



Denman Island Local Trust Committee Regular Meeting Agenda

Date: June 6, 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. **RISE AND REPORT** 10:05 AM - 10:10 AM
Judy Armstrong, Richard Day, Karla Neuffer, Riane daSilva, Pamela Willis, Virginia Spinney, and Rosa Telegus were appointed to the Denman Island Housing Advisory Planning Commission.
4. **REPORTS** 10:10 AM - 10:25 AM
 - 4.1 Trustee Reports
 - 4.2 Chair's Report
 - 4.3 Electoral Area Director's Report
5. **PUBLIC COMMENTS** 10:25 AM - 10:35 AM
6. **DELEGATIONS - none**
7. **MINUTES** 10:35 AM - 10:45 AM
 - 7.1 Local Trust Committee Minutes dated April 4, 2023- for adoption 4 - 12
 - 7.2 Section 26 Resolutions-Without-Meeting Report dated May 23, 2023 13 - 13
 - 7.3 Advisory Planning Commission Minutes dated - none
 - 7.4 Local Trust Committee Special Meeting Minutes dated April 25, 2023 - for adoption 14 - 16
8. **BUSINESS ARISING FROM MINUTES** 10:45 AM - 11:00 AM
 - 8.1 Follow-up Action List dated May 30, 2023 17 - 18

9.	APPLICATIONS AND REFERRALS - none	
10.	LOCAL TRUST COMMITTEE PROJECTS	11:00 AM - 11:20 AM
10.1	Denman Island Farming Regulation Review Project - Staff Report	19 - 67
10.2	Denman Major Project - Housing Review Project Preliminary Report	68 - 91
11.	CORRESPONDENCE	11:20 AM - 11:25 AM
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
11.1	Letter dated May 6, 2023 from S. Carballeira regarding Re-Classification of Application	92 - 93
11.2	Email dated May 23, 2023 from Denman Island Housing Action Group	94 - 96
12.	NEW BUSINESS	11:25 AM - 11:40 AM
12.1	Freedom of Information and Protection of Privacy Bylaw - for adoption	97 - 102
12.2	Bylaw Enforcement Notice Bylaw Amendments - Staff Report	103 - 106
12.3	Advisory Planning Commission Appointments - Staff Report	107 - 111
	~ BREAK 11:40 AM - 12:10 PM ~	
13.	REPORTS	12:10 PM - 12:30 PM
13.1	Trust Conservancy Report - none	
13.2	Applications Report dated May 30, 2023	112 - 113
13.3	Trustee and Local Expense Report dated April 2023	114 - 114
13.4	Adopted Policies and Standing Resolutions	115 - 119
13.5	Local Trust Committee Webpage	
13.6	2022/23 Annual Report - Approval of Denman Island's LTC Section	120 - 122
13.7	Project Watershed - for information	123 - 128
14.	WORK PROGRAM	12:30 PM - 12:40 PM
14.1	Active Projects Report dated May 30, 2023	129 - 129
14.2	Future Projects Report dated May 30, 2023	130 - 131

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, July 25, 2023 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

16. ADJOURNMENT

12:40 PM - 12:45 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: April 4, 2023
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Renée Jamurat, RPP MCIP, Regional Planning Manager
 Narissa Chadwick, RPP, MCIP Island Planner
 Margot Thomaidis, Planner 2
 Stephen Baugh, Planner 2
 Warren Dingman, Bylaw Compliance & Enforcement Manager
 Vicky Bockman, Recorder

Others Present: Approximately seventeen (17) members of the public
 Dr. Pamela Shaw, Sonal Deshmukh, Consultants, Vancouver Island University

1. CALL TO ORDER

The Chair called the meeting to order at 10:00 am. He welcomed the public, introduced Trustees, staff and recorder; and noted that this meeting is being live streamed and recorded for viewing on the Islands Trust website. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:
 11.3 Community Chat

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Graham commented that Trust activities have been minimal for him since the last meeting; however, he did want to acknowledge that he does review social media even though he does not post often on that platform.

Trustee Borthwick reported on the following:

- He attended a Ferry Advisory Committee meeting where discussion included concerns regarding the proposed Gravelly Bay terminal expansion plans;
- Trust Programs Committee;
- He suggested that the Local Trust Committee (LTC) consider scheduling Town Halls early in the meeting as well as later in order to maximize the public's ability to comment on issues.

3.2 Chair's Report

The Chair reported on the following:

- He and Regional Planning Manager Jamurat attended a meeting with BC Ferries representatives to discuss the proposed Gravelly Bay terminal expansion and tree cutting plans; and noted that there will be community consultation on the issues;
- He attended Trust Council where the 2023/2024 budget was approved.

