application for funding for the development of affordable housing."		

Follow Up Action Report

Denman Island

27-Sep-2022

Activity	Responsibility	Dates	Status
1 Staff to prepare updates to Development Approval Information BL 149, 2013 and return to LTC for consideration.			In Progress

07-Feb-2023

Activity	Responsibility	Dates	Status
1 DE-DP-2022.2 ISSUED. Issue permit, update TAPIS and close file.	Becky McErlean Penny Hawley Stephen Baugh		Completed
2 DE-RZ-2021.1 (DHA) - Proposed BL Nos 241, 242 and 243 adopted as amended. LTC accepted restrictive covenant. Applicant to prepare covenant for signature and registration with Land Titles. Update bylaws and close file.	Nadine Mourao Penny Hawley Sonja Zupanec		In Progress
3 Request staff to advertise for expressions of interest for membership to a Housing Advisory Planning Commission to conduct housing review work.	Penny Hawley		Completed
4 Request staff to prepare in-camera report for April agenda from Bylaw Enforcement Manager unlawful dwelling files for Denman.	Warren Dingman		In Progress
5 NEW STANDING RESOLUTION: DE LTC acknowledges and affirms its commitment to the human rights to housing as laid out by the UN Declaration on the Human Right to Adequate Housing	Penny Hawley		Completed

Follow Up Action Report

Denman Island

07-Feb-2023

Activity	Responsibility	Dates	Status
6 Staff to look into the possibility for an earlier start time for the April 2023 LTC meeting date.	Wil Cottingham		In Progress
7 Denman Housing Review Project: Staff to forward delegation materials from Feb 7, 2023 agenda to the consultants for consideration into final report recommendations on critical policy and regulatory updates to the OCP and LUB. Final report to be presented to LTC April 2023.	Sonja Zupanec		Completed

DATE OF MEETING: April 4, 2023

TO: Denman Island Local Trust Committee

FROM: Stephen Baugh, Planner 2
Northern Team

SUBJECT: Non-Adhering Residential Use
Applicant: Doug Wright
Location: 2961 Northwest Road, Denman Island
PID: 009-711-678
PARCEL A (DD 53615I) OF SECTION 20, DENMAN ISLAND, NANAIMO
DISTRICT, EXCEPT THE SOUTH 2 CHAINS AND EXCEPT THAT PART SHOWN
OUTLINED IN RED ON PLAN 685R

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to forward DE-ALR-2022.2 to the Agricultural Land Commission with the following comments:

“The Denman Island Local Trust Committee finds DE-ALR-2022.2 to be consistent with the objectives and policies of the Denman Island Official Community Plan and Denman Island Land Use Bylaw regulations, and so deems the application to meet the criteria necessary to warrant consideration by the Commission for a Non-Adhering Residential Use.”

REPORT SUMMARY

This application is coming before the Denman Island Local Trust Committee (LTC) through a process set out by the Agricultural Land Commission (ALC). Certain types of applications to the ALC must first be vetted by local governments for Official Community Plan (OCP) policy support and Land Use Bylaw (LUB) compliance before being sent to the ALC for further consideration. A Non-Adhering Residential Use (NARU) application is one such application. The LTC, then, is asked to provide comment to the ALC on conformity with bylaws, and make a resolution recommending whether or not to forward the application and comments to the ALC for further consideration.

Staff find the proposal to be consistent with the objectives and policies of the OCP related to the use of agricultural land, and the residential density permitted by zoning under the LUB. Therefore, staff recommend the application (Attachment 2) be forwarded to the ALC with supporting comments, for the ALC’s own review and a final decision on the proposal.

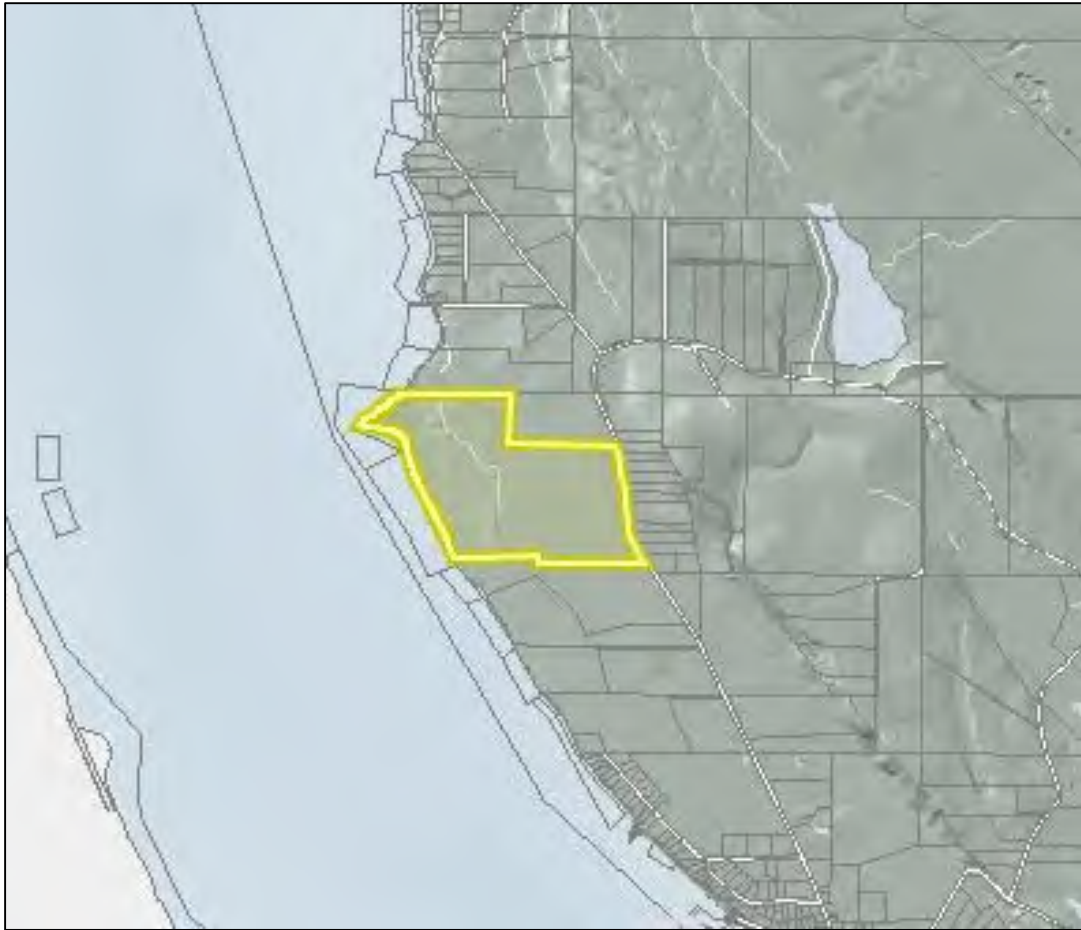


Figure 1 - Subject Property General Location Map



Figure 2 - Subject Property showing approximate location of proposed dwelling

BACKGROUND

The applicant states the subject property has been used for agriculture for multiple generations and currently produces hay, sweet corn, apples, and is home to 70 head of cattle. Agricultural improvements on the property include three cattle barns, three equipment sheds, fencing and dugouts for water. Additionally, the owners of the property hold a lease on the adjacent foreshore which is used as a shellfish farm producing oysters and clams.

The property has three existing residences which are all occupied and the fourth residence is proposed to support the succession plan which would allow the next generation to take over the farm while the current owners remain on the farm to train and support the transition of responsibility.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in the site context (Attachment 1). The policies and regulations that pertain to this application are summarized below.

Denman Island Official Community Plan (OCP)

The OCP designates the subject property as Sustainable Resources (SR), the principal uses of land in this designation are forestry and agriculture. Of particular relevance to this application are the following OCP Policies:

E.1 HOUSING

- Policy 14 In the Sustainable Resource designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve:
 - one dwelling could be permitted per the minimum lot area permitted by Subdivision; and
 - additional dwellings could be permitted if they are required for full-time farm help.

E.4 – RESOURCES

- Policy 6 The Local Trust Committee should only support an application for non-farm use or exclusion of land from the Agricultural Land Reserve if the proposed non-farm use or exclusion provides for an essential community service or amenity which cannot reasonably be located on land outside of the Agricultural Land Reserve and for which the community need clearly outweighs the loss to agriculture.
- Policy 7 The Local Trust Committee should only support an application for non-farm use or subdivision on land in the Agricultural Land Reserve if the proposed non-farm use or subdivision is consistent with zoning regulations and either:
 - allows an activity that supplements the farm income and does not decrease the farming capability of the property; or
 - protects the land for conservation purposes.

The applicant has stated in their ALC application that the proposed house will be located in an area which is not productive soil and will allow a view of livestock on the property. The residents of the dwelling will be farm workers who are necessary to aid in the continual operation of the farm. The application is supportable given the above OCP policies.

Denman Island Land Use Bylaw (LUB)

Under the Denman Island Land Use Bylaw No. 186 (LUB), the subject property is currently zoned as Agriculture (A). Principal uses include residential and agriculture, among others. Single family dwelling units are permitted, the regulations of the A zone permit 1 single family dwelling unit per 15 hectares. Islands Trust mapping indicates this lot is 60.15 hectares in size, and a maximum of 4 principal single family dwelling units are permitted on a lot of this size. Given this, the application is consistent with the LUB. A Siting and Use Permit will be required prior to the construction of the dwelling which will allow staff to review the specific design and siting of the building for consistency with the LUB.

For clarity, although the application is consistent with the LUB, approval from the ALC is still required to allow the additional principal dwelling on land within the Agricultural Land Reserve (ALR). Forwarding this application to the ALC for their consideration will allow them to decide whether the proposal meets all of their requirements to construct this specific residence on the ALR land.

Agricultural Land Commission Act (ALCA) – relevant excerpts

Residential use of agricultural land

20.1 (1) Unless permitted under section 20.2, 25 or 45 or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:

- a) the agricultural land may have no more than one residence per parcel;
- b) the total floor area of a principal residence must be 500 m² or less;
- c) the residential structure must be sized, sited and used, in accordance with all applicable regulations.

(2) An owner may apply

- a) to the commission for permission under section 25 for a non-adhering residential use

Applications by owner

25 (1.1) In making a determination under subsection (1) (b) with respect to an application for a non-adhering residential use, the commission

- a) must consider the prescribed criteria, if any, and
- b) must not grant permission for an additional residence unless the additional residence is necessary for a farm use.

(3) An application referred to in subsection (1), except such an application from a first nation government, may not proceed unless authorized by a resolution of the local government if, on the date the application is made, the application

- a) applies to land that is zoned by bylaw to permit farm use, or
- b) requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.

Application procedure if local government or first nation government review required

34.1 (1) A person may make an application to which section 34 does not apply by submitting the application and paying the prescribed application fee, if any, to the following, as applicable:

- a) the municipality, if the land described in the application is in a municipality;
- b) the regional district, if the land described in the application is in a regional district but not in a municipality or a local trust area;

- c) the Islands Trust, if the land described in the application is within a local trust area under the Islands Trust Act;
 - d) the first nation government, if the land described in the application is in the settlement lands of a first nation.
- (2) A local government or first nation government that receives an application must review the application and do one of the following:
- a) forward to the commission
 - i. the application, and
 - ii. the comments and recommendations of the local government or first nation government respecting the application;
 - b) notify the applicant that the application will not be forwarded to the commission if
 - iii. the application is refused, or
 - iv. the application may not, under this Act, proceed unless authorized by a resolution of the local government or a law of the first nation government and the required resolution or law is refused.

Issues and Opportunities

ALC decision to permit an additional residence

This NARU application seeks permission to construct a fourth residence on the subject property within the ALR. Should the LTC forward this application to the ALC, they will review the application in accordance with the following:

“Section 25(1) of the ALCA provides that on receiving a use application the Commission normally may:

- *refuse permission for the use applied for,*
- *grant permission, with or without limits or conditions, for the use applied for, or*
- *grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.*

With respect to an application for a non-adhering residential use, the Commission (a) must consider the prescribed criteria, if any, (b) must not grant permission for an additional residence unless the additional residence is necessary for a farm use; and (c) must reject the application if required by the regulations to do so: ALCA, s. 25(1.1).¹”

Even though the proposed residence may be consistent with the density permitted in Islands Trust bylaws, the ALC will make the final decision on whether or not to allow the density since the property is within the ALR.

Future Islands Trust (IT) Application

If the Commission ultimately approves the application, the applicant will subsequently require a Siting and Use Permit (SUP) from Islands Trust prior to undertaking the development. The proposed dwelling would be subject to the same regulations as other dwellings constructed within the A zone.

¹ Information Bulletin 05 – Residences in the ALR https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/ib_05_residences_in_the_alr.pdf

Consultation

No statutory public consultation is required as part of this application. The LTC is asked to evaluate whether the proposal is in accordance with its currently enacted bylaws and to make a decision on whether to forward the application to the ALC for consideration.

First Nations

Staff notified the K'omoks First Nation (KFN) about this referral and a response was received (Attachment 3). Although not opposed to a secondary residence, the response notes that the proposed project falls within an area of high archaeological potential identified within the KFN Cultural Heritage Policy and that the property has known cultural heritage. As a result KFN requires a Cultural Heritage Investigation Permit prior to construction of the dwelling.

This requirement will also be flagged at the time of a future Siting and Use Permit application that would be required to site and construct the proposed new dwelling.

Rationale for Recommendation

Staff analysed the application and have concluded that it is consistent with land use planning objectives and policies in the Denman OCP and LUB regulations regarding density in the zone. The recommendation is found on page 1 of this report.

ALTERNATIVES

The LTC may consider the following alternatives to the recommendation of staff:

1. Not forward the application

If the LTC considers the application unworthy of ALC consideration, the LTC may choose not to forward it. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee direct staff to not forward application DE-ALR-2022.2 to the Agricultural Land Commission.

NEXT STEPS

Staff will take the appropriate action as directed by LTC resolution. Should the ALC grant the non-adhering residential use, and upon receiving confirmation of the Commission's decision and any associated conditions, the applicant will need to apply for a Siting and Use Permit for their proposed new residence.

Submitted By:	Stephen Baugh, Planner 2	March 13, 2023
Concurrence:	Renée Jamurat RPP, MCIP, RPM	March 13, 2023

ATTACHMENTS

1. Site Context
2. ALC Application
3. KFN Comments

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	PARCEL A (DD 53615I) OF SECTION 20, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT THE SOUTH 2 CHAINS AND EXCEPT THAT PART SHOWN OUTLINED IN RED ON PLAN 685R
PID	009-711-678
Civic Address	2883 Northwest Rd, Denman Island

LAND USE

Current Land Use	Agriculture, Residential
Surrounding Land Use	Agriculture, Residential, Shellfish tenure

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUP-1994.33	Siting and Use Permit

POLICY/REGULATORY

Official Community Plan Designations	Sustainable Resources (SR)
Land Use Bylaw	Agriculture (A)
Other Regulations	Agricultural Land Reserve (ALR) The subject property is also within ALR land, which is why this application is being referred to Islands Trust from the Agricultural Land Commission (ALC); replacing an existing residence with a new one is considered a non-adhering residential use (NARU) and is subject to the <i>Agricultural Land Commission Act (ACLA)</i>. Islands Trust Policy Statement (ITPS) 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. 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. 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.
Covenants	None

Bylaw Enforcement	None
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SITE INFLUENCES

Islands Trust Conservancy	This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Regional Conservation Plan	The ITC Regional Conservation Plan's estimated importance of habitat composition in the area of the subject property is LOW and MEDIUM priority for habitat conservation. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	SAR Species – Great Blue Heron 
Sensitive Ecosystems	SEM Primary Class – Mature Forest 

Hazard Areas	None Mapped
Archaeological Sites	Archaeological mapping indicates there is a registered archaeological site and areas of high archaeological potential located on the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.]
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	Sediment Shoreline - Pebble/Sand
Shoreline Data in TAPIS	Forage Fish Habitat – Surf Smelt/Pacific Sandlance Eelgrass Meadows



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 66628

Application Status: Under LG Review

Applicant: Doug Wright

Local Government: Islands Trust Regional District

Local Government Date of Receipt: 11/12/2022

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: Proposal is to add house for my son and his family. Son and wife will help maintain the farm, associated rental farms and shellfish tenures. Currently I and my wife are 70 years old and am unable to work the long days necessary for doing what needs to be done. My intent over the next five years is to ensure he has the training, experience, and help him where I can to eventually takeover full responsibility for the farm. After five years I want to sit on my deck and enjoy the view.

I have no interest in moving and have three sons. This proposal is part of my succession plan to eventually transition the farm to them. My family have been continuously farming for 100 years on Denman. I am third generation.

Farming has become more technical in nature. Hiring skilled help has not been possible. Hiring general labourers is a challenge even with a pay rate of \$25.00 per hour.

Proposal will permit farm to continue (or even increase) agricultural production in future years. If proposal denied agriculture production will shrink and possibly not continue on 5 other properties.

Mailing Address :

[REDACTED]

Primary Phone :

[REDACTED]

Email :

[REDACTED]

Parcel Information

Parcel(s) Under Application

1. **Ownership Type :** Fee Simple

Parcel Identifier : 009-711-678

Legal Description : PARCEL A (DD 53615I) OF SECTION 20, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT THE SOUTH 2 CHAINS AND EXCEPT THAT PART SHOWN OUTLINED IN RED ON PLAN 685R

Parcel Area : 60.2 ha

Civic Address : 2961 Northwest Road, Denman Island, bc

Applicant: Doug Wright

Date of Purchase : 11/19/2002

Farm Classification : Yes

Owners

1. **Name :** Doug Wright

Address :

[REDACTED]

Phone : [REDACTED]

Email : [REDACTED]

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type :** Crown Lands

Parcel Identifier :

Owner with Parcel Interest : Doug Wright

Parcel Area : 8.7 ha

Land Use Type : Agricultural/Farm

Interest Type : Registered Lease

2. **Ownership Type :** Crown Lands

Parcel Identifier :

Owner with Parcel Interest : Doug Wright

Parcel Area : 6 ha

Land Use Type : Agricultural/Farm

Interest Type : Registered Lease

3. **Ownership Type :** Fee Simple

Parcel Identifier : 009-709-622

Owner with Parcel Interest : Doug Wright

Parcel Area : 7.9 ha

Land Use Type : Agricultural/Farm

Interest Type : Rental Agreement

4. **Ownership Type :** Fee Simple

Parcel Identifier : 003-475-514

Owner with Parcel Interest : Doug Wright

Parcel Area : 13.9 ha

Land Use Type : Agricultural/Farm

Interest Type : Rental Agreement

5. **Ownership Type :** Fee Simple

Parcel Identifier : 005-008-883

Owner with Parcel Interest : Doug Wright

Parcel Area : 2.5 ha

Land Use Type : Agricultural/Farm

Interest Type : Rental Agreement

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

My father Gordon Wright purchased the property in 1951. My grandfather owned a cattle farm on elsewhere on Denman Island, what used to be Green Ridge Farm which was sold in the late 1990's.

Currently 70 angus cross beef herd on property. Hay produced for them (approx 7500 bale equivalents) and approx. 1500 hay bays sold to public, 1/2 acre sweet corn sold locally, small quantity apples sold or donated, 36 acres shellfish farm worked as part of the farm on adjoining leases leased by the applicant produce oysters and clams.

Also experimenting with and have grown wheat in 2022.

Hay producing areas Lone Pine - 60 acres

Hay producing Pippin Farm - 16 acres - Landfile # 009 709 622

Hay produced Elk Haven - 8 acres - Landfile # 003 475 514

Hay produced Pick Farm - 3 acres - Landfile # 005 008 883

Hay produced Oyster Beach Farm - 5 acres - Landfile # 000 966 878

Also Hay production assist at Piercy Farm - area variable - Landfile # 009 708 669

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

3 cattle barns, 3 equipment sheds, miles of fencing, seven dugouts for storing water, a mile of ditching. Many tonnes of lime applied annually, hay fields fertilized with manure and chemical fertilizer annually. Tonnes of rock picked.

Land has been 95 % cleared.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

None

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity : Not actively farmed

East

Land Use Type: Residential

Specify Activity : Residential

South

Land Use Type: Agricultural/Farm

Specify Activity : Blueberries and hay

West

Land Use Type: Other

Specify Activity : Shellfish tenure leased by applicant

Proposal

1. What is the purpose of the proposal?

Proposal is to add house for my son and his family. Son and wife will help maintain the farm, associated rental farms and shellfish tenures. Currently I and my wife are 70 years old and am unable to work the long days necessary for doing what needs to be done. My intent over the next five years is to ensure he has the training, experience, and help him where I can to eventually takeover full responsibility for the farm. After five years I want to sit on my deck and enjoy the view.

I have no interest in moving and have three sons. This proposal is part of my succession plan to eventually transition the farm to them . My family have been continuously farming for 100 years on Denman. I am third generation.

Farming has become more technical in nature. Hiring skilled help has not been possible. Hiring general labourers is a challenge even with a pay rate of \$25.00 per hour.

Proposal will permit farm to continue(or even increase) agricultural production in future years. If proposal denied agriculture production will shrink and possibly not continue on 5 other properties.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

Farming/living is expensive on Denman Island primarily due to transportation costs. Local experienced labour not available.

Farm has for the last 140 years required a labour force of greater than two people. For the farm to function the farm has for the last 50 plus years been approved for three residences.

Livestock require care seven days a week, maintaining the infrastructure of a 150 year old farm requires labour. Many tasks require a labour force of more than one.

Shellfish revenues subsidize upland farm income resulting in the farm being able to continue. Between shellfish work, caring for livestock, maintaining buildings and fences; a labour force of 2.5 men required(more hired in summer months).

In the past 70 years, it is the only farm on Denman to not be subdivided in some fashion.

Having my son and wife on the property will achieve required labour force plus allow the farm to continue operations in its current fashion.

He requires a three bedroom house for his children c/w with office space when he takes over farming paperwork

3. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

Family home for my wife and I. House is 70 years old. Poorly insulated and not to current standards. Approx 1600 sq feet.

Brother/brother in law home. House is 28 years old and approx 1700 square feet. He has been primary farm help and will continue in some form but he is now is very close to 70 years old.

Double wide trailer approx 53 years old. Not readily insurable, The "old Uncle Art house", only two bedroom and not well insulated. Occupied by distant family(widow) member who is 88 years old for very cheap rent. At some point trailer to be upgraded perhaps converted to a vacation rental or removed.

4. What is the total floor area of the proposed additional residence in square metres?

150 m²

5. Describe the rationale for the proposed location of the additional residence.

House to be located on top of a granular ridge(not very productive soil). It will have a 360 degree view of the farm(good for viewing livestock), utilize the existing driveway, be adjacent to Hydro/Telephone lines and have access to an unused well

6. What is the total area of infrastructure necessary to support the additional residence?

800 square metres.

Septic field located in pasture, two car parking, short driveway, no accessory building.

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Proposal Sketch - 66628
- Site Photo - Proposed Site
- Site Photo - Pippin Farm
- Site Photo - Elkhaven
- Site Photo - Pick Farm
- Site Photo - Oyster Bay Farm
- Site Photo - Piercy Farm
- Site Photo - Lone Pine Farm
- Site Photo - Oyster Lease 204
- Site Photo - Oyster Lease 205
- Certificate of Title - 009-711-678

ALC Attachments

None.

Decisions

None.



K'ómoks First Nation

3330 Comox Rd., Courtenay BC, V9N 3P8 | Ph: 250.339.4545 | F: 250.339.7053 | E: reception@komoks.ca

Stephen Baugh
Planner 2, Local Planning Services
Islands Trust
RE: File: DE-ALR-2022.2

Hello Stephen,

We at KFN have received notification of an application to permit the construction of an additional residence for farm use on the property located at 2883 Northwest rd, Denman Island.

We at KFN recognize the hard work and long days required to operate a farm and do not object to a secondary residence. However, this proposed project falls within an area of high archaeological potential identified within the KFN Cultural Heritage Policy (p15-17, and Appendix 1), and KFN is concerned about potential impacts to our cultural heritage there. This site also has known cultural heritage and recognize that farming practices could have distributed this material throughout the property. For this reason, KFN requires a KFN Cultural Heritage Investigation Permit in advance of construction. I have attached both KFN Cultural Heritage Policy and the KFN Cultural Heritage Investigation Permit application here. Completed applications can be sent to Candace Newman at candace.newman@komoks.ca.

The KFN Cultural Heritage Policy describes KFN's specific standards and procedures for management of archaeological sites in relation to development in KFN territory, and the holder of the KFN Cultural Heritage Investigation Permit agrees to conduct work in adherence to those standards. Until KFN has issued a KFN Cultural Heritage Investigation Permit for this project, it is to be understood that KFN has outstanding concerns about potential project related impacts on our cultural heritage.

It is recommended to have a professional archaeologist apply for the KFN Cultural Heritage Investigation Permit on behalf of the proponent. The developer/proponent will be responsible for covering any costs associated with further archeological investigation and services, as well as Indigenous cultural monitoring. These services are not covered under the permit fee. If you have further questions, please contact Candace Newman.

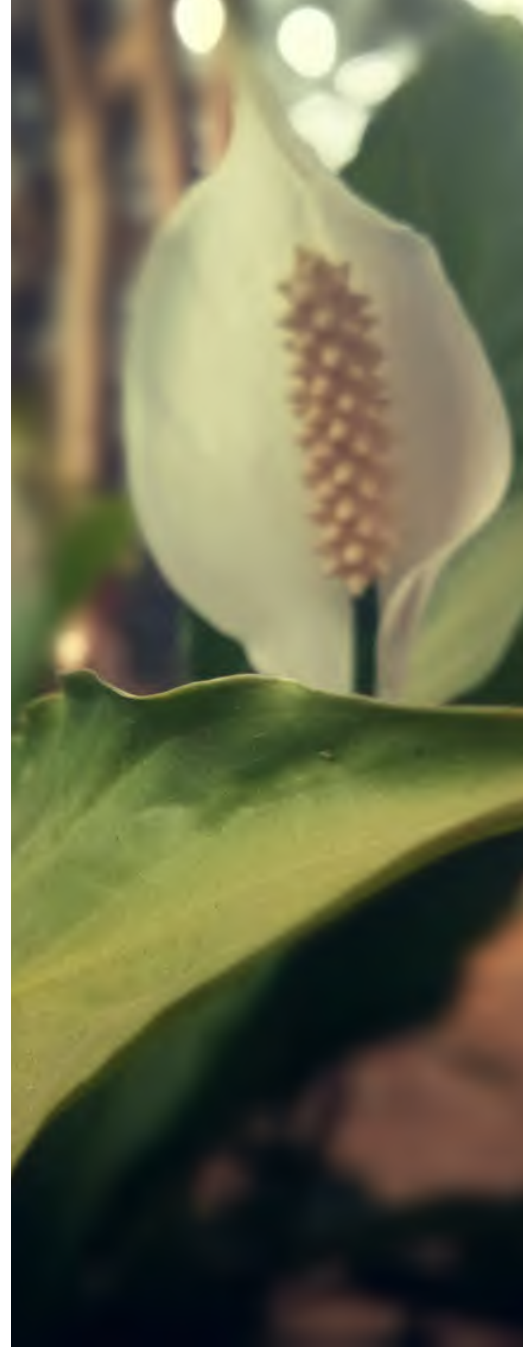
Respectfully,

KFN Chief Councillor
Ken Price

DENMAN ISLAND HOUSING REVIEW

RECOMMENDATIONS REPORT

MARCH 2023



Contributors

The content of this publication was developed by Vancouver Island University's (VIU) Mount Arrowsmith Biosphere Region Research Institute (MABRRI).

VIU conducted primary and secondary research to develop policy recommendations to address housing issues on Denman Island. VIU's Master of Community Planning students assisted in facilitating engagement events with the Denman Island community and the following people contributed to this publication.

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Acknowledgements

Vancouver Island University would like to thank the Denman Island Local Trust Committee for their willingness to work with us on this project.

We acknowledge the guidance from the Denman Island Advisory Planning Commission during the project planning phase to help us understand the local community context and plan our engagement strategy accordingly.

A special thanks to the Island Planner, Sonja Zupanec, for her continued guidance and support throughout the project.

And finally, our gratitude to the Denman Island community, who participated in the engagement events and provided invaluable feedback and shared lived experiences on the current housing challenges on Denman Island, thus informing the findings of this report.



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Introduction

Project Overview

The Denman Housing Review Project is a review of the Denman Island Official Community Plan (OCP) and the Land Use Bylaw (LUB) to consider policy updates in relation to affordable and attainable housing. The low number of dwelling units, low diversity in housing formats, and low rental vacancies are the prominent housing challenges on Denman Island.

The Denman Island OCP was adopted in 2008, and various changes were consolidated in 2017. Since then, the province has added a new section to the Local Government Act (LGA) on required housing policies to be included in OCPs. The current version of the Denman Island OCP includes several policies relating to housing but does not comprehensively address these requirements. Therefore, these policies need to be updated. The Denman Island Local Trust Committee (LTC) initiated this review with the residents of the Island and also used this opportunity as an outreach to more fully examine housing issues on Denman Island.

Vancouver Island University's (VIU) Mount Arrowsmith Biosphere Region Research Institute (MABRRI) was retained to design, facilitate, record, and report on a community engagement process for residents and homeowners on the housing challenges on Denman Island. The purpose of the housing review was:

to engage with residents, title holders, local organizations, and external agencies to identify policy updates and regulatory amendments to the Denman Island OCP and LUB to increase housing options for affordable and attainable housing with minimum environmental impact while supporting equity, diversity, and inclusion.

Overall, the lack of safe, affordable, and attainable rental housing is the most difficult housing problem on the Island. This lack of supply creates ongoing problems relating to unsafe living conditions, instability in rental tenures, and lack of protection from existing regulations and legislation. As noted in the United Nations as early as 1948 in the Universal Declaration of Human Rights and throughout subsequent documents, as well as in Canada's National Housing Strategy Act and the previously mentioned amendments to BC legislation, housing for all remains a critically important issue at global, national, provincial, and local scales.

Project Scope

The following five questions were researched to better understand the historical context, current situations, and local perspectives within the Denman Island community.

1. Which recommendations in the 2018 Islands Trust Northern Housing Needs Assessment are supported by the Denman Island community and can be addressed by policy or regulatory updates in the Denman Official Community Plan and Land Use Bylaw?
2. What are the recommended updates to the Denman Island Official Community Plan to comply with Section 473 of the Local Government Act regarding housing policies?
3. What is the level of community support for changes to existing policies and regulations to allow for more secondary suites, secondary dwellings, and the use of travel trailers that result in increased housing options?
4. What is the level of community support in implementing a distributed square footage and/or maximum floor area of a dwelling in the Land Use Bylaw to regulate residential uses?
5. What aspects/elements of the natural environment, social fabric, and rural character most need to be protected as we consider regulatory changes to increase affordable and attainable housing options?

Community & Stakeholder Engagement

While it is recognized that discussions on housing instability, affordability, and attainment have been underway for decades on the Island, the engagement process for this OCP and LUB update began in August 2022. Prior to creating an engagement strategy, the team at MABRRI met with the Denman Island Advisory Planning Commission (APC) on September 8, 2022, on Denman Island to understand the local community context, potential barriers to engagement, and to explore options for efficiently engaging the community. Multiple engagement tools were explored to solicit community input and their efficiency for accessibility and inclusivity. Information regarding the upcoming engagement was shared via the local newspaper (the Island Grapevine), Facebook Denman community groups, and posters displayed at key locations on Denman Island.

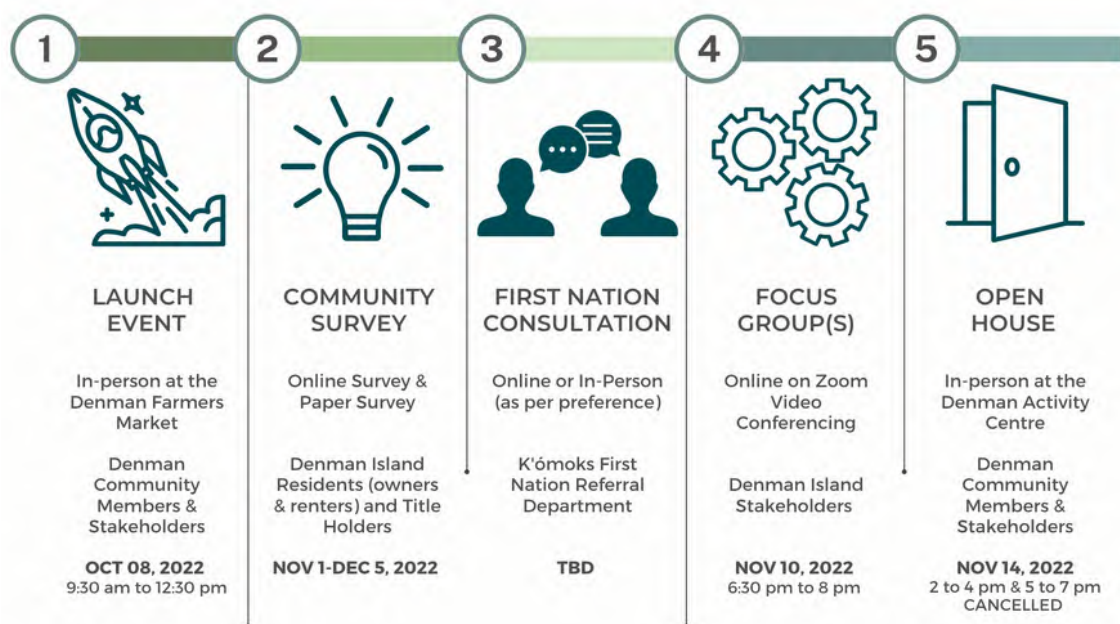
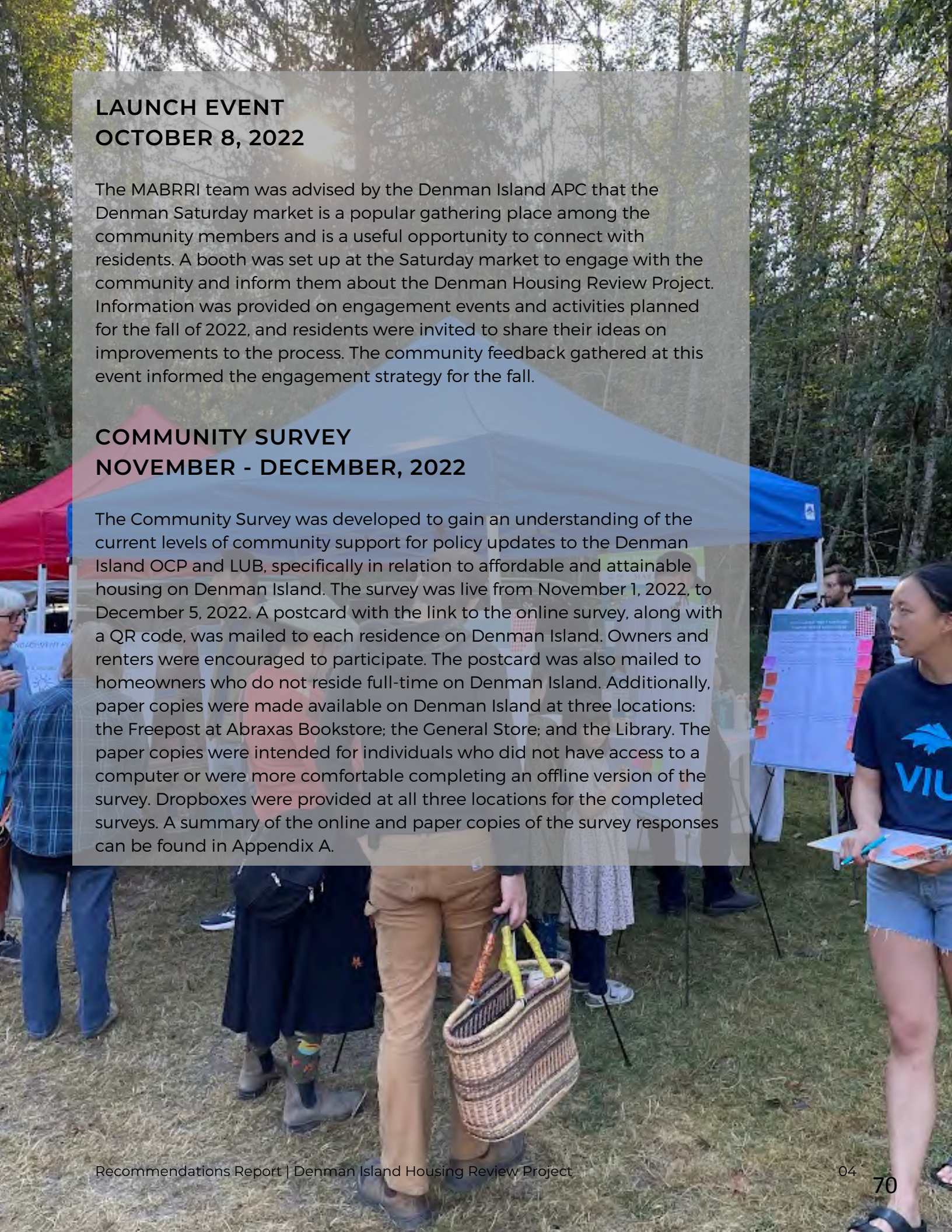


Figure 1 - Engagement Timeline Graphic



LAUNCH EVENT OCTOBER 8, 2022

The MABRRI team was advised by the Denman Island APC that the Denman Saturday market is a popular gathering place among the community members and is a useful opportunity to connect with residents. A booth was set up at the Saturday market to engage with the community and inform them about the Denman Housing Review Project. Information was provided on engagement events and activities planned for the fall of 2022, and residents were invited to share their ideas on improvements to the process. The community feedback gathered at this event informed the engagement strategy for the fall.