3.3 Electoral Area Director's Report - none

4. PUBLIC COMMENTS

- A member of the public asked the LTC to: 1) pass a motion requesting the Minister of Transportation and the Premier to create a separate ferry connecting Hornby Island and Vancouver Island to address the increased traffic across Denman Island that BC ferries plans, 2) pass a motion urging the Islands Trust Executive Committee to protest the exclusion of the Trust Area in the prohibition on the purchase of residential property by non-Canadians, and 3) discuss reversing the policy where Trustees remain anonymous in the meeting minutes; and record the mover and seconder of motions and how each Trustee voted if they are not unanimous. She submitted her comments for the record.
- Another member of the public expressed objections to the Bylaw Enforcement Notification (BEN) Bylaw, including that this system enforces against housing regulations under review and may contravene the human right to adequate housing. The Denman Island Housing Action Group requested that the LTC refer the proposed amendments to the BEN Bylaw to the Housing Advisory Planning Commission (HAPC) for consideration and discussion.
- Another member of the public asked what is the goal of the Housing Review project?
 - A Trustee responded that the housing policies were created by the community many years ago and this project is an opportunity to review the Official Community Plan (OCP) and Land Use Bylaw (LUB) to update those policies and regulations in conversation with the community.
- A member of the public shared her personal experience with the difficulties of her inability to find affordable housing on Denman Island even though she is engaged with the community and has meaningful employment.
- Another member of the public works two jobs and still cannot afford to purchase a home on Denman Island; she does not feel safe or secure in her current housing situation.

- Another member of the public is disappointed that Pepper Lane senior housing development did not proceed as she had hoped to transition there from her current cabin where living may be beyond her physical ability as she ages.
- Another member of the public acknowledged the importance of housing and expressed her opinion that the Islands Trust should spend less on bureaucracy and become more efficient; housing issues need to consider diminishing water levels.
- Laura Thomson objected for many reasons to the right of Bylaw Enforcement to impose fines if access without notice is refused; she asked the LTC to deny granting Bylaw Enforcement more power and not to introduce additional fines in the BEN Bylaw; micromanaging bylaws is not reasonable on Denman Island. Her notes were submitted for the record.
- Another member of the public stressed the importance of deliverables for the Housing APC and encouraged the Housing APC to continue to engage with the public to access a range of views to keep Denman Island alive, vibrant and diverse.

5. DELEGATIONS

5.1 Engagement Surveys and Densification - Harlene Holm

Harlene Holm addressed the Farming Regulations Review Project proposed Bylaw Nos. 228 and 229, expressing concerns with interpretation of some of the survey results, the potential increase in density that could result on Agricultural Land Reserve properties, and the lack of adequate consideration of all sources of water. She noted that the Denman Conservation Association document expressing concerns about water was not added to the agenda as a late item and that relevant communication gets lost in the Project Correspondence file. She proposed that the available background information on sources of water in addition to Graham and Chickadee Lakes, recommendations, and draft bylaws be provided to inform the community prior to advancement of the bylaws. A submission in the agenda package outlines additional requests in the consideration of farm regulations.

5.2 Two Decades of Denman Housing: Time for Action - Denman Housing Action Group

Riane DaSilva and Virginia Spinney observed that since 2002 there have been eight studies addressing housing for Denman Island that identify community housing needs, farm worker housing needs, and accessing public support for housing options. A summary of the reports is included in the agenda package and electronic versions are available and can be provided. Concern was expressed with creation of another Housing Review project and a two-year term for the Housing APC while the housing situation continues to decline. The LTC was requested to consider the information provided with this delegation, including suggestions for the Housing APC and recommendations for Bylaw Enforcement requirements relating to housing. The submission was included in the agenda package.

6. MINUTES

6.1 Local Trust Committee Minutes dated February 7, 2023- for adoption

By general consent the Local Trust committee meeting minutes of February 7, 2023 were adopted.

- 6.2 Section 26 Resolutions-Without-Meeting Report dated March 27, 2023**
Received for information.

- 6.3 Advisory Planning Commission Minutes - none**

7. BUSINESS ARISING FROM MINUTES

- 7.1 Follow-up Action List dated March 27, 2023**
Staff provided updates for information and responded to questions that arose.

8. APPLICATIONS AND REFERRALS

- 8.1 DE-ALR-2022.2 Wright - 2961 Northwest Rd. - Staff Report**
Planner 2 Baugh presented a Staff Report regarding this application that asks the LTC to make a resolution recommending whether or not to forward the application for a Non-Adhering Residential Use to the ALC for further consideration, if forwarding the application to the ALC the LTC should also provide comment to the Agricultural Land Commission (ALC) on conformity with bylaws. The additional residence is being proposed to 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.

DE-2023-013

It was MOVED and SECONDED,

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”.