COMMUNITY SURVEY NOVEMBER - DECEMBER, 2022

The Community Survey was developed to gain an understanding of the current levels of community support for policy updates to the Denman Island OCP and LUB, specifically in relation to affordable and attainable housing on Denman Island. The survey was live from November 1, 2022, to December 5, 2022. A postcard with the link to the online survey, along with a QR code, was mailed to each residence on Denman Island. Owners and renters were encouraged to participate. The postcard was also mailed to homeowners who do not reside full-time on Denman Island. Additionally, paper copies were made available on Denman Island at three locations: the Freepost at Abraxas Bookstore; the General Store; and the Library. The paper copies were intended for individuals who did not have access to a computer or were more comfortable completing an offline version of the survey. Dropboxes were provided at all three locations for the completed surveys. A summary of the online and paper copies of the survey responses can be found in Appendix A.

STAKEHOLDER FOCUS GROUP

November 10, 2022

The Focus Group was hosted and facilitated online by the MABRRI team on November 10, 2022, from 6:30 pm to 8:00 pm. The discussion questions were centered around the existing policies and current zoning in the Denman Island OCP and LUB regarding secondary suites, secondary dwellings, travel trailer regulations, distributed square footage, and other content in the documents. Nine stakeholders/representatives from local organizations and interest groups, including Denman Housing Association, Denman Island Climate Action Network, Denman Works, Lands Trust, Denman Pre-school Society, and community members with lived experiences, were in attendance representing a diverse interest group. A summary of the focus group discussion can be found in Appendix B.

PUBLIC OPEN HOUSE

Scheduled for November 14, 2022

The Public Open House, scheduled for November 14 from 2:00 pm to 4:00 pm and 5:00 pm to 7:00 pm at the Denman Activity Centre, was cancelled, and the community was encouraged to participate in the Community Survey to provide feedback. Local Government elections were taking place in BC at this time, so the project was paused until early 2023 when the newly elected LTC decided not to move forward with rescheduling the open house.

Policy Recommendations

This section reviews the five research questions and provides recommendations for policy and regulatory amendments to the Denman Island OCP and the LUB, as informed by the community feedback gathered through the engagement phase.

1. Which recommendations in the 2018 Islands Trust Northern Housing Needs Assessment are supported by the Denman Island community and can be addressed by policy or regulatory updates in the Denman Official Community Plan and Land Use Bylaw?

The 2018 Islands Trust Northern Housing Needs Assessment suggested the following four recommendations:

- that each island reviews their OCP to ensure that there are supportive policies for the development of safe, secure, appropriate, and affordable rental housing;
- that the Islands Trust promotes the ability to enter into Housing Agreements with property owners and not-for-profit organizations to ensure housing remains affordable;
- that the Local Trust Committees support the efforts of not-for-profit organizations to increase the amount of safe, secure, appropriate, and affordable housing on their islands; and,
- the Islands Trust and/or the individual Local Trust Committees can consider conducting a local “municipal” census for each island mid-way between federal census years to provide up-to-date information.

The first three recommendations from the 2018 Islands Trust Northern Housing Needs Assessment report were strongly supported (by over 70%) by the survey respondents. The fourth recommendation received 47% support, while 20% did not support and 33% of respondents had a neutral opinion about it. Many respondents believed that the need for affordable and attainable housing on Denman Island is evident and does not need a mid-way census to demonstrate need.

The policy recommendations are as follows:

- 1.1 Encourage and ensure new developments support the low-income market and long-term rentals to meet affordability needs.
 - 1.1.1 Assign an appropriate percentage of new development to be used for long-term rentals and limit use to non-market housing.
 - 1.1.2 Introduce policies on rental price control.

- 1.1.3 Use of simplified templates for housing agreements between property owners and renters and incentives for property owners to ensure affordable, year-round tenancy.
- 1.2 Update the current OCP and LUB to allow for secondary suites and secondary dwellings to be used for long-term rentals on conditions that there is proof of adequate groundwater and/or proof of water catchment (can be waived if the proof of aquifer capacity is known and at an adequate rate) and that the dwelling can be connected to an approved sewerage system, in case of secondary dwellings.
 - 1.2.1 Regulate dwelling size (re-visit as per current needs), dwelling location (preferably close to the main house), and aesthetic requirements to maintain the rural character of Denman Island.
- 1.3 Review existing secondary homes that are being used or have the potential to be used for yearly rentals on a case-to-case basis, and consider making them fully legal.
- 1.4 Encourage and promote conservation-focused innovation in new housing developments that is affordable and reflects a diversity of needs through both policy and planning.
 - 1.4.1 Create clear guidelines for sustainable and environmentally conscious development unique to Denman Island.
- 1.5 Encourage the formation of an on-island Public Trust to hold lands donated to the community for the purpose of conservation, affordable housing, and agriculture.
- 1.6 Instate stronger measures such as the “Empty Homes Tax” or “Vacancy Tax” for homes that are unoccupied for more than six months or are used for short-term rentals only.
- 1.7 Identify areas suitable for densification with adequate water, sewage capacity and minimal environmental impact, and amend zoning regulations and density requirements to allow for cluster housing, tiny homes, and/ or trailer parks.
- 1.8 Update the Housing Needs Assessment Report for Denman Island every five years to address housing issues as per the most recent federal census data.
- 1.9 Review and remove current policies that are restrictive in addressing the growing affordable and attainable housing needs on Denman Island.
 - 1.9.1 Consider the impacts of population increase on Denman Island as a result of the COVID-19 pandemic and its impacts on housing.
 - 1.9.2 Instate flexible, responsive and adaptive policies to the changing needs of the community while maintaining careful stewardship of the natural environment and resources on Denman Island.
- 1.10 Island Trust to support not-for-profit and co-op housing groups to navigate the development approval process for efficiency and faster results.

2. What are the recommended updates to the Denman Island Official Community Plan to comply with Section 473 of the Local Government Act regarding housing policies?

Section 473 of the Local Government Act regarding housing policies states that:

473 (1) (a) An official community plan must include statements and map designations for the area covered by the plan respecting the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years.

473 (2) An official community plan must include housing policies of the local government respecting affordable housing, rental housing and special needs housing.

The Community Survey included current housing policies specific to Subdivision Regulations, Use and Density, Affordable Housing, and Zoning Amendments, and asked the community whether they support the continued inclusion of these policies to address housing issues on Denman Island. The survey respondents answered with either “yes”, “no”, or “neutral”. The table below shows the survey response statistics.

	Policies on Subdivision Regulations	Yes	No	Neutral
Policy 1	In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectares. The minimum lot sizes should be increased if there would be negative impacts on the natural environment.	63%	25%	12%
Policy 2	In the Rural designation, the size of new lots created by subdivision may not be less than 2.0 hectares, and the average lot size created by subdivision may not be less than 4.0 hectares. The minimum lot size should be increased if there would be negative impacts on the natural environment.	68%	24%	8%
Policy 7	In the Residential designation, parcel consolidations are encouraged wherever possible.	45%	19%	36%

	Policies on Use and Density	Yes	No	Neutral
Policy 8	In the Residential designation and the Rural designation, the principal use should be single-family residential with the exception of the existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw.	54%	32%	14%
Policy 9	In the Residential designation, zoning regulations should permit one dwelling unit per 1.0 hectare of lot area to a maximum of five dwelling units, provided there is adequate water supply without endangering the supply of adjacent landowners. One dwelling unit should be permitted on lots that are less than 1.0 hectares in area.	65%	30%	5%
Policy 10	In Rural designation, zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided there is adequate water supply without endangering the supply of adjacent landowners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.	50%	41%	9%
Policy 11	The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted, except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section. Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy.	60%	28%	12%

	Policies on Use and Density	Yes	No	Neutral
Policy 13	In the Sustainable Resource designation, zoning regulations should permit one dwelling, including a secondary suite per parcel.	63%	25%	12%
Policy 14	In the Sustainable Resource designation, on land in the Agricultural Land Reserve, one dwelling could be permitted per the minimum lot area permitted by Subdivision; and additional dwellings could be permitted if they are required for full-time farm help. *Please note that this policy is currently under review as part of the Farming Regulations Review Project.	67%	16%	17%
Policy 15	The Local Trust Committee may approve secondary dwelling units on land within the "Rural" and "Sustainable Resources" designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan.	48%	39%	13%
Policy 16	Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.	77%	13%	10%

	Policies on Affordable Housing	Yes	No	Neutral
Policy 17	The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.	74%	15%	11%
Policy 19	The Local Trust Committee should review the policies in this section with a view to determining whether further opportunities for affordable housing are needed and what form such opportunities should take.	76%	16%	8%

	Policies on Zoning Amendmends	Yes	No	Neutral
Policy 27	The Local Trust Committee should consider zoning amendment applications for seniors housing provided the proposal is small-scale, will not impact adjacent properties, will maintain an adequate supply of potable water and sewage disposal system, protects environmentally sensitive areas, will not place a strain on existing public services and infrastructure.	85%	8%	7%
Policy 28	The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided the proposal is small-scale, will not impact adjacent properties, will maintain an adequate supply of potable water and sewage disposal system, will protect environmentally sensitive areas, and will not place a strain on existing public services and infrastructure.	77%	16%	7%



Photo - Canva Gallery

The policy recommendations are as follows:

- 2.1 Encourage and promote conservation-focused innovation in new housing developments that is affordable and reflects a diversity of needs through both policy and planning. Also mentioned in recommendation 1.4.
- 2.2 Focus on densifying areas that have close proximity to services, adequate groundwater supply, and overall low environmental impact.
 - 2.2.1 Amend zoning and density requirements to allow clusters of tiny homes with shared resources for such areas.
 - 2.2.2 Allow changes to existing minimum lot size regulations to support increased densities (in the form of cluster developments) for such areas.
- 2.3 Allow secondary dwellings on residential lots with lot sizes over 1 hectare as a measure to increase rental housing on existing residential lots rather than subdividing new lots for low-density residential development.
- 2.4 Allow secondary dwellings on lots larger than 1 hectare as a long-term permanent housing solution with the following regulations and limitations:
 - Regulate dwelling size, location, and aesthetic requirements to maintain rural character and encourage a smaller footprint;
 - Regulate dwelling use to long-term affordable rentals;
 - Limit use to non-market rental; and,
 - Proof of adequate groundwater and human waste disposal.
- 2.5 Allow land subdivision for affordable housing options including, but not limited to, co-op housing, non-market housing, affordable rentals, and affordable ownership.
 - 2.5.1 Avoid subdivisions for low-density residential to limit further land fragmentation.
- 2.6 Take a total square footage approach to approve subdivision applications.
- 2.7 Abolish Temporary Use Permits as a tool to regulate housing.
- 2.8 Adjust the density bank baseline to reflect reality or pull the ALR from the density bank entirely.
- 2.9 Use of simplified templates for housing agreements between property owners and renters and incentives for property owners to ensure affordable, year-round tenancy. Also mentioned in recommendation 1.1.3.
- 2.10 Include allowances for water catchment, composting toilets, and greywater reuse to support secondary dwellings and travel trailers, wherever allowed, on residential lots.

3. What is the level of community support for changes to policies and regulations to allow for more secondary suites, secondary dwellings and the use of travel trailers that result in increased housing options?

As per the Denman Island Land Use Bylaw, 2008, Section 2.1.4, “secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as “R2” (Rural Residential), “A”(Agriculture), “F” (Forestry) and “RE” (Resource). Secondary suites are generally permitted within these zoning designations without the need for a Temporary Use Permit.”

When asked in the Community Survey whether the community supports changes to policy updates to allow for more secondary suites, secondary dwellings and the use of travel trailers for increased housing options, the majority said “yes” to secondary suites (82%) and secondary dwellings (75%). Less than 15% said “No,” and less than 11% answered “Neutral.” 56% supported policy changes to allow for travel trailers, while 32% opposed and 12% answered “Neutral.”

50% of the survey respondents feel that the use of a Temporary Use Permit (TUP) is ineffective (26%) and very ineffective (24%) in addressing housing objectives as defined in the OCP. 23% of the survey respondents felt TUPs are effective (16%) and very effective (7%), while 27% answered “neutral” to this question.

By definition, TUPs are temporary in nature and do not provide long-term housing solutions. The temporary nature of TUPs and the onerous application process may discourage the landowners from creating secondary rental housing if the zoning allows for it, thus impacting the rental housing stock.

When asked whether allowing secondary suites (in a primary dwelling) on R1 lots would benefit the community, 78% of the survey respondents agree, 14% disagree, and 8% answered “neutral” to this question. When asked whether allowing secondary dwellings on R1 lots would benefit the community, 65% of the survey respondents agree, 27% disagree, and 8% answered “neutral” to this question. When asked whether allowing for travel trailers as secondary dwelling units on R1 and R2 lots would benefit the community on Denman Island, 50% of the survey respondents agree, 37% disagree, and 13% answered “neutral” to this question.

The policy recommendations are as follows:

- 3.1 Abolish TUPs as a tool to regulate housing as TUPs do not provide long-term housing solutions, the uncertainty for renters and owners discourages investment, and TUPs fail to address Housing Objective 2, “to ensure housing options preserve human diversity in the community.”

- 3.2 Allow secondary dwellings on residential lots with lot sizes over 1 hectare on conditions that there is proof of adequate groundwater and/or proof of water catchment (can be waived if the proof of aquifer capacity is good), and that the dwelling can be connected to an approved sewerage system.
 - 3.2.1 Regulate dwelling size (re-visit as per current needs), dwelling location (preferably close to the main house), and aesthetic requirements to maintain the rural character of Denman Island. Also mentioned in recommendation 1.2.1.
 - 3.2.2 Encourage secondary dwelling uses including, but not limited to, family members, affordable rentals, and housing for staff, seniors, and individuals with special needs and limit the use to non-market housing.
 - 3.2.3 Allow secondary suites in all residential zones for long-term housing solutions and limit the use to affordable rentals, family members, staff, seniors, and persons with disabilities.
- 3.3 Review existing secondary homes that are being used or have the potential to be used for yearly rentals on a case-to-case basis, and consider making them fully legal. Also mentioned in recommendation 1.3.
- 3.4 Identify areas suitable for densification with adequate water, sewage capacity and minimal environmental impact, and amend zoning regulations and density requirements to allow for cluster housing, tiny homes, and/ or trailer parks. Also mentioned in recommendation 1.7.
- 3.5 Instate stronger measures such as the “Empty Homes Tax” or “Vacancy Tax” for homes that are unoccupied for more than six months or are used for short-term rentals only. Also mentioned in recommendation 1.6.
- 3.6 Travel trailers and other types of movable housing units may be permitted by TUPs, subject to conditions including, but not limited to, proof of adequate water, proper sanitation, and current health and safety standards.
 - 3.6.1 Simplify the TUP application process to encourage the use of the tool.
- 3.7 Encourage and incentivize landowners for environment-conscious green approaches including, but not limited to, rainwater catchments, provision of outhouses for movable housing units, shared resources, and more.
- 3.8 Use of simplified templates for housing agreements between property owners and renters and incentives for property owners to ensure affordable, year-round tenancy. Also mentioned in recommendation 1.1.3 and 2.9.



Photo - Canva Gallery

4. What is the level of community support in implementing a distributed square footage and/or maximum floor area of a dwelling in the Land Use Bylaw to regulate residential uses?

60% of the survey respondents support the implementation of a distributed square footage of a dwelling to regulate residential uses, 20% do not agree, and 20% feel neutral about it.

60% of the survey respondents support the implementation of a maximum floor area of a dwelling to regulate residential uses, 21% do not agree, and 19% feel neutral about it.

5. What aspects/elements of the natural environment, social fabric, and rural character most need to be protected as we consider regulatory changes to increase affordable and attainable housing options?

The 2008 Denman Island OCP states the following guiding objective for housing policies: “to encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community.”

The engagement feedback strongly suggests that community members believe that a mix of demographics is key to a rich, diverse social fabric demand, and thus supports a diverse housing stock for a variety of age and income groups on Denman Island. However, the protection of the natural environment (water and trees), biodiversity, and the rural character of Denman was also considered paramount.

The policy recommendations are as follows:

- 5.1 Be considerate of environmentally sensitive areas when rezoning lands for density.
- 5.2 Protect the rural character of Denman Island.
 - 5.2.1 Allow housing density in the form of cluster housing rather than low-density subdivisions to limit further land fragmentation.
 - 5.2.2 Amend regulations to allow secondary dwellings on existing lots larger than 1 hectare.
 - 5.2.3 Regulate dwelling size (re-visit as per current needs), dwelling location (preferably close to the main house), and aesthetic requirements to maintain the rural character of Denman Island. Also mentioned in recommendation 1.2.1 and 3.2.1.
- 5.3 Amend OCP policies that currently “encourage” landowners to protect tree habitats and limit tree removal to firmer regulations for new developments and changes to existing lots.
- 5.4 Research comparable alternative methods and best practices for rainwater storage, regulating water use, and sewage disposal.
 - 5.4.1 Consider partnering with Regional Districts to allow for subsidization of rainwater catchment on residential lots.
- 5.5 Protect, preserve, and maintain public access to beaches.
- 5.6 Develop and maintain pedestrian and active transportation infrastructure while maintaining the rural character of the community.
- 5.7 Encourage housing diversity to support housing for diverse age and income groups.
 - 5.7.1 Instate strict regulations to prohibit the use of secondary dwellings as short-term rentals.
 - 5.7.2 Ensure appropriate disposal of human waste for movable homes.

Conclusion

Throughout the fall of 2022, the MABRRI team engaged with the residents of Denman Island (owners and renters), with the help of several engagement tools, to understand the housing challenges in the community and to identify ways to increase affordable and attainable housing options on Denman Island while protecting the natural environment, social fabric, and rural character of the community.

The feedback from the community engagement was further analyzed to identify possible recommendations for policy updates and regulatory improvements to the Denman Island OCP and LUB that strengthen affordable and attainable housing options on Denman Island. The Recommendations Report will be submitted to the Denman Island Local Trust Committee for review.

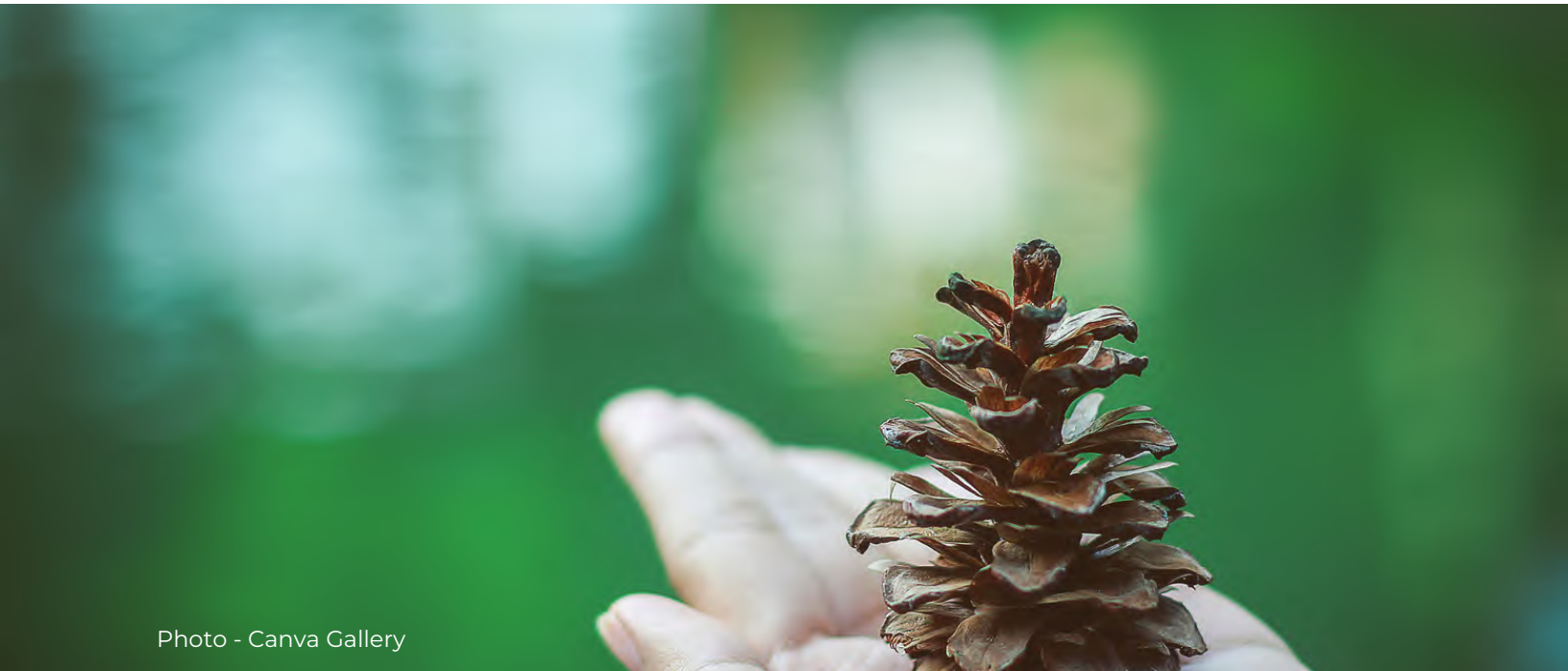


Photo - Canva Gallery

Appendix A

Community Survey Summary

The Community Survey was developed and made available to the residents (owners and renters) of Denman Island between November 1 and December 5, 2022. The intention of the survey was to gain an understanding of the level of community support for policy updates to the Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB), specifically in relation to affordable and attainable housing on Denman Island. The survey was available online and was promoted via postcards with the direct link to the survey mailed out to each residence on Denman Island and to the owner's alternate addresses who do not live on Denman Island year-round. Paper copies of the survey and collection boxes were available on Denman Island at the Freepost (Abraxas Bookstore), the General Store, and the Library.

The Survey received a total of 174 responses. Of these responses, 160 were completed digitally and 14 physically. The survey consisted of a total of 18 questions. The average time it took to complete the survey was 21 minutes. Of the 18 questions that were asked, some were answered more than others. This could be due to the respondent's interests in regard to particular issues with affordability and attainability or could speak to the respondents understanding and/or confidence in answering the question appropriately.

Questions 1-8 focused on the existing housing policies and regulations in the Denman Island OCP (2008) and their effectiveness in addressing the housing issues on Denman Island. Questions 9-12 and 15-16 focused on current regulations around secondary units in the Denman Island LUB and the effectiveness of Temporary Use Permits (TUP) for long-term housing solutions. Questions 13 and 14 focused on the recommendations from the 2018 Islands Trust Northern Housing Needs Assessment Report to assess the level of community support for these recommendations.

Survey Data Summary

When asked whether the respondents support the continued inclusion of policies regarding subdivision regulation, 168 answered this question, and 6 skipped. An average of 59% of respondents were in support, 23% opposed, and 19% felt neutral about it.

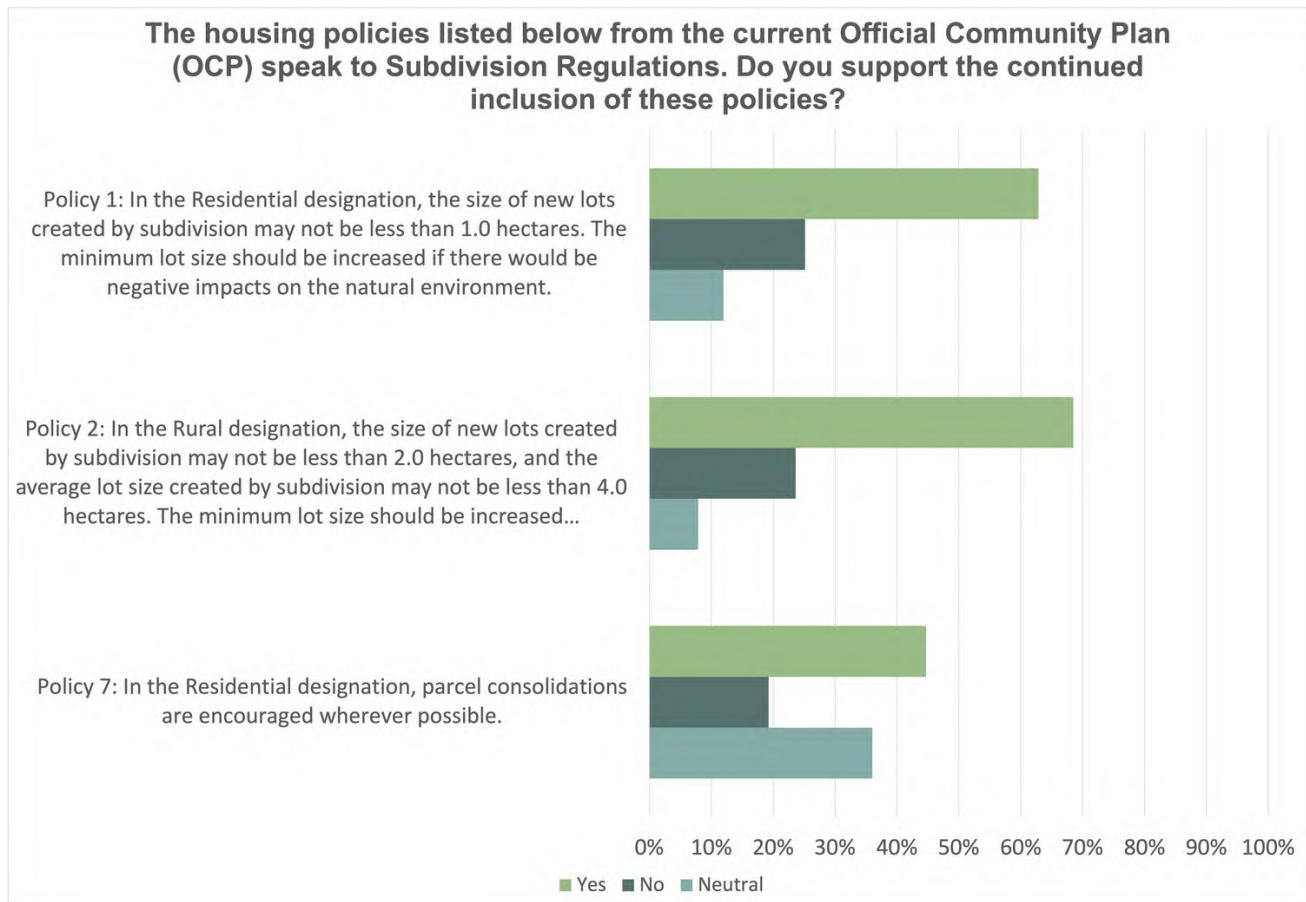


Figure 1

When asked if the respondents had any suggestions on policies mentioned in Figure 1 related to Subdivision Regulations that can support affordable and attainable housing options on Denman, 74 provided comments, and 100 skipped the question. The responses were grouped into appropriate themes. The table below mentions the themes, context and the count of the number of times each theme was mentioned.

THEME	CONTEXT	COUNT
Against New Subdivision	Some comments reflected a disagreement with subdividing lots and instead suggested allowing secondary suites and dwellings on the properties.	8
Increased Density	These comments were in favour of increasing density with a focus on specific areas of high density close to amenities and services.	12
More Rental	Comments suggested more rental units with the overarching idea of affordable rentals and non-market housing.	4
Compact Housing Options	These comments spoke to reducing house size to allow for higher density within an existing area, as well as an option to increase affordability.	6
Environmental Considerations	Lot size definition, subdivision, and affordable housing options spoke to environmental concerns being of importance when considering further housing options.	18
Affordable Housing Options	Many people want affordable options including co-op housing, non-market housing, affordable rentals, and affordable house purchasing with a focus on densifying specific areas close to services.	23

See below some direct quotes from the survey respondents:

“ I think we need to revisit the underlying assumption that having individual dwellings on larger lots is more sustainable. Sustainability research suggests that it might be better to congregate housing in village-style amalgamations with larger, connected, less human-impacted ecosystems, maybe held in common? Eg CoHo, Komas. I would have loved to see the Northlands developed in this way. Instead, people are everywhere.”

"Climate impacts, including decreasing potable water supply, should be paramount when deciding whether to allow any subdivisions or affordable housing. ”

When asked whether the respondents support the continued inclusion of policies regarding use and density, 152 answered this question, and 22 skipped. An average of 60% of respondents were in support, 28% opposed, and 12% felt neutral about it.



Figure 2

When asked if the respondents had any suggestions on policies mentioned in Figure 2 related to use and density that can support affordable and attainable housing options on Denman, 62 provided comments, and 112 skipped the question. The responses were grouped into appropriate themes. The table below mentions the themes, context and the count of the number of times each theme was mentioned.

THEME	CONTEXT	COUNT
Against New Subdivision	Some comments reflected a disagreement with subdividing lots and instead suggested allowing secondary suites and dwellings on the properties.	8
Increased Density	These comments were in favour of increasing density with a focus on specific areas of high-density.	12
More Rental	Comments suggested more rental units with the overarching idea of affordable rentals and non-market housing.	4
Compact Housing Options	These comments spoke to reducing house size to allow for higher density within existing areas as well as an option to increase affordability.	6
Environmental Considerations	Lot size definition, subdivision, and affordable housing options spoke to environmental concerns being of importance when considering further housing options.	18

See below some direct quotes from the survey respondents:



Do not create new areas for housing, but densify where possible to decrease the human footprint."

"Neighbouring homeowners are not the only ones needing water. There needs to be adequate water for the non-human life on the islands. Leaving spaces undeveloped is important."

When asked whether the respondents support the continued inclusion of policies regarding affordable housing, 149 answered this question, and 25 skipped. An average of 76% of respondents were in support, 15% opposed, and 9% felt neutral about it.

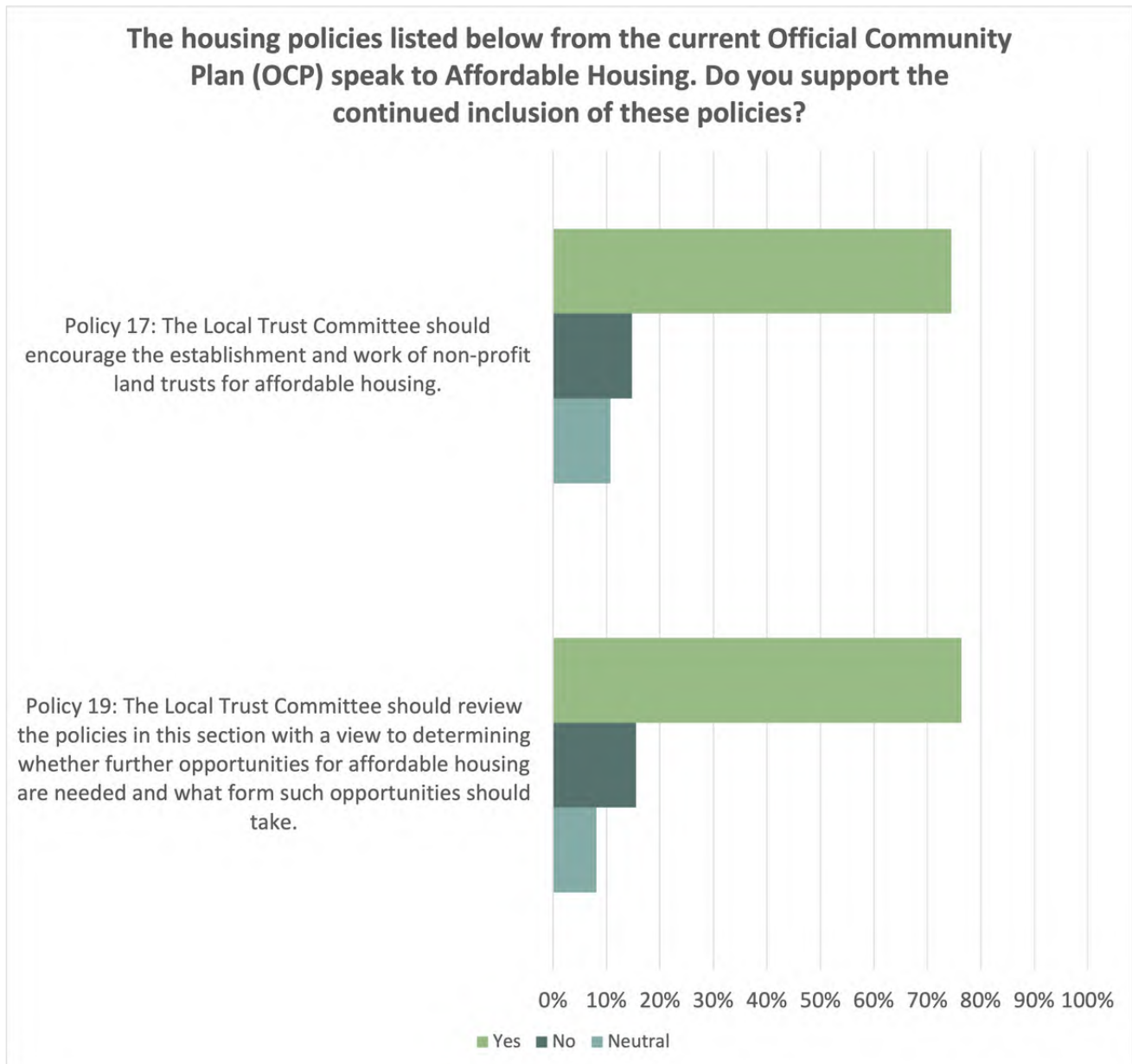


Figure 3

When asked if the respondents had any suggestions on policies mentioned in Figure 3 related to affordable and attainable housing options on Denman, 62 provided comments, and 112 skipped the question. The responses were grouped into appropriate themes. The table below mentions the themes, context and the count of the number of times each theme was mentioned.

THEME	CONTEXT	COUNT
Increase Affordable Housing	These comments specifically requested more affordable housing options.	22
Define Affordable Housing	These comments requested a better definition of what affordable housing means.	5
Focused Density	These comments were focused on specific neighbourhoods for affordable housing, and increased density.	4
Non-Market/Co-op Housing	Non-market, co-op housing and others were suggested as solutions. Affordable housing is a recurring theme that residents desire.	5
Secondary Dwelling/Suite Allowance	Secondary suites or dwellings were commented on as permanent solutions and as long-term rental solutions as well.	9

See below some direct quotes from the survey respondents:



The fragile environment and ecosystems on Denman should be the paramount consideration."

"I would like to see a proactive policy to identify land that may be acquired for non-market housing, perhaps through programs that are established by provincial or federal governments. Non-market housing should be emphasized over 'affordable' housing, as 'affordable' is a subjective concept. "

When asked whether the respondents support the continued inclusion of policies regarding zoning amendments, 143 answered this question, and 31 skipped. An average of 81% of respondents were in support, 12% opposed, and 7% felt neutral about it.