CARRIED

By general consent the meeting recessed at 11:28 am and reconvened at 11:31 am.

9. LOCAL TRUST COMMITTEE PROJECTS

- 9.1 Denman Housing Review Project - Consultant Report**
Dr. Pamela Shaw conducted an overview of the Denman Island Housing Review recommendations report. She summarized the project scope, community and stakeholder engagement, policy recommendations and conclusion. The full report is available with the April 4 agenda package.
A Trustee had several comments:

- he apologized on behalf of the community for the unfortunate comment that led to the cancellation of the planned Community Information Meeting;
- creating simplified housing agreement templates to ensure affordability would be difficult due to the many unique characteristics of situations; what types of incentives for property owners are suggested?
- updating the OCP and LUB to allow for secondary suites and secondary dwellings to be used for long-term rentals does not recommend where this might be appropriate;
- referring to aesthetic requirements as a common ideal is probably not relevant on Denman Island;
- rather than review existing secondary homes for yearly rentals on a case-by-case basis, an approach to allow as a permitted use might be considered;
- rather than subdivisions, land sharing options might be encouraged;
- a creative approach to total square footage was supported;
- instating “Empty Homes Tax” or “Vacancy Tax” is outside of Islands Trust’s authority.

The Chair opened the floor to the public for questions and comments.

- The Stakeholders’ Round Table included discussion and consideration of properties on lots less than one hectare for housing solutions; however, concern was expressed that this was not included in the consultants’ report. A review of existing situations on Denman Island was recommended to inform the policy.
 - This was recommended based on the Ministry of Health’s one hectare minimum relating to ground well water and septic considerations; however, this might be further considered.
- Creative housing square footage was supported to accommodate options for a variety of home and land sharing solutions.
 - This option might be flagged for consideration in the Housing Review.

10. CORRESPONDENCE

(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
Received for information.

10.2 Email dated March 3, 2023 from E. Johnston regarding Growing Concern over Local Trust Committee Focus
Received for information.

10.3 Email dated March 8, 2023 from H. Holm regarding Mar 8-23 NASA image argues for reducing light pollution

A Trustee requested that a follow-up be conducted on the issue of light pollution growth on Denman Island and aligning the LUB with the OCP Guiding Principle 8.

- 10.4 Email dated February 10, 2023 from R. DaSilva regarding Recording of Tuesday's Meeting**
Received for information.

11. NEW BUSINESS

11.1 Draft Freedom of Information and Protection of Privacy Bylaw - Request for Decision

DE-2023-014

It was MOVED and SECONDED,

that the 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.

CARRIED

DE-2023-015

It was MOVED and SECONDED,

that the 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.

CARRIED

By general consent the meeting recessed at 12:25 pm and reconvened at 12:55 pm.

By general consent agenda item 11.2 was moved to follow 11.3.

11.3 Community Chat

A Trustee reported that both Trustees Graham and Borthwick would like to host an opportunity for community members to chat with them on a trial basis in an effort to promote a more frequent dialogue. Staff confirmed that the budget exists for this initiative and that there is no regulatory concern with such an event to hear information, providing no decisions are made.

11.2 Bylaw Enforcement Notification Bylaw Amendment - Staff Report

Bylaw Compliance and Enforcement Manager Dingman explained that the proposed BEN Bylaw amendment is before the LTC for consideration as a means to enforce the Siting and Use Bylaw, correct errors, and to add a contravention for failure to permit an inspection under section 1.3.7 of the LUB which is not a new law and was omitted in error. He advised that amending the BEN Bylaw is within the LTC's authority.

Trustees' discussion included the following:

- the Bylaw fines impact low-income residents disproportionately and it was suggested that consideration be given to limiting the infractions to Short Term Vacation Rentals, a practice that generates income for the operators;

- compliance is achieved most of the time, and without use of the BEN Bylaw system the LTC can authorize legal action as a recourse if necessary.

DE-2023-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019” be amended by removing all Bylaws in the Bylaw Section from Schedule A Contraventions and Penalties, except 2.1.2, the Short Term Vacation Rental Bylaw.

Discussion followed with Bylaw Compliance and Enforcement Manager Dingman suggesting that the vote be deferred until after the Closed Meeting to allow the Committee members an opportunity to discuss the legal opinions on short-term vacation rentals.

After the Closed Meeting, Local Trust Committee members returned to the motion on the floor and the Chair called the question.

CARRIED

The LTC deferred consideration of amending the BEN Bylaw Schedule B to the next LTC meeting.

12. REPORTS

12.1 Trust Conservancy Report dated February, 2023

Received for information.

12.2 Applications Report dated March 27, 2023

Regional Planning Manager Jamurat responded to questions that arose.