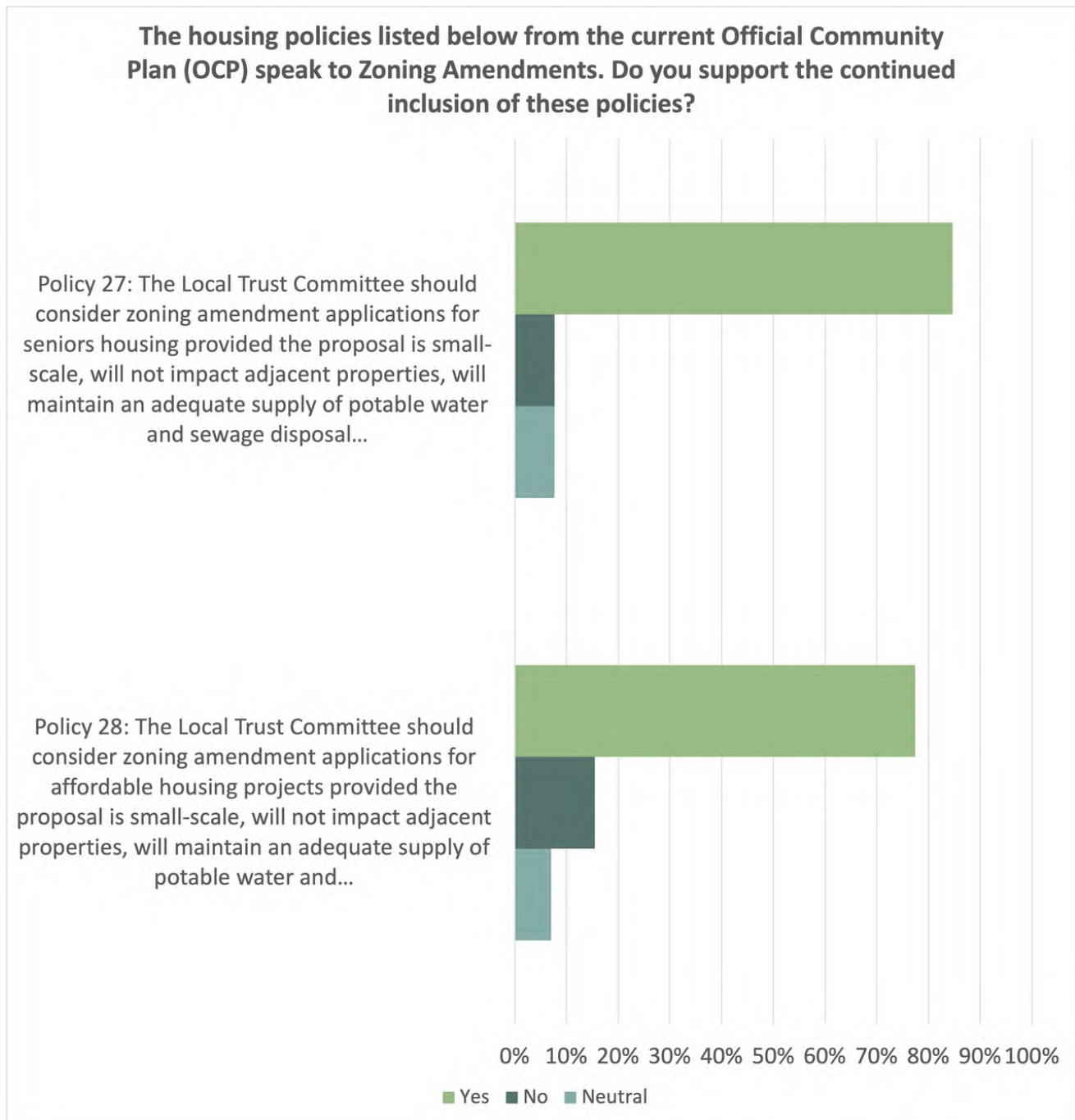


Figure 4

When asked if the respondents had any suggestions on policies mentioned in Figure 4 related to zoning amendments that can support affordable and attainable housing options on Denman, 56 provided comments, and 118 skipped the question. The responses were grouped into appropriate themes. The table below mentions the themes, context and the count of the number of times each theme was mentioned.

THEME	CONTEXT	COUNT
Servicing Considerations	Water and sewage services were continuously mentioned as having high importance to consider with developments.	11
Zoning	These comments mentioned zoning and specifically pre-zoning or having existing zones that allow for affordable options, rental options and focused areas potential for increased density. Some comments were opposed to zoning amendments.	8
Secondary Dwelling/Non-Market Housing	Secondary suites, or dwellings, were commented on as permanent solutions and as long-term rental solutions as well.	8
Environmental Considerations	Lot size definition, subdivision, and affordable housing options spoke to environmental concerns being of importance when considering further housing options.	5
Increase Affordable Housing	These comments specifically requested more affordable housing options.	22

See below some direct quotes from the survey respondents:

“Absentee landowners should be penalized for leaving perfectly good housing empty.”

“Clusters of housing might be better in terms of leaving the land undeveloped for fauna/flora.”

When asked whether the respondents felt the TUP was effective in addressing housing objectives in regard to secondary dwellings, 145 answered this question, and 29 skipped. 23% of respondents feel it is very effective (7%) and effective (16%), 27% feel neutral about it, and 50% of respondents feel it is ineffective (26%) and very ineffective (24%).

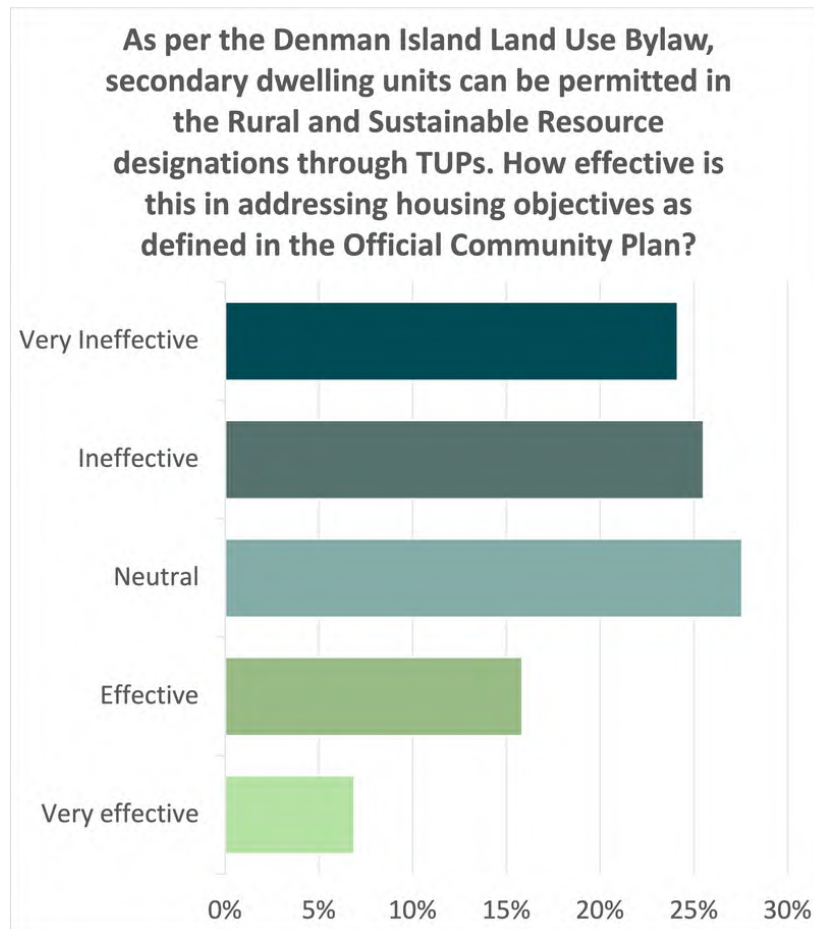


Figure 5

I think most people agree that the TUP is not an attractive option for people to create more housing. At 3 years, with only one renewal and some cost and bureaucracy not many will take it up. It may be more attractive if it was for the life of the ownership of the property but could not be transferred to subsequent owners. Also, with little or no enforcement of bylaws, why go the TUP route?

- Survey Respondent

When asked if the respondents had any suggestions if they chose ineffective or neutral on the previous questions relating to secondary dwellings and TUPs, 80 provided comments, and 94 skipped the question. The responses were grouped into appropriate themes. The table below mentions the themes, context and the count of the number of times each theme was mentioned.

THEME	CONTEXT	COUNT
Remove TUPs and Instate Better Ways to Regulate Growth	The general feeling around TUPs was that it is not the best way to create long-term sustainable housing options. The process to apply for a TUP is cumbersome and costly, and investment in housing cannot be justified for a three-year period, hence not preferred. The uncertainty for renters and owners discourages long-term investment. To address the affordable and attainable housing issues on Denman Island, longer-term housing solutions are needed. TUPs do not address Objective 2 of the Housing Objectives in the Denman Island OCP, as it does not preserve human diversity.	19
Cluster Housing	Would minimize environmental disturbance as buildings could be contained to a specific area. "CLUSTER HOUSING means a group or groups of dwelling units which may be in various forms, and so located on a lot that each dwelling unit may not have legal frontage on a public street or road and more than one dwelling unit may exist on one lot." (definition provided by Law Insider)	4
Preserve The Rural Nature	Further addressed in the concerns section, the rural nature could be at risk if densification is not conducted carefully.	6
Create Non-Market Housing	There are hopes for the development of a non-profit organization to create non-market housing options on Denman Island.	3
Vacant Homes	Many houses on Denman Island are either vacant or used for short-term rentals.	4

See below some direct quotes from the survey respondents:

“Affordable and attainable housing on Denman is not possible without damaging the ecosystems, increasing traffic on roads, increasing water and infrastructure demand and ending up drawing more people here in search of cheap housing. Look at Surrey, Vancouver Island etc - they were rural and beautiful once.”

“To have a vibrant community, we want to support full-time residents, not absentee owners and recreational properties.”

When asked whether the respondents agreed with the statements listed in Figure 6 regarding secondary dwellings or suites in R1 and R2 zones, 144 answered this question, and 30 skipped. Please refer to Figure 6 to see the Likert scale response.

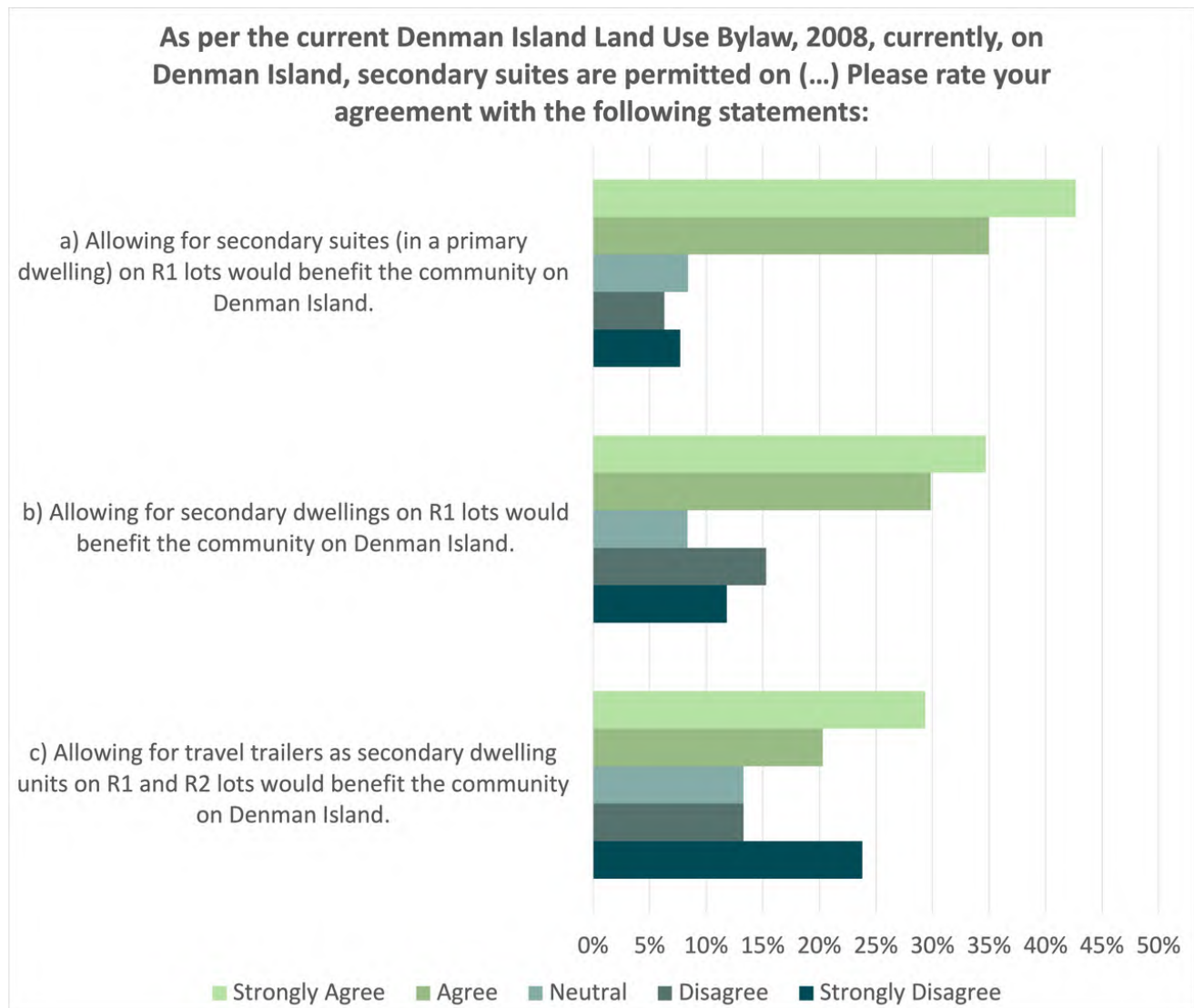


Figure 6

When asked whether the respondents supported the statements listed in Figure 7, 143 answered this question, and 31 skipped. Please refer to Figure 7 to see the Likert scale response.

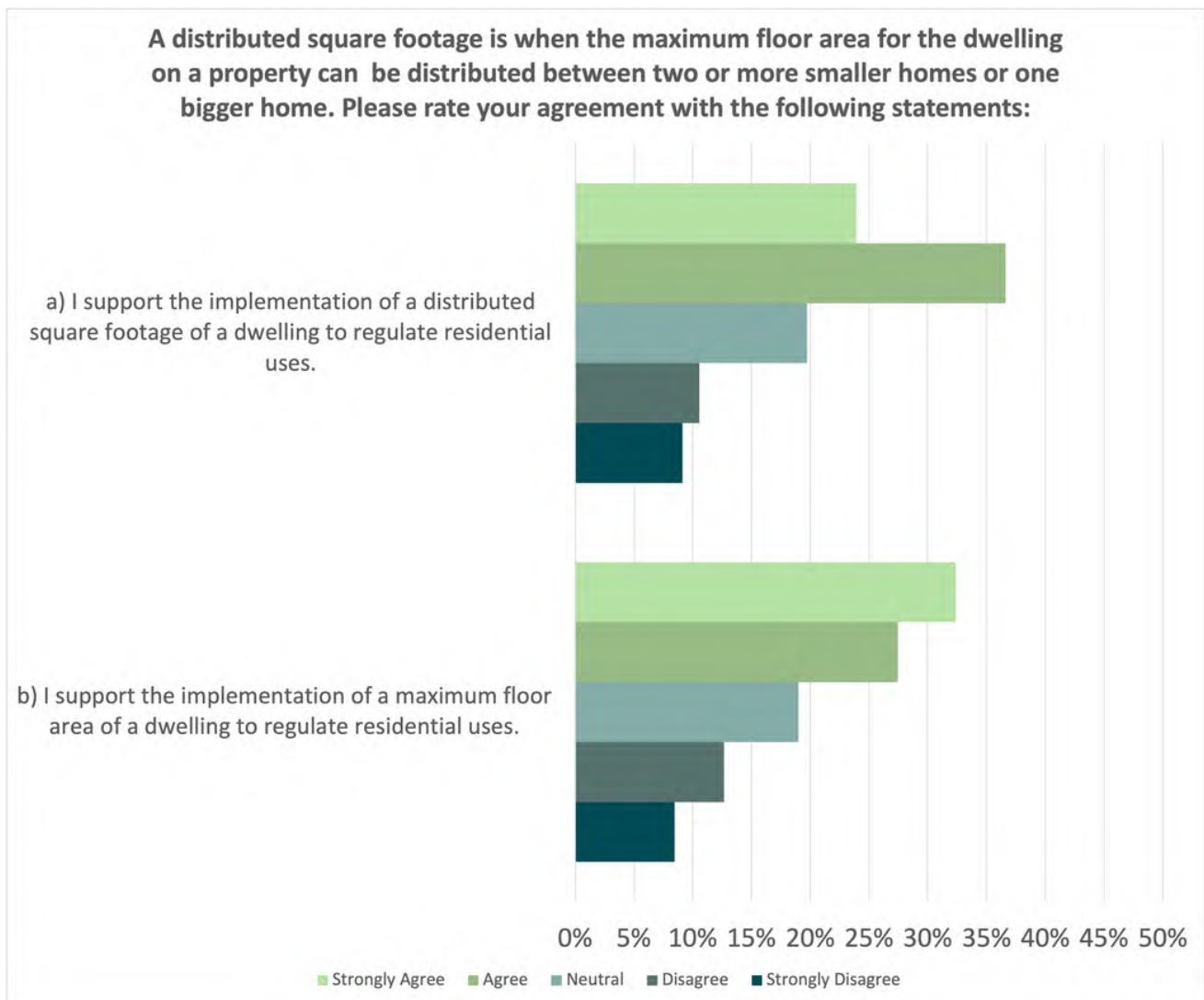


Figure 7

When asked whether the respondents support the recommendations from the 2018 Islands Trust Northern Housing Needs Assessment Report, 142 answered this question, and 32 skipped. An average of 62% of respondents were in support, 16% opposed, and 22% felt neutral about it.

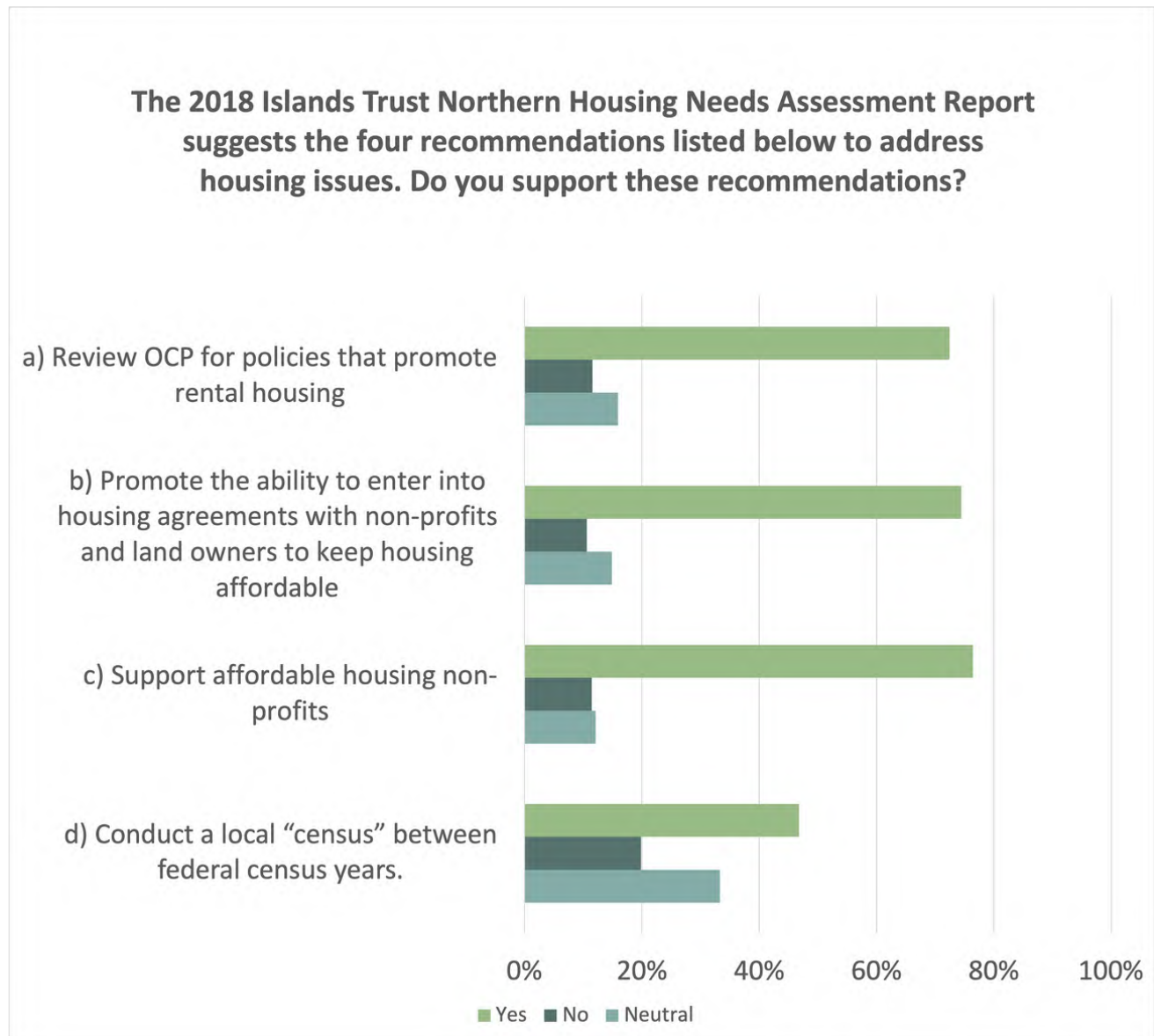


Figure 8

When asked if the respondents had any other comments on the recommendations from the 2018 Islands Trust Northern Housing Needs Assessment Report mentioned in Figure 8, 46 provided comments, and 128 skipped the question. The responses were grouped into appropriate themes. The table below mentions the themes, context and the count of the number of times each theme was mentioned.