12.3 Trustee and Local Expense Report dated January, 2023

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

There were no additions or changes requested.

13. WORK PROGRAM

13.1 Active Projects Report dated March 27, 2023

Discussion of the Active Projects included the following comments.

- A Trustee expressed a desire to create an opportunity to meet with K'ómoks First Nation for introductions and to establish a working relationship.

- Regional Planning Manager Jamurat responded that this request will be captured in the Follow-Up Action List for staff to facilitate an invitation to meet.
- An update on the status of the Farming Regulation Review was requested.
 - Regional Planning Manager Jamurat responded that staff will follow up with an update for the Trustees.

13.2 Future Projects Report dated March 27, 2023

Planner Chadwick advised that she is researching an opportunity being offered by Canada Mortgage and Housing Corporation for land use authorities to apply for grant funds to be utilized to build housing.

Discussion included the following key points:

- There is a short timeline for application with a requirement for an action plan informed by a conversation with the community; this might require a report for the June LTC meeting to meet the application deadline.
- Appointments for the Housing APC have not yet been made; however, could be completed in a timely manner by Resolution Without Meeting;
- The Denman Island Housing Group offered assistance with information to provide for a proposed information meeting.

DE-2023-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting for housing sometime in May.

A Trustee requested that the meeting be scheduled for an evening rather than during the day to encourage attendance.

CARRIED

A Trustee suggested that a review of guest accommodations regulations might be added to the Future Projects list.

DE-2023-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to add to the Future Projects list a review of zoning policies and regulations regarding guest accommodation in the Land Use Bylaw.

CARRIED

14. UPCOMING MEETINGS

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

Trustees confirmed the next regular meeting date, time and location.

15. CLOSED MEETING

15.1 Motion to Close the Meeting

DE-2023-019

It was **MOVED** and **SECONDED**,

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

CARRIED

The meeting closed to the public at 1:42 pm.

15.2 Recall to Order

The meeting was recalled to order at 2:07 pm.

The Chair reported that in the Closed Meeting, the LTC closed all the existing unlawful housing files on Denman Island and have closed the Siting file for 4696 Lacon Road.

16. ADJOURNMENT

By general consent the meeting was adjourned at 2:16 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder

Resolutions Without Meetings Log

Denman Island

Resolution Number	Action	Date
2023-002 Proceed with planning for a Special Meeting for the appointment of the Denman Housing Advisory Commission members "That the Denman Island Local Trust Committee request Staff to schedule a Special Meeting for the appointment of the Denman Housing Advisory Commission members"	Carried	20-Apr-2023
2023-001 Update Letter of Support for DHA application for funding for Development 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."	Carried	14-Feb-2023



Denman Island Local Trust Committee

Minutes of Special Meeting

Date: April 25, 2023
Location: Electronic Meeting

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

Staff Present: Renée Jamurat, RPP MCIP, Regional Planning Manager
 Narissa Chadwick, RPP MCIP, Island Planner
 Vicky Bockman, Recorder

Others Present: Public participation was not available for this electronic meeting

1. CALL TO ORDER

The Chair called the meeting to order at 11:00 am. He acknowledged that the meeting was being held in locations across traditional territory of the Coast Salish First Nations. He introduced Trustees, staff and recorder; and noted that this meeting is being live streamed and recorded for viewing on the Islands Trust website.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. CLOSE THE MEETING

3.1 Motion to Close the Meeting

DE-2023-020

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request an in-camera meeting, in accordance with *Community Charter*, Part 4, Division 3, s.90(1)(a) for consideration of the appointment of Denman Housing Advisory Commission members.

CARRIED

The meeting closed to the public at 11:04 am.

3.2 Recall to Order

The meeting was recalled to order at 11:11 am.

3.3 Rise and Report

Local Trust Committee (LTC) members reported that in the closed meeting the LTC appointed Judy Armstrong, Richard Day, Karla Neuffer, Riane da Silva, Pamela Willis, Virginia Spinney, and Rosa Telegus to the Denman Island Housing Advisory Planning Commission (HAPC), commencing immediately for a term ending April 25, 2025.

4. BUSINESS ITEMS

4.1 Housing Project Work Program – for discussion

Planner Chadwick provided an update on the requirements for application by land use authorities to Canada Mortgage and Housing Corporation (CMHC) for grant funding. She explained that the timeline is short for completion of the required elements, which include: a housing action plan, HAPC review, business case development, and community consultation. She outlined the steps required for both the expedited process to pursue a funding application and the basic process for the current major project.

Discussion followed with the following points noted:

- Concern was expressed with the short timeline for the proposed application process. The expedited application process was not supported as the need for adequate, thorough community and HAPC consultation, and the importance of careful consideration at a pace that works for the community was recognized.
- The LTC is in the process of beginning a Housing Review Project that will be examining bylaws and considering housing options.
- Completion of the Housing Review process will place the LTC and community in a position to participate in future grant funding opportunities.
- The HAPC will be tasked with consideration of a Housing Review referral. It was proposed that their review include a focus on the Housing Action Group report.
- It is anticipated that a staff report on the forthcoming HAPC referral will be presented to the LTC for review at the next LTC meeting. In the meantime, HAPC members might be provided with Official Community Plan (OCP), Land Use Bylaw (LUB), and the Housing Action Group report to begin familiarizing themselves with background information.

DE-2023-021

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide the members of the Housing Advisory Planning Commission with the following documents: Official Community Plan, Land Use Bylaw, and the Housing Review.

CARRIED

A Trustee observed that paper copies of the OCP and LUB are no longer available in the Denman Island library and proposed that steps might be taken to replace the hard copies in that location as digital documents are not accessible to everyone.

Trustees proposed that a cover page might be included to indicate that the bylaws may not be up-to-date with the most current bylaws to be found on the website. LTC members supported funding the cost of producing the hard copies from their budget.

DE-2023-022

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide hard copies of the Denman Island Official Community Plan and Land Use Bylaws to the Local Trustees.

CARRIED

5. ADJOURNMENT

DE-2023-023

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee meeting be adjourned.

CARRIED

The meeting was adjourned at 12:16 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

04-Apr-2023

Activity	Responsibility	Dates	Status
1 LTC adopted first, second, and third readings of the Freedom of Information and Protection of Privacy bylaw. Staff to prepare a RFD for EC consideration.	Nadine Mourao		Completed
2 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.'	Stephen Baugh		Completed
3 Staff to draft a letter to reach out to K'ómoks First Nation on behalf of the LTC, for the purpose of setting up an introductory meeting.	Clare Frater		In Progress
4 Request staff to schedule a Community Information Meeting to discuss housing on Denman, to be held in May 2023 in the evening.	Narissa Chadwick		In Progress
5 Staff to close all existing unlawful dwelling enforcement files on Denman Island and the Siting file at 4696 Lacon Rd.	Warren Dingman		In Progress

Follow Up Action Report

Denman Island

04-Apr-2023

Activity	Responsibility	Dates	Status
6 LTC requested amendments to the BEN Bylaw to Amend the DE-LTC BEN Bylaw Schedule A, to reduce the total number of contraventions that may receive a penalty: 1) Proposed 'Schedule A' to be amended to remove all sections except for 'Section 2.1.2 - Non Permitted Use of Dwelling for Vacation' from the list of contraventions and penalties. 2) Request staff to prepare amendments to the proposed bylaw for consideration at the next LTC meeting.	Warren Dingman	Target: 17-May-2023	In Progress
7 Staff to add a review of zoning, policies, and regulations regarding guest accommodations in the LUB as a new item to the FUTURE PROJECTS list.	Renee Jamurat	Target: 17-Apr-2023	Completed

25-Apr-2023

Activity	Responsibility	Dates	Status
1 Staff to provide the HAPC with documents such as the OCP, LUB, housing review related discussion paper.	Chloe Straw	Target: 31-May-2023	Completed
2 Staff to prepare paper copies of the OCP and LUB bylaws for Denman Island trustees to share with the Denman Island Library. Note that the paper copies will be current to the consolidated published date as indicated.	Chloe Straw Wil Cottingham	Target: 02-Jun-2023	In Progress

File No.: 6500-20
(Denman Farm Regulations
Review)

DATE OF MEETING: June 6, 2023
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Renée Jamurat, Regional Planning Manager
SUBJECT: Denman Island Farming Regulations Review Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', be amended as presented in Attachment 2 – Schedule C Land Use Designations of the Staff Report dated June 6, 2023.
2. That the Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', be read a second time, as amended.
3. That the Denman Island Local Trust Committee Bylaw No. 229 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” be amended as follows:
 - a) In Part 1 - ADMINISTRATION, Section 1.1 add “where no permanent facilities are constructed or erected” after “Assessment Act” in the agri-tourism definition.
 - b) In Section 1.23 Table 2 (8) – Permitted Buildings and Structures delete “for a period of two (2) consecutive years”.
4. That the Denman Island Local Trust Committee Bylaw No. 229, cited as ‘Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008’, be read a second time, as amended.
5. That the Denman Island Local Trust Committee send notification to all property owners affected by the changes outlined in Attachment 2 – Schedule C Land Use Designations of the Staff Report dated June 6, 2023.
6. That the Denman Island Local Trust Committee add a Land Use Bylaw Map Amendment Project to align the OCP land use designations with the LUB zoning regulations to the ‘Future Projects’ list .