THEME	CONTEXT	COUNT
Environmental Considerations	Development should be focused on sustainable options and staying within the capacity of the island	6
Affordability	Affordability is of high importance, and these comments wished for more affordable options	13
Rental Housing	More rental options and affordable options. The long-term rental was of the highest importance	9
Population Rise	Concern that the island could not support the increasing population due to finite resources	4
Census Fatigue	Frustration that surveys were too numerous and hard to follow and wished for progress	14

See below some direct quotes from the survey respondents:



Increasing the housing supply rarely solves the affordability issue. In a capitalist system where real estate is an investment opportunity, affordable places are those places no one wants to be. Changing zoning to allow for more dwellings will open up a few more affordable spots but many will be for family members or end up short-term rentals even if Airbnb is banned. And the big question is, should we add population to a place we are supposed to preserve; protect for environmental reasons? At some point, you can't have both. What is the maximum population, and will bylaws be put in place to keep it there."

"Islands are not the place for young families. With the exception of working for the ferries and a couple of stores, there is no employment. Years ago, we could not afford to live on the island, it was too far to go to school, and we could not participate in extra activities after school. I do not agree with promoting low-income housing."



When asked whether the respondents supported changes to existing OCP policies to allow for more secondary suites, secondary dwellings and the use of travel trailers to increase housing options on Denman, 138 answered this question, and 36 skipped. An average of 68% of respondents agreed with the statements, 22% opposed, and 10% felt neutral about it.

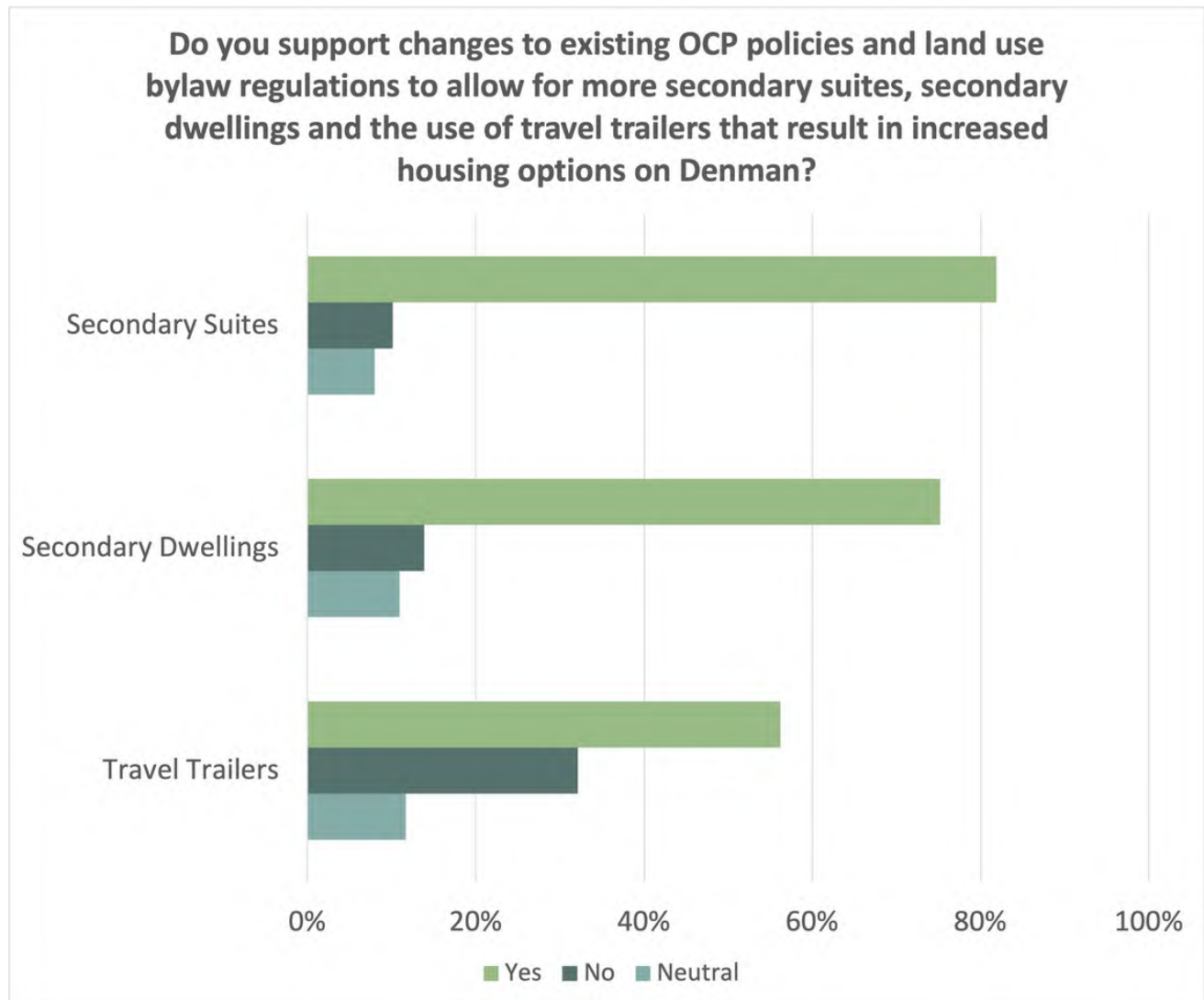


Figure 9

When asked if the respondents had any suggestions regarding regulations around secondary suites, secondary dwellings and travel trailers to promote increased affordable and attainable housing options on Denman Island, 56 provided comments, and 118 skipped the question. The responses were grouped into appropriate themes. The table below mentions the themes, context and the count of the number of times each theme was mentioned.

THEME	CONTEXT	COUNT
Allow Secondary Dwellings with Restrictions	Secondary units must be allowed with permanent restrictions on the titles regarding permitted uses (such as affordable rental, family members, staff housing, and senior and special needs housing), resale price, and financial status of the owner.	15
Travel Trailers	Travel trailers are not permanent housing solutions, their use as such pose a risk to the environmental well-being of the island.	3

See below some direct quotes from the survey respondents:



Policies to limit fire, safety, environmental, and disturbance issues that may arise as a result of allowing more secondary housing options."

"Secondary dwellings should be allowed in residential areas - without a TUP if they do not move and have required water and sanitation. Travel trailers and moveable housing units should have TUPs and prove to have suitable sanitation. Incentives should be provided to encourage landowners to provide outhouses, for example, for people in moveable dwellings.



When asked what aspects of the natural environment, social fabric, and rural character most need to be protected as we consider regulatory changes to increase affordable and attainable housing options, 80 provided comments, and 94 skipped the question. The responses were grouped into appropriate themes. The table below mentions the themes, context and the count of the number of times each theme was mentioned.

THEME	CONTEXT	COUNT
Street Appeal	Maintaining the yards and buildings, especially in residential areas. Also, revitalizing/reclaiming the downtown core.	2
Zoning	Keep commercial zoning downtown only. Avoid more subdivisions.	4
Protect Rural Character	Limited resources should be protected. Densification should be controlled and kept within certain zones, not everywhere. Avoid new subdivisions with small lots. Difficult to densify while protecting this as they oppose one another.	14
Protect Trees on New and Existing Lots	Residents do not want to see established trees being cut down, which has happened historically.	4
Protect Water Resources	Watersheds, water table, run-off, etc.	8
Accessibility	Beach access, trails (for both biking and walking, access to green space for community members.	4
Carrying Capacity	Limited water and sewage resources on the island.	5
Airbnbs and Short-Term Rentals	Negatively impact the island's rural character take up valuable housing opportunities. Year-round rentals are needed desperately on the island.	4
Rv's as Permanent Housing	How is waste being managed, and who is ensuring this? What impacts does this have on the environment?	2
Wildlife Habitat	Protect habitat, including water bodies.	4
The Survey Itself and Islands Trust	As non-residents, the data collected may not be used appropriately. Bureaucracy presents too many obstacles to actually make a difference.	2
Too Many Regulations	Island trust is too involved. If affordable housing options are what is needed, then regulations must be relaxed/reduced.	3

See below some direct quotes from the survey respondents:



Make sure that the lots aren't subdivided to the extent that we have a patchwork of degraded lands that don't support species."

"Rural character is not compatible with increasing densification. There is a limit to how much can be added to a finite land base, and there are limits on resources such as water and waste management. Safe, affordable housing is the goal for everyone, but not at the cost of poor living spaces that impact health or the destruction of the local environment."

"Put some basic controls in place so new owners don't clear-cut mature trees on their property. There have been some really sad examples of this where every single tree is lost."

"Keep rural looking rural. The detrimental effects of increased housing cause negative effects on trees, indigenous plants, meadows and marshes. Increase density on rural lands can increase demands on water aquifers, sewage dispersal and roads. "

When asked how many months per year respondents lived on Denman Island, 136 answered this question, and 38 skipped. 68% of respondents that answered the question live on Denman Island year-round.

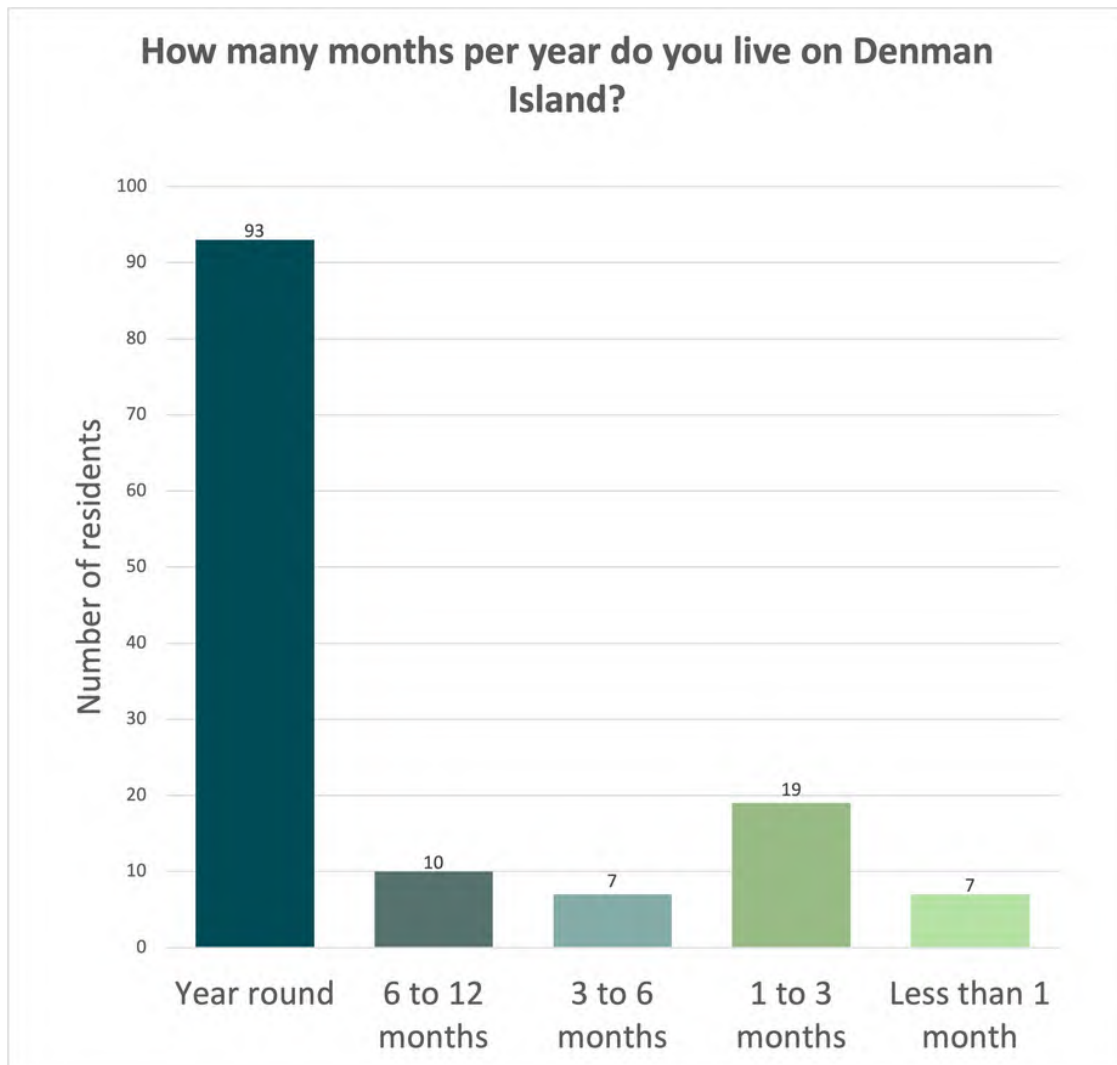


Figure 10

Appendix B

Stakeholder Focus Group Summary

The Stakeholder Focus Group was hosted and facilitated online via Zoom by Vancouver Island University's Mount Arrowsmith Biosphere Region Research Institute (MABRRI) on November 10, 2022, from 6:30 pm to 8:00 pm. Nine stakeholders/representatives from local organizations and interest groups, including Denman Housing Association, Denman Island Climate Action Network, Denman Works, Lands Trust, Denman Pre-school Society, and community members with lived experiences, were in attendance, representing a diverse interest group.

The discussion questions were centered around the existing policies and current zoning in the Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB) regarding secondary suites, secondary dwellings, travel trailer regulations, distributed square footage and similar approaches. Participants shared their views and provided feedback. The discussion themes included 1) the natural environment, 2) density, 3) siting and typology, 4) financial issues and solutions, and 5) laws, policies and other legal issues. The discussion themes are explained in more depth below:

1. Natural Environment

With the increase in affordable and attainable housing, there were concerns regarding water usage and availability. To address this concern, best practices for water conservation and environmentally conscious building practices were suggested as methods to mitigate the issues. Comments are further categorized into the following sub-themes.

- a) Water Management comments (13) included eco-conscious methods such as water recycling, gray water usage, rainwater collection and general education. Concerns were raised regarding water storage and collection, as well as over water usage.

- b) Composting Technique comments (4) were dominantly focused on the inclusion of composting toilets.
- c) Eco-Friendly Building Solution comments (3) discussed passive house-building techniques for new developments with the inclusion of eco-friendly appliances.
- d) Island Carrying Capacity comments (2) discussed the concerns regarding overuse and finding creative solutions to ensure resources are used that meet the capacity of the island.

2. Density

Most people were opposed to adding new density in undeveloped areas on Denman Island and suggested finding better ways to create more rental housing options within the existing housing stock to keep the rural nature of the community undisturbed. With the increase in housing, concerns related to groundwater availability and environmental impacts arose. Comments are further categorized into the following sub-themes.

- a) Secondary Unit comments (6) emphasized that landowners should be allowed secondary units as a means to increase density.
- b) Localized Densification comments (4) favoured densification but preferred specific areas of high density versus overall density increases.
- c) Existing Stock comments (3) discussed utilizing existing stock to increase density and legalizing housing that is currently being used illegally.
- d) Incentive comments (3) provided the solution of incentives to encourage those with empty homes or developers to increase density and affordability.

3. Siting and Typology

Most people were not concerned with the typology and siting of the existing housing stock and believed that the lot sizes are quite appropriately sized and that there should be better ways to evaluate which lots should be allowed to have secondary units. Comments are further categorized into the following sub-themes.

- a) Legal Concern comments (5) expressed concerns for illegal housing and that the solutions for housing exist on Denman Island, but they are currently illegal, such as tiny homes or existing secondary suites on properties that are currently considered illegal.
- b) Empty House comments (4) emphasized utilizing existing stock to solve the lack of housing issues.

- c) Appropriate Use/Policy comments (4) discussed siting and typology suitable for secondary dwellings.
 - d) Diversity of Housing comments (2) proposed typologies of diverse housing sizes and types to meet the needs of Denman Island.
4. Financial Issues and Solutions
- Most participants represented services that support folks with lived experiences of housing instability or individuals along with their own lived experiences. Comments focused on housing affordability and accessibility by allowing and incentivizing more rental options for utilizing existing housing stock legally. Comments are further categorized into the following sub-themes.
- a) Too Expensive comments (4) expressed concerns that housing and development were too expensive on Denman Island.
 - b) Incentive comments (4) discussed grants, subsidies, tax breaks, and general incentives to support housing initiatives.
 - c) Rental comments (3) mainly focused on rental affordability and increasing the rental stock.
 - d) Affordability comments (3) generally considered rental affordability but also discussed general house affordability.
 - e) Empty Home Fine comments (2) wished for fines on houses that are vacant for most of the year or increased taxes to incentivize people to utilize this housing for rental purposes.
5. Laws, Policies and other Legal Issues
- Most comments focused on bylaws and zoning amendments to allow for legal housing alternatives such as secondary units and a variety of housing typologies, including tiny homes, mobile homes, and RVs. The unanimous message was that Denman Island needs policies that represent the unique housing challenges of Denman residents. Comments are further categorized into the following sub-themes.
- a) Removing Roadblocks comments (6) mainly focused on changing policies to encourage different forms of housing, such as secondary suites or dwellings.
 - b) Legalize Housing comments (3) were from the same theme but specifically mentioned legalizing existing housing to increase housing stock.
 - c) OCP/Zoning Bylaw Amendments comments (2) emphasized regulatory changes to the OCP and Zoning Bylaw to increase affordable housing stock on Denman Island.

From: Jenny [REDACTED]
Sent: Thursday, February 16, 2023 5:04 PM
To: Tamara.Olson@bcferries.com
Cc: northinfo <northinfo@islandstrust.bc.ca>; Sam Borthwick <sborthwick@islandstrust.bc.ca>; David Graham <dagraham@islandstrust.bc.ca>; David.LeRue@gov.bc.ca
Subject: Ferry terminal Denman

Greetings Ms Olson,

Thank you for your decision not to proceed with the current plan for the Denman East / Gravelly Bay ferry terminal changes.

I hope that a new process for seeking solutions to the traffic congestion problem will be conducted by a neutral facilitator and will involve the whole community. Islanders thoroughly appreciate the essential service provided by ferries. Unfortunately the trust between the community and BC Ferry Corporation, which is necessary for successful community engagement, has been eroded over the past few years. I'm sure that many of us are very aware that the traffic congestion caused by bringing more Hornby-bound vehicles to Denman than can be immediately moved on to Hornby is both an inconvenience and a safety hazard for adjacent neighbours and all road users.

Also, as the proposed terminal expansion is a major land-use alteration to the island, meaningful consultation would be enhanced if the process involved all the agencies concerned, including the Islands Trustees (land-use management) and representatives from the Ministry of Transportation and Infrastructure. A variety of impacts require consideration in order to find reasonable solutions to the problem. As an example, below is a summary of the impact to valuable and much loved old trees, which were blazed and marked as expendable for calming ferry traffic congestion.

Achieving successful community 'information and engagement' will take a lot of work. Building trust through a history of both reasonable compromises and successful workable solutions is key to a creating an atmosphere for positive dialogue. At this stage the process will be even more challenging and require more effort than the normal task of 'informing and engaging'. Commercial product sellers are much better than most agencies at informing and engaging, due to their energetic level of commitment to the process. Normally with 'engagement', a lack of response indicates a failure on the part of those seeking to engage, and new methods or additional effort is needed. Hopefully a sincere effort on behalf of BC Ferries to seek a defensible solution to the traffic congestion problem will be undertaken. If the Ferry Advisor Committee is being relied on to conduct this step, then they will require considerable support from BC Ferries for a comprehensive community process.

Thank you for your consideration of these comments.

Sincerely J. Balke

Dr. J. Balke R.P. Bio

Tree Survey:

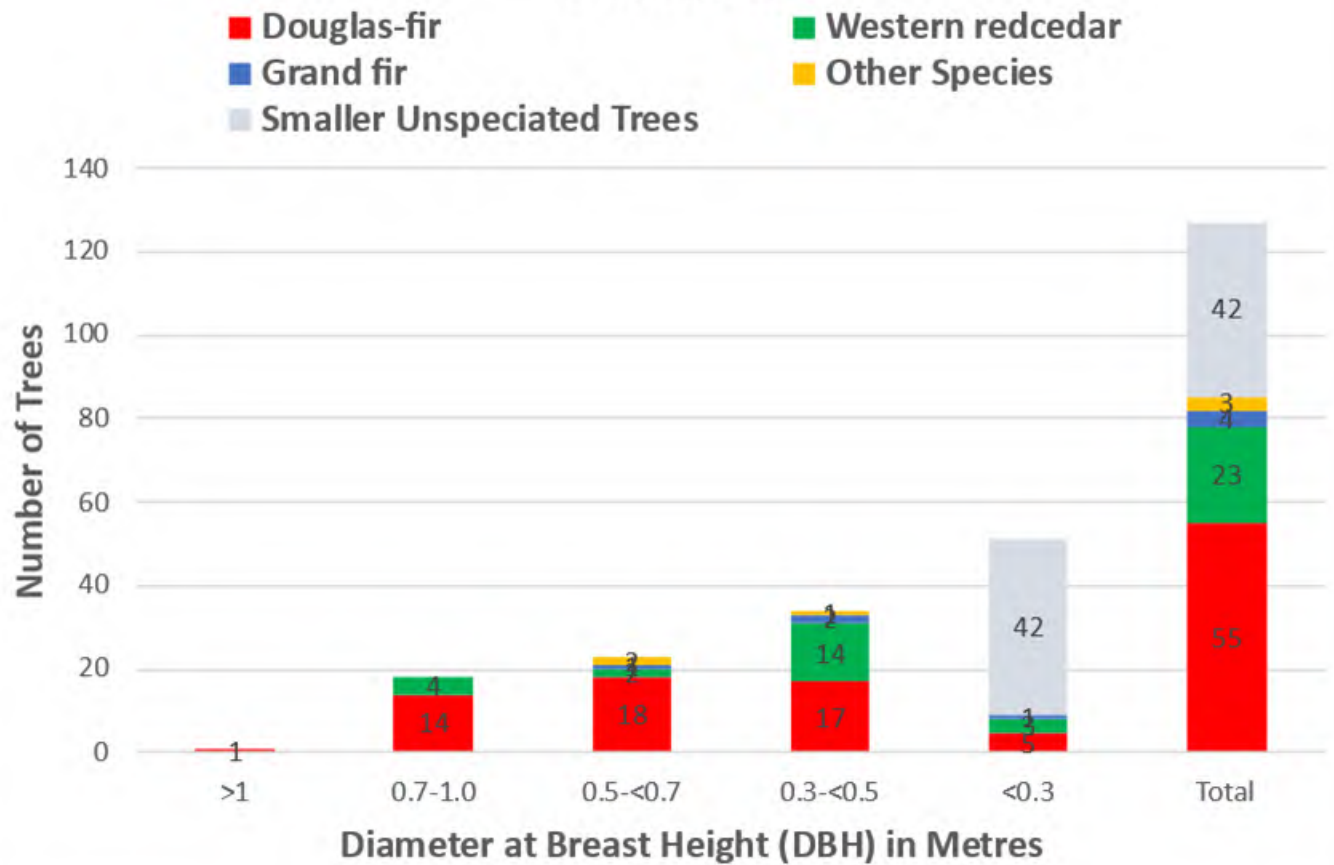
Below is a chart showing, by species and size, the trees, which have been blazed and orange-marked for removal to make way for the Denman East BC Ferry Parking Lot.

A total of 127 trees of six species were counted. There are also a number of standing snags (dead trees) that were not included in this survey.

Of significance, there are fifty large Douglas-fir trees (1 > 1m, 32 > 0.5m and 17 > 0.3m across) intended for removal. All of these large Douglas-fir trees are located immediately adjacent to the coastal shoreline. As such they represent significant wildlife habitat that is not only increasingly limited, but is also irreplaceable for at least 100 years, should seedlings be re-planted. This is an example of the legacy of coastal Douglas-fir habitat that is vanishing in British Columbia on our watch. In fact, these mature trees are part of both the environmental and aesthetic character of the Gulf Islands and why people come to the islands. Thus, retention of these large trees is of importance to those concerned about ever increasing human impacts, especially as climatic conditions change.



Trees To Be Removed For Ferry Parking Lot Denman East



From: Edina Johnston [REDACTED]
Date: March 3, 2023 at 12:14:23 PM PST
To: David Maude <dmaude@islandstrust.bc.ca>, David Graham
<dagraham@islandstrust.bc.ca>, Sam Borthwick <sborthwick@islandstrust.bc.ca>
Subject: growing concern over LTC focus

Dear Denman Island LTC, as a long time Denman Island resident and supporter of Island Trust, I have a growing concern that the original Trust mandate will soon be forgotten.

Taking its place appears to be an ever increasing focus on providing more housing for more people, but at what cost? The obvious answer is- **the environment!**

I totally agree that there is a housing crisis that all levels of government feel a need to respond to. What I am hearing less often because of it, is what drastic steps are being taken to combat the climate crisis that we humans are responsible for.

What happened to individuals being responsible for their own housing? If you can't afford to live in the area of your choosing - move somewhere you can afford. We managed to scrape together the \$3,500 for the acre lot we lived on in a tent and then in a 8'X12' shack while self building our own home.

Gulf Islands are fragile and creating more housing creates more people who put a strain on resources like water, air quality and green spaces. We all have a carbon footprint and our island's will increase exponentially with more housing. What happened to the ideal 10 acre minimum per household? The Ferry system is a perfect example of where we're headed- more people, longer waits, more sailings, larger ferries and terminals, not to mention the strain on our emergency services.

So I ask our local "preserve and protect" government- How many people can our small island support without further compromising our fragile environment? If we don't know what Denman's Carrying Capacity is, we need to stop and ***"find out before we don't know what we've got 'til it's gone"*** and end up ***"paving paradise"***.

"The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia."

Thank you for your time and consideration,
Edi Johnston

[REDACTED]
Denman Island, BC

From: HHolm [REDACTED]
Sent: Wednesday, March 8, 2023 11:47 AM
To: Denman Island Local Trust Committee <DenmanIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Mar. 8-23 NASA image argues for reducing light pollution

Hello Local Trust Committee,

Please consider a change to the Land Use Bylaw to align the LUB with aspirations outlined in the Official Community Plan:

Guiding Principle 8: To retain the privacy, peace and quiet beauty that island living permits; and to discourage air, noise and light pollution.

Today's NASA photo can be accessed via <https://apod.nasa.gov/apod/astropix.html> As stated in the posting, the [International Dark Sky Association](#) has suggestions as simple as choosing outdoor lighting.

Thanks for following up on this issue.

Harlene

From: Riane daSilva [REDACTED]
Sent: Friday, February 10, 2023 1:23 PM
To: David Maude; David Graham; Sam Borthwick
Cc: [REDACTED] northinfo
Subject: Recording of Tuesday's meeting

Grateful greetings Denman Trustees

Thank you all for your support of the fundamental human right to adequate housing!

The many steps forward on Tuesday were so welcome, necessary and such great movement in turning our community support of housing into actualizing homes for the people. That is when these changes will truly be felt by the at-risk marginally-housed residents of Denman (of all ages).

There remain so many more steps to go. But what a wonderful moment to stop and catch our collective breaths. ♥

You have set a compass point -> Human Right to Housing -> affirmed through housing that meets the IT mandate to preserve and protect as much as we can.

It is good to celebrate, before we take the next push uphill to safer community, which includes living with/in our bioregion with our non-human neighbours.

Please, could/would one of you direct me to who can help me find digital recordings of previous Local Trust Committee meetings, including the recent meeting of February 7, 2023.

Thank you for your assistance and for your human(e) approaches to these fundamental discussions.

Very hopefully,

Riane da Silva



The land I occupy has never been ceded by the K'omox Nation.

I gratefully acknowledge their generous spirits and peaceful ways.

May all relations be honestly reconciled. May all Canadians fulfill our obligations to be good treaty partners.



Forget your perfect offering, there is a crack in everything, that's how the light gets in

REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** Various
From: David Marlor, Director, Legislative Services **Date Prepared:** March 6, 2023
SUBJECT: Freedom of Information and Protection of Privacy Bylaw

RECOMMENDATION:

1. That Denman Island Local Trust Committee Bylaw No. 246, cited as “Denman Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 246, 2023” be given first, second and third reading.
2. That Denman Island Local Trust Committee Bylaw No. 246, cited as “Denman Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 246, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

DIRECTOR OF PLANNING SERVICES COMMENTS: The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Minimal staff time to update material on the website.

FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS:

Staff would update the Islands Trust website with the new bylaws.

FIRST NATIONS:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

OTHER:

There are no other implications of the recommendation.

4 RELEVANT POLICY(S): N/A

5 ATTACHMENT(S):

1. Denman Island Local Trust Committee – Freedom of Information and Protection of Privacy Bylaw No. 246

Alternative:

1. That draft Bylaw No. 246 be amended, and be read a first, second and third time. In this case, any amendments not consistent with the model would be reviewed by the Executive Committee to ensure they do not cause a financial burden to the organization.
2. That this report be referred back to staff for additional information.

Submitted By:	David Marlor, Director, Legislative Services	March 6, 2023
Concurrence:	Renée Jamurat, Regional Planning Manager	March 7, 2023

**DENMAN ISLAND LOCAL TRUST COMMITTEE
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
BYLAW NO. 246**

A Bylaw to designate the head of the Denman Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Denman Island Local Trust Committee the authority to designate a person as the head of the Denman Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the Denman Island Local Trust Committee the authority to set any fees the Denman Island Local Trust Committee requires to be paid under section 75 of the Act,

THE DENMAN ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

Citation

- 1. This bylaw may be cited as "Denman Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 246, 2023".

Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the Denman Island Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Denman Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "Denman Island Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 89, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME this _____ DAY OF _____ ,20__

READ A SECOND TIME this _____ DAY OF _____ ,20__

READ A THIRD TIME this _____ DAY OF _____ ,20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ ,20__

RECONSIDERED AND FINALLY ADOPTED THIS _____ DAY OF _____ ,20__

Chairperson

Secretary

Denman Island Local Trust Committee
Freedom of Information and Protection of Privacy
Bylaw No. 246 - Schedule 'A'

Schedule of Maximum Fees

Item	Description of Services		Fees
1	(a)	Application Fee	\$10.00 (non-refundable)
	(b)	An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:		
	(a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b)	for producing a record manually	\$7.50 per ¼ hour
	(c)	for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d)	for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e)	for shipping copies	actual costs of shipping method chosen by applicant
	(f)	for copying records	
	(i)	floppy disks	\$2 per disk
	(ii)	CDs and DVDs, recordable or rewritable	\$4 per disk
	(iii)	computer tapes	\$40 per tape, up to 2 400 feet
	(iv)	microfiche	\$3 per fiche
	(v)	microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
	(vi)	microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
	(vii)	photographs, colour or black and white	\$5 to produce a negative \$12 each for 16" x 20" photograph \$9 each for 11" x 14" photograph \$4 each for 8" x 10" photograph \$3 each for 5" x 7" photograph
	(viii)	photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
	(ix)	dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(x)	dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(xi)	scanned electronic copy of a paper record	\$0.10 per page
	(xii)	photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
	(xiii)	slide duplication	\$0.95 each
	(xiv)	audio cassette tape (90 minutes or fewer)	\$5 per cassette plus \$7 per ¼ hour of

			duplication	recording
		(xv)	video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2			the actual cost to the public body of providing that service

DATE OF MEETING: April 4, 2023
TO: Denman Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance and Enforcement Manager
Local Planning Services
SUBJECT: Bylaw Enforcement Notice Bylaw Amendments

RECOMMENDATIONS

1. That Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”, be read a first time.
2. That Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”, be read a second time.
3. That Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”, be read a third time.
4. That the Denman Island local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The report provides proposed amendments to the contravention Schedules for the Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019.

BACKGROUND

The Denman Island Local Trust Committee rescinded Siting and Use Bylaw No. 52 in May 2022, and there is currently no means to enforce Siting and Use Bylaw No. 240, other than court action, and therefore a new Schedule B is required if the Bylaw Enforcement Notice system is going to be used to obtain compliance.

The original Bylaw No. 232 Schedule A contained errors in the penalty amounts and the proposed amendment Schedule would correct those errors and omissions in the contravention schedules. The amended Schedule A contains standardized penalty amounts for each contravention and there is also an added contravention for failure to permit an inspection under section 1.3.7 of the Land Use Bylaw.

RATIONALE FOR RECOMMENDATIONS & OPTIONS

The current Bylaw Enforcement Notification Bylaw was adopted in 2019 and there have been a total of nine violation notices issued, primarily for siting contraventions and the failure to obtain a siting and use permit.

There were concerns at the time of adoption that enforcement would proceed against unlawful dwellings but at the same time, the Local Trust Committee adopted a standing resolution requesting enforcement against unlawful dwellings in only a strict set of circumstances. The standing resolution was amended in 2021 & 2022 to address additional concerns regarding enforcement against non-permitted dwellings, and here have been no violation notices issued for non-permitted dwellings.

It should be noted that there is no contravention in the BEN bylaw schedule that specifically cites non-permitted dwellings. However, there is a contravention for the use of a travel trailer or bus as a dwelling, and there are contraventions for non-permitted density in residential zones. The Local Trust Committee could direct staff to remove those contraventions from Schedule A and then reconsider the adoption of the amendment bylaw.

If the Local Trust Committee adopts a Schedule A with no contraventions for non-permitted uses for dwellings, or too many dwellings on a lot, it would need to be approved directly by the Local Trust Committee, and that action would be restricted to court action.

Alternatives

- 1. The Denman Island Local Trust Committee may request amendments to the BEN bylaw Schedules and set new penalty amounts or reduce the total number of contraventions that may receive a penalty.**

Submitted By:	Warren Dingman Bylaw Compliance & Enforcement Manager	March 23, 2023
Concurrence:	Sonja Zupanec, RPP, MCIP, Acting Regional Planning Manager	March 23, 2023

Attachment

1. Draft Bylaw No. 247

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 247

A BYLAW TO AMEND THE DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW ENFORCEMENT NOTIFICATION BYLAW NO. 232, 2019

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

1. Denman Island Local Trust Committee Bylaw No. 232 cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019” is hereby amended as follows:
 - a. By deleting section 10 (b) and replacing it with:

(b) Schedule B – Denman Island Local Trust Committee Siting and Use Bylaw No. 240, 2021.
 - b. By deleting Schedule A in its entirety and replacing it with a new Schedule A, as shown in Plan 1 attached to and forming part of this bylaw.
 - c. By deleting Schedule B in its entirety and replacing it with a new Schedule B, as shown in Plan 2 attached to and forming part of this bylaw.
2. This Bylaw may be cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023.