REPORT SUMMARY

This staff report provides the Denman Island Local Trust Committee (LTC) with a follow up of bylaw referrals received to date and amendment considerations for Proposed Bylaw Nos. 228 and 229.

Staff are recommending the LTC amend Proposed Bylaw No. 228 Schedule C, Land Use Designations Map (Attachment 1) to correct a mapping error that occurred when converting Agricultural Land Reserve (ALR) land to an Agricultural designation. Staff are also recommending the LTC amend Proposed Bylaw No. 229, in response to the referral feedback from the Ministry of Agriculture and Food. The LTC is asked to consider second reading of Proposed Bylaw Nos. 228 and 229, as amended.

In addition, staff are recommending that the LTC send notification to all property owners with properties affected by the change in land use designation due to the mapping error.

The LTC may also want to consider amendments to the Land Use Bylaw Schedule B Zoning Map as a future minor project. There are under five properties that have an Agriculture designation in the OCP, are completely in the ALR, but are not zoned Agriculture (A).

BACKGROUND

The Denman Island Farming Regulations Review Project seeks to enhance and preserve farming activities on the island through updates to the Denman Island Official Community Plan policies and Land Use Bylaw regulations. The project is focused on implementing three recommendations from the Denman Farm Plan (recommendations 11, 13 and 14) and align with the Agricultural Land Commission (ALC) Act and Regulation.

Both Bylaw No's. 228 (OCP) and 229 (LUB) have been given 1st reading (May 2018) and were presented at a Community Information Meeting (August 2, 2018) and a facilitated community workshop (April 24, 2019). Extensive referral responses from the Advisory Planning Commission and Growers and Producers Alliance were received and incorporated into the proposed bylaws at that time. The project was then put on hold due to planning staff resources being redirected to other Denman Island projects and applications.

The project was revitalized in September 2021. However, during the time the project was on hold the Agriculture Land Commission (ALC) was actively reviewing and updating their provincial policies. It was determined that a small number of amendments were required for Proposed Bylaw no's. 228 and 229, in order to align with the provincial requirements and recent community feedback. The project was partially funded in part by Agriculture and Agri-Food Canada and the Government of British Columbia through programs delivered by the Investment Agriculture Foundation (IAF) of B.C.

Bylaws no's. 228 and 229 were presented as amended at the July 27, 2022 Special LTC Meeting. The LTC requested further information before making a decision. Staff conducted further analysis and returned to the September 27, 2022 Regular LTC Meeting with additional amendments to the Bylaws. At that meeting, due to the amount of time that had passed since 1st reading was given and for clarity, 1st reading was rescinded on both Bylaws no's. 228 and 229. Staff was given direction to further amend the bylaws and schedule a special business meeting in October 2022.

The Denman Local Trust Committee (LTC) passed the following resolutions at the regular business meeting held on October 6 and 14, 2022.

DE-2022-118

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018" be amended as follows:

In Sections 1.7 and 1.8 delete the current text in its entirety and replace with “30.0 metres for buildings and structures associated with agriculture, except for a fence.”

CARRIED

DE-2022-119

It was MOVED and SECONDED,

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

- In 1.4, adding, at the end of the second paragraph, after (Resource), a comma, and the words “and on properties in the Agricultural Land Reserve without a Temporary Use Permit.”;
- In 1.9, adding the words “ , under Commercial,” after “by adding;
- In 1.17, Table 1, item 12, adding words “where permitted by a Temporary Use Permit.” after the word “Act” .;
- In 1.23, Table 2, item 8, changing the text after the word “(1) cabin” to “on a property over 4 HA and classified under the BC Assessment Act as “Farm.”, and then continuing with the following sentence beginning with “Should.”;
- In 1.24, Table 3, item 6, adding, in the second and third columns, the number one;
- In 1.24, Table 3, item 7, adding 410 m² in the second and third columns;
- In 1.24, Table 3, items 8 and 9, including the number “1” in each column;
- In 1.31, Objective, removing the words “and as permitted in the Agricultural Land Reserve Use Regulation”.

CARRIED

DE-2022-120

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 228, cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2022-121

It was MOVED and SECONDED,

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

CARRIED

DE-2022-122

It was MOVED and SECONDED,

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

CARRIED

DE-2022-123

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2022-124

It was MOVED and SECONDED,

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

CARRIED

DE-2022-125

It was MOVED and SECONDED,

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

CARRIED

DE-2022-126**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to refer Bylaw Nos. 228 and 229 to the following agencies and First Nations for comment:

Cowichan Tribes	Nanwakolas Council
Halalt First Nation	Wei Wai Kum Nation
Lake Cowichan First Nation	We Wai Kai Nation
Lyackson First Nation	Qualicum First Nation
Penelakut Tribe	Comox Valley Regional District
Snuneymuxw First Nation	Denman Growers and Producers Alliance
Snaw'Naw'As Nation	School District #71 (Comox Valley)
Stz'uminus First Nation	Ministry of Agriculture and Food
Te'Mexw Treaty Association	Agricultural Land Commission
Homalco First Nation (Xwemalhkwu)	Hornby Island Local Trust Committee
K'ómoks First Nation	Denman Island Advisory Planning Commission
Tla'amin Nation	

CARRIED**DE-2022-127****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw Nos. 228 (Official Community Plan) and 229 (Land Use Bylaw) after the referral response period is complete.