READ A FIRST TIME THIS ^{xx} DAY OF MONTH , 2023

READ A SECOND TIME THIS ^{xx} DAY OF MONTH , 2023

READ A THIRD TIME THIS ^{xx} DAY OF MONTH , 2023

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

 ^{xx} DAY OF MONTH , 2023

ADOPTED THIS ^{xx} DAY OF MONTH , 2023

CHAIRPERSON

SECRETARY

DRAFT

Plan 1

Schedule A DENMAN ISLAND LAND USE BYLAW NO. 186 CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
1.3.7	Fail to Permit Inspection	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.2	Non Permitted Use Of Dwelling For Vacation	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.5.a	Secondary Suite No Resident Owner or	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.5.b	More Than One Secondary Suite On A Lot	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.5.c	Suite Not Within Walls of Dwelling Unit	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.5.d	Suite Without Separate Entrance	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.5.e	Oversized Suite	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.5.f	Suite Without Off-street Parking	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.10	Non Permitted Use Of Structure For Overnight	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.12	Non Permitted Use of Travel Trailer/Bus as a	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.13	Non Permitted Use Of Building/Structure For Overnight	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.14	Use Of Vessel As Permanent	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.1	Building Within Setback Of	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.2	Encroachment Into Setback From Natural Boundary Of	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.3	Encroachment Into Setback From Natural	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.4	Exceed Minimum Difference In Elevation Of Building/Structure And	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.2	Non Permitted Home	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.3	Home Occupation Not Accessory To Active	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.4	Fail To Retain Residential Appearance On Home	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.5	Home Occupation Exceeds Maximum Combined Floor	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.6	Daycare With More Than Seven Children At A Time	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.7	Home Occupation, With Non Permitted	\$500.00	\$350.00	\$750.00	Yes	100%

DRAFT

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.4.8	Non Permitted Goods, Sold From Home	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.9	Use Of Sawmill As Part Of Home	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.10	Home Occupation Not Entirely	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.11	Home Occupation Not in a Building	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.14	Home Occupation Exceeds Non-	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.15	Home-Based Guest Accommodation Outside	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.16	Home-Based Guest Accommodation Exceeds Three Bedrooms/Two	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.5	Fail To Provide Off-road Parking On Lot	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.7	Parking Areas In Front Yard Exceed Maximum	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.8	No/Improper Disabled Persons	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.9	Improper Parking Provided	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.10	Parking Space Does Not Meet Size Requirements	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.11	Parking Spaces For Disabled Persons Too	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.12	Parking Areas Improperly Surfaced/	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.13	Exceed Maximum Slope of Parking Space	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.14	Parking Area Lighting Fixtures Too Low/Too Dim/Not Directed	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.16	Fail To Provide Minimum Parking	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.17	Fail To Provide Minimum Bicycle	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.18	Fail To Provide Minimum Parking	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.1	Exceed Maximum Number/Area Of Signs In Residential, Rural	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.2	Exceed Maximum Number/Area Of Signs In Agriculture, Forestry	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.3	Exceed Maximum Number/Area Of Signs In Commercial/Light	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.4	Exceed Maximum Number/Area Of Signs	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.5	Exceed Maximum Number/Area Of Signs In	\$350.00	\$262.50	\$525.00	Yes	100%

DRAFT

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.6.6	Exceed Maximum Number/Area Of Signs	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.7	Real Estate Signs Exceed Maximum Number/Area/Permitted	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.8	Non Permitted Additional Open Sign In	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.11	Exceed Maximum Height Of Free Standing Signs	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.12	Exceed Maximum Height Of Sign	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.14	Non Permitted Sign	\$350.00	\$262.50	\$525.00	Yes	100%
2.7.2	Landscape Screen Too Low	\$350.00	\$262.50	\$525.00	Yes	100%
2.7.3	Landscape Screen Too	\$350.00	\$262.50	\$525.00	Yes	100%
2.7.4	Incomplete Landscape	\$350.00	\$262.50	\$525.00	Yes	100%
2.7.5	Inadequate Landscape Screen For Commercial/Industrial/In	\$350.00	\$262.50	\$525.00	Yes	100%
2.7.6	Inadequate Landscape Screen For Outdoor Storage For Home	\$350.00	\$262.50	\$525.00	Yes	100%
2.7.7	Inadequate Landscape Screen for Work Yards/Commercial Or	\$350.00	\$262.50	\$525.00	Yes	100%
2.7.8	Inadequate Landscape Screen In Setback Area	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 1	Non Permitted Use In A Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.3 Table 2	Non Permitted Building/Structure In	\$500.00	\$375.00	\$750.00	Yes	100%
3.3 Table 3	Non Permitted Density In Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.3 Table 4	Exceed Maximum Height Restrictions In Residential	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 5	Encroachment Into Setbacks In	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 6	Exceed Maximum Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 8	Fail To Meet Site Specific Regulations In Residential	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 1	Non Permitted Use In	\$500.00	\$375.00	\$750.00	Yes	100%
3.4 Table 2	Non Permitted Building/Structure In	\$500.00	\$375.00	\$750.00	Yes	100%
3.4 Table 3	Non Permitted Density In Resource Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.4 Table 4	Exceed Maximum Height Restrictions In Resource	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 5	Encroachment Into Setbacks In	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 6	Exceed Maximum Gross Floor Area In Resource	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 8	Fail To Meet Site Specific Regulations In Resource	\$350.00	\$262.50	\$525.00	Yes	100%

DRAFT

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.5 Table 1	Non Permitted Use In Commercial/Light	\$500.00	\$375.00	\$750.00	Yes	100%
3.5 Table 2	Non Permitted Building/Structure In	\$500.00	\$375.00	\$750.00	Yes	100%
3.5 Table 3	Non Permitted Density In Commercial/Light	\$500.00	\$375.00	\$750.00	Yes	100%
3.5 Table 4	Exceed Maximum Height Restrictions In	\$350.00	\$262.50	\$525.00	Yes	100%
3.5 Table 5	Encroachment Into Setbacks In	\$350.00	\$262.50	\$525.00	Yes	100%
3.5 Table 6	Exceed Maximum Gross Floor Area In	\$350.00	\$262.50	\$525.00	Yes	100%
3.5 Table 8	Fail To Meet Site Specific Regulations In	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 1	Non Permitted Use In Community Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6 Table 2	Non Permitted Building/Structure In	\$500.00	\$375.00	\$750.00	Yes	100%
3.6 Table 3	Non Permitted Density In Community Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6 Table 4	Exceed Maximum Height Restrictions In Community	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 5	Encroachment Into Setbacks In	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 6	Exceed Maximum Gross Floor Area In Community	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 8	Fail To Meet Site Specific Regulations In Community	\$350.00	\$262.50	\$525.00	Yes	100%
3.7 Table 1	Non Permitted Use In Water	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 2	Non Permitted Building/Structure In	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 3	Exceed Maximum Height Restrictions In Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 4	Fail To Meet Site Specific Regulations In Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 5	Using Prohibited Vehicle/Ground Based	\$500.00	\$375.00	\$750.00	Yes	100%

DRAFT

Plan 2

SCHEDULE B DENMAN ISLAND SITING AND USE BYLAW NO. 240 CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.	Fail To Obtain Siting and Use Permit	\$500.00	\$375.00	\$750.00	Yes	100%



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY January 24, 2023 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was elected Chair of ITC Board, Trustee Smith was elected Vice-Chair, and Trustee Yates was elected as the FPC representative.
- The ITC Board discussed the ITC ex officio seat on the Governance Committee, noting the ITC Chair will appoint a member to the committee. Shortly after the ITC meeting, the ITC Chair appointed Trustee Grant Scott as the ITC Board's ex-officio member on the Islands Trust Council's Governance Committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan in November 2022 and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval. A meeting has been set to discuss the plan with Ministry staff. Staff will inform the ITC Board of the outcomes.
- The ITC Board reviewed and approved the 2026-2030 ITC Plan Project Charter.
- The ITC Board reviewed and approved the 2023-2026 Species at Risk Program Project Charter.
- The ITC Board reviewed the 2023/24 ITC Budget briefing from the Financial Planning Committee. The ITC Board discussed potential budget reductions and moved that ITC Budget has been carefully considered potential budget reductions and their implications, and concluded that its budget request is necessary and responsible going forward.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.
- ITC registered a 11.35 hectare covenant, known as the Livingstone Covenant on Lasqueti island. This covenant is the first covenant on Lasqueti and is part of the Natural Area Protection Tax Exemption (NAPTEP) Program. It was gifted through the Federal Ecological Gifts Program.

4. COVENANT AND PROPERTY MANAGEMENT



ISLANDS TRUST CONSERVANCY

ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- ITC Board reviewed and approved the ITC NAPTEP Covenants Monitoring Report for 2022, and directed staff to address management concerns as identified in the report.
- ITC Board reviewed and approved the ITC Nature Reserve Monitoring Report 2022.

5. COMMUNICATIONS AND OUTREACH

- ITC has updated its website to include information about the species at risk program, see <https://islandstrust.bc.ca/conservancy/species-at-risk/>
- ITC is hosting Species at Risk focussed speaker series between February 16 and April 12, 2023. For more information, see <https://islandstrust.bc.ca/conservancy/species-at-risk/>

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board received a legacy donation of \$25,000 for the purposes of implementing a Western Screech-Owl research project on Link Island.
- The ITC Board reviewed an application from the Nature Conservancy of Canada and awarded a \$50,000 Opportunity Fund Grant for the acquisition of 161 ha (397 acres) of conservation lands on Reginald Hill on Salt Spring Island.
- The ITC Board awarded a \$4,614.75 grant from the Morrison Waxler Biodiversity Legacy Fund Grant program to expand the existing Nighthawk Hill NAPTEP covenant on North Pender Island.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2022.2	Wright, Doug	23-Dec-2022	PID: 009-711-678 Building house for family member. Civic address: 2961 Northwest Road, Denman Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date:

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2021.1	Denman Housing Association (Denman Green)	11-Mar-2021	PIDs: 009-704-523, 000-393-941, 006-660-495. Affordable housing units. Civic address: 1151 Kirk Road, Denman Island, BC.

Planner: Sonja Zupanec

Planning Status

Status Date: 28-Feb-2023

BL 243 (Housing Agreement) and restrictive covenant sent to applicant's lawyer for formatting, signatures and registration with Land Titles.

Status Date: 07-Feb-2023

Bylaws 241, 242, 243 given final reading - adoption. Covenant accepted for final signatures.

Status Date: 06-Oct-2022

Ministerial approval of BL 241 (OCP).

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Planner: Stephen Baugh			
Planning Status			
Status Date: 04-Oct-2022			
Applicant seeking permit from Arch Branch			
Status Date: 21-Sep-2022			
Update requested from applicant within 30 days.			
Status Date: 11-Jan-2022			
File reassigned.			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.18	Barua & Schlegel, Bacchus & Jessica	07-Oct-2022	PID: 028-639-944 New SFD Civic address: 4170 Pinecrest Road, Denman Island.
Planner: Bruce Belcher			
Planning Status			
Status Date: 17-Mar-2023			
Ready for issuance. Penny and Chloe contacted			
Status Date: 13-Mar-2023			
Floor plan received, two kitchens. Applicant has been contacted, see correspondence folder. Bruce re-assigned to file.			
Status Date: 13-Dec-2022			
Documents have not been received as of current.			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.2	Cleveland & Tetlow, Randy & Carole	03-Mar-2022	PID: 001-095-871 Two story addition. Civic address: 3031 Nelson Crescent, Denman Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 26-Jul-2022

Followed up with applicant. No response received.

Status Date: 15-Jun-2022

Applicant followed up. Reaching out to BC Arch Branch and KFN.

Status Date: 14-Jun-2022

Planner left message with applicant regarding checking in on Arch Branch process. No response received.

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.23	Denman Farmhouse Inc. (Alastair Bird - Leckie Studio)	24-Nov-2022	

Planner: Bruce Belcher

Planning Status

Status Date: 13-Mar-2023

Applicant provided with the following options regarding an additional dwelling unit:\n\n• Provide proof of water for this existing application and then receive a permit for all proposed structures and additions to existing buildings\n\n• Receive a SUP for the other requested structures. Apply for a new SUP specific to the Site Headquarters once proof of water is provided\n\n• Apply for a Development Variance Permit (DVP) to vary the servicing requirement (i.e. proof of water) prior to moving forward with the DE-SUP-2023.23\n\n• Apply for a temporary use permit\n\nApplicant wants to proceed with all request structures and buildings and show that a cistern is being added. See Section 2.8 and 'Proof of Potable Water - Cisterns' in the LUB. I have requested the site plan and BLDG plans be revised to show the location of the cistern and that it meets the minimum capacity, 8400 L of potable water. Bruce has been re-assigned the file.

Status Date: 09-Jan-2023

KFN response is 'no comment' -- CHIP permit not required.

Status Date: 03-Jan-2023

Applicant sent floor plans showing intended uses. Two dwellings and one farm workers. Applicant will need to apply for non-adhering use permit with ALC for farmworker's housing. The proposed second dwelling would need to be reduced to 90 m2 to conform to ALR regulation. Applicant notified of options - see correspondence for additional information.

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2023.5	Randy Cleveland	25-Jan-2023	PID: 002-938-812 Renovation Civic address: 1466 Baikie Road, Denman Island, BC.

Planner: Bruce Belcher

Planning Status

Status Date: 22-Feb-2023

Applicant contacted regarding building within interior lot line setback - recommended the applicant to get a DVP

Status Date: 13-Feb-2023

Re-assigned to Bruce

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2023.6	Cleveland, Randy	17-Feb-2023	004-359-488 Build 2-car garage 8888 Reginald Dr., Denman Island.

Planner: Bruce Belcher

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2023.7	Brown, Michael	15-Mar-2023	PID: 003-194-493 Build a 1-storey garage and workshop attached to existing residence on concrete foundations at 3660 East Rd, Denman.

Planner: Bruce Belcher

Planning Status

Status Date:

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending January 2023

615 Denman	Invoices posted to Month ending January 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	190.00	266.37	-76.37
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	3,513.00	1,789.47	1,723.53
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	221.40	177.60
65220-615	LTC - Local Exp - Communications	250.00	350.00	-100.00
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>4,438.00</u>	<u>2,360.87</u>	<u>2,077.13</u>
Projects				
73001-615-4011	Denman Farm Plan	7,314.00	12,948.31	-5,634.31
73001-615-4124	Denman Housing Review	13,500.00	494.62	13,005.38
TOTAL Project Expenses		<u>20,814.00</u>	<u>13,442.93</u>	<u>7,371.07</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms; - o The location of the proposed establishment and the subject site; - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - o How public comments may be submitted to the Local Trust Committee.
3.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
4.	November 20, 2018	DE-2018-100	Bylaw enforcement on	It was MOVED and SECONDED,

			unlawful STVRs	that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs): 1. Unlawful STVRs that have been the subject of substantiated complaints; 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island; 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR; 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.
5.	November 20, 2018	DE-2018-104	Cannabis License applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including

				and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
7.	June 6, 2019 *Amended January 19, 2021 *Amended July 19, 2022	DE-2019-056 DE-2021-015 DE-2022.072 DE-2022-075	Bylaw enforcement against unlawful dwellings	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' And that site inspections for the purpose of gathering information and communication with property owners will continue; And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.

8.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May 19 th for background	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘Residential Density Bank’ of the Denman Island Official Community Plan: Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur: a. The Denman Official Community Plan ‘Residential Density Bank’ in Appendix D has last added or transferred to the bank on <u>January 31, 2017</u> and has a cumulative total of residential densities of <u>14</u>; b. The Denman Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately <u>5 percent</u> beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1. The baseline density that was permitted by zoning at the time of adoption of the Official Community Plan was 994 densities based on the Subdivision Potential Map 2010; 1026 total densities less 32 from Parks, Institutional and Conservation designations where residential use is not permitted. Five percent of 994 is <u>49 densities</u>. Since adoption of the Official Community Plan on May 15, 2009 the following densities have been utilized: <table><tr><th>Authorizing Bylaw/Temporary Use Permit</th><th>Date Utilized</th><th>Number of Residential Densities Utilized</th><th>Cumulative Total of Residential Densities Remaining</th></tr><tr><td colspan="3">Baseline Density at time of adoption of the Denman OCP on May, 2009</td><td>49</td></tr><tr><td>BL 199 (Official Community Plan)</td><td>August 15, 2011</td><td>14</td><td>35</td></tr><tr><td>BL 200 (Land Use Bylaw)</td><td></td><td></td><td></td></tr></table>	Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining	Baseline Density at time of adoption of the Denman OCP on May, 2009			49	BL 199 (Official Community Plan)	August 15, 2011	14	35	BL 200 (Land Use Bylaw)			
Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining																	
Baseline Density at time of adoption of the Denman OCP on May, 2009			49																	
BL 199 (Official Community Plan)	August 15, 2011	14	35																	
BL 200 (Land Use Bylaw)																				

				BL 204 (Land Use Bylaw) DE-TUP-2016.2	September 24, 2013 March 31, 2017	1 1	34 33
9.	March 16, 2021 July 19, 2022	DE-IC-2021-002 DE-2022-074	Bylaw Enforcement Rescinded				
10.	July 6, 2021	DE-IC-2021-007	Bylaw Enforcement	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Denman Island Local Trust Committee clarify that the reference to a 45 day limit for visitor accommodation means 45 days for one client and that otherwise there are no limits on how many days per year a visitor accommodation home occupation can operate; and that this temporary policy remain in place until this regulation is reviewed.			
11.	September 27, 2022	DE-2022-097	Model Strategy for Antenna Systems	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the “Model Strategy for Antenna Systems” dated May 3, 2018 prepared by the Local Planning Committee of the Islands Trust, as the Denman Island Local Trust Committee strategy to assess any future potential tower proposals in the Denman Island Local Trust Area.			
12.	January 17, 2023	DE-2023-012	Human Right to Housing	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Local Trust Committee acknowledges and affirms its commitment to the human right to housing as laid out by the United Nations Declaration of the Human Right to Adequate Housing.			

Active Projects Report

Denman Island

1. *Denman Housing Review Project - Phase 1*

Responsible

Dates

Targeted public engagement with First Nations, residents, external agencies and local organizations to update the Official Community Plan and Land Use Bylaw with policies and regulations to strengthen housing options and affordability on the island.

Sonja Zupanec

Rec'd: 19-Jan-2021

2. *Farming Regulations Review Project*

Responsible

Dates

Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)

Marlis McCargar

3. *Comprehensive Official Community Plan / Land Use Bylaw*

Responsible

Dates

Future Projects Report

Denman Island

1. OCP & LUB Amendments

Responsible

Date Received

Protected Area Network: Undertake planning for a Protected Area Network on Denman Island

19-Jul-2022

Climate Change: Consider climate change adaptation and mitigation measures

Regional Conservation Plan: Incorporate the Regional Conservation Plan into land use

Shoreline Protection: Implement recommendations from the 2022 Model Bylaw Report.

Forest Ecosystems: forest ecosystem protection including the implementation of the

Islands Trust coastal douglas fir and associated ecosystem protection toolkit and

consider measures to protect garry oak ecosystems.

Freshwater: consider Islands Trust freshwater strategy recommendations

2. OCP Amendments

Responsible

Date Received

Denman Downtown Village Neighbourhood Plan

19-Jul-2022

3. LUB Amendments

Responsible

Date Received

TUPs for STVRs: To support the development of Temporary Use Permits for short-term vacation rentals and other uses.

19-Jul-2022

Review subdivision requirements for lot line (boundary) adjustments with the goal of simplifying the process and requirements where no new density is created.

Future Projects Report

Denman Island

4. *Administrative: Administrative Bylaws, Processes, and Procedures*

Responsible

Date Received

19-Jul-2022

5. *Advocacy, Education, and Communications*

Responsible

Date Received

19-Jul-2022

6. *Bylaw Enforcement*

Responsible

Date Received

19-Jul-2022