CARRIED

For further background and previous staff reports, and public correspondence please refer to the Project webpage: <https://islandstrust.bc.ca/island-planning/denman/projects/>.

ANALYSIS**Policy/Regulatory*****Islands Trust Policy Statement (ITPS):***

Staff have previously provided an analysis of the proposed bylaws in the [staff report](#) dated October 6, 2022, and have determined Proposed Bylaw Nos. 228 and 229 are not contrary to or at variance with the ITPS.

Issues and Opportunities***Amendments to Proposed Bylaws:***

At the July 27, September 27, October 6 and October 14, 2022 LTC meetings, the LTC considered several recommended amendments to Proposed Bylaw Nos. 228 and 229. The amended copies of Proposed Bylaw Nos. 228 and 229 are found in Attachments 1 and 3, and the LTC is asked to consider second reading of the bylaws, as amended.

Amendments to Proposed Bylaw No. 228 Schedule C Land Use Designation map included correcting a mapping error that left four parcels of ALR designated land as Rural (RU) and Sustainable Resource (SR) when they should have been designated as Agriculture (A) (changes are highlighted in red in Attachment 2).

Staff have included “track changes” copies of the proposed bylaws in Attachments 2 and 4. The “track changes” copies provide a reference of the proposed bylaws at second reading and highlight the amendments made due to the referral response from the Ministry of Agriculture and Food and the mapping error.

Community Information Meeting and Public Hearing

Under section 464 of the *Local Government Act* (LGA), a local government must hold a public hearing to adopt an official community plan bylaw and zoning bylaw, “...for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.” Under section 465 (1) of the LGA, a public hearing must be held after first reading and before third reading of a proposed bylaw.

The purpose of the public hearing is to hear the view of community members regarding a proposed bylaw. A public hearing is preceded by a community information meeting (CIM), which is intended to introduce the proposed bylaws and respond to any questions community members may have prior to voicing their opinion at the public hearing.

Staff are recommending a CIM and public hearing be scheduled at this time. Scheduling options include holding the CIM and public hearing following the regular business portion of an LTC meeting, or holding the CIM and public hearing on a separate day (or night).

The LTC may consider potential dates and request staff to schedule the meetings accordingly. Staff will circulate notification of the public hearing in advance of the meeting date.

Consultation

Referrals:

Generally, referral periods for zoning amendments are 60 days to provide adequate response time for First Nations and agencies or local governments. Referrals were initially sent out after 1st reading was given in 2018; however, given the length of time that has passed and the proposed amendments, re-referrals to agencies and First Nations were required. Re-referrals were sent out on November 17, 2022 and the deadline for referral feedback was set for February 1, 2023.

Under LTC direction, bylaw referrals were sent to the following First Nations, agencies or local governments, and community groups:

- Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Nanwakolas Council, Wei Wai Kum Nation, We Wai Kai Nation, Penelakut Tribe, Snuneymuxw First Nation, Snaw’Naw’As Nation, Stz’uminus First Nation, Te’Mexw Treaty Association, Homalco First Nation (Xwemalhkwu), K’ómoks First Nation and Qualicum First Nation.
- Ministry of Agriculture and Food, Agricultural Land Commission, Hornby Island Local Trust Committee, School District #71 (Comox Valley), Comox Valley Regional District and Denman Island Advisory Planning Commission.
- Denman Growers and Producers Alliance

Bylaw Referral Responses

At the time of this report, a referral response from Tla’amin Nation, Ts’uubaa-asatx Nation, Ministry of Agriculture and Food (Attachment 5) and the Denman Island Growers Alliance (Attachment 6) have been received. Referral

responses have also been posted to the Denman Island Farm Plan Implementation [project webpage](#) under “Community Consultation”.

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

Table 1. Summary of Referral Responses

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
Tla'amin Nation	Area is outside of Tla'amin Nation's core territory.	None.
Ts'uubaa-asatx Nation	Defer to K'ómoks First Nation for decision making in this area.	None.
Ministry of Agriculture and Food (Attachment 5)	Ministry staff are generally supportive of the updates to Proposed Bylaw Nos. 228 and 229. Concerns: Residential use setback requirements do not match Ministry of Agriculture, Food and Fisheries' Guide for Bylaw Development in Farming Areas. The goal of the setbacks in the Guide are to locate the farm residential footprint as close to the street as possible to maximize agricultural potential. For example: Maximum setback of 60m from front lot line (except on lots narrower than 33m or lots greater than 60 ha) Include an OCP Policy that states: further subdivision of agricultural lands to create new lots is not supported.	Proposed Bylaws Nos. 228 and 229 do not recommend any changes to the building setbacks for a principal dwelling. The setbacks in the Land Use Bylaw No. 186 are <i>minimum</i> setbacks and range depending on the zone. Policy 7 in Resource Section of Denman Island OCP No. 185 currently states: <i>“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:</i> <i>allows an activity that supplements the farm income and does not decrease the</i>

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
		<i>farming capability of the property; or</i> <i>protects the land for conservation purposes."</i>
	As written, Policy 7 under Section 1.15 in Proposed Bylaw No. 228 is unclear as to what constitutes "a significant benefit for the greater community of Denman Island."	The LTC can choose to use their best judgement if and when there is an application for exclusion of land from the ALR.
	Amend definition of agri-tourism to include "where no permanent facilities are constructed or erected".	Staff recommend amending the definition in Proposed Bylaw No. 229 to align with the ALR Use Regulation.
	Amend the setbacks for agricultural structures from watercourses to delineate between structures that cause more risk (e.g. confined livestock area) and structures that are lower risk.	The LTC had extensive discussion about the setback requirements from watercourses that can be reviewed here .
	As per the ALR Use Regulation, agri-tourism accommodation is not granted a 'grace period' when a property loses its farm tax classification.	Staff recommend amending Proposed Bylaw No. 229, Section 1.23 Table 2 – Permitted Buildings and Structures to remove reference to grace period: "for a period of two (2) consecutive years".
	"Produce Stand" is not included as either a permitted or an accessory use in the Agriculture zone.	"Buildings and structures to accommodate retail sale of farm products" are already included as a permitted use in the Denman Island LUB No. 186.
Denman Island Growers Alliance (Attachment 6)	Several concerns were outlined: Farm stand regulations appear restrictive	The Farm Stand regulations were added as a permitted accessory use to the R1/R2/R3 zones to allow residential lots to sell agricultural products. This regulation was added as a direct result of concerns raised around seasonal egg sales. More information available in

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
	Septic requirements do not allow for composting toilets. Screening requirements for agri-tourism accommodations Proof of potable water for secondary dwellings Farmers exemption of Temporary Use Permit (TUP) fees on ALR land not zoned Agriculture (A).	previous staff report and LTC meeting minutes. A composting toilet is considered a type of sewerage system. An owner who wants to construct or use a composting toilet must hire an Authorized Person to file the necessary documentation to the Health Office and either supervise or construct the composting toilet on the property. There are no specific height requirements. Proposed bylaw No. 229 states “screened from view from an adjacent lot”. During community engagement, the majority of participants (CIM and survey respondents) emphasized the importance of ensuring that there is adequate potable water and septic capacity in place for secondary and agri-tourism accommodations. A TUP will not be required to build a secondary dwelling in the Agriculture zone on ALR lands. However, there are nine properties zoned Agriculture not in the ALR. The Denman Housing Review Project will give the opportunity to explore permitting secondary suites without a TUP.
ALC	No response yet – still in review	

APC Meeting

On January 17, 2023 the Advisory Planning Commission (APC) met to discuss the proposed policy and zoning amendments and to provide comments and/or recommendations to the LTC. The APC indicated they are supportive of the bylaws moving forward to Public Hearing. The APC also discussed the importance of Development Permit Areas that protect watercourses and address setbacks. It was out of scope for this project; however, the APC feel it is a priority for the LTC to consider as a priority project in the future.

The APC passed the following resolutions at their January 17, 2023 meeting:

DE-APC-2023-001

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends moving forward with proposed Bylaw No. 228.

CARRIED

DE-APC-2023-002

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends moving forward with proposed Bylaw No. 229.

CARRIED

DE-APC-2023-003

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends that the Local Trust Committee review issues of creating development permit areas for protection of watercourses as a priority.

CARRIED

Suggested Amendments

Proposed Bylaw No. 228 (OCP)

Amendments to Proposed Bylaw No. 228 Schedule C Land Use Designation map included correcting a mapping error that left four parcels of ALR designated land as Rural (RU) and Sustainable Resource (SR) when they should have been designated as Agriculture (A). The Schedule C Land Use Designations map has been corrected and the highlighted changes can be reviewed in Attachment 2.

Proposed Bylaw No. 229 (LUB)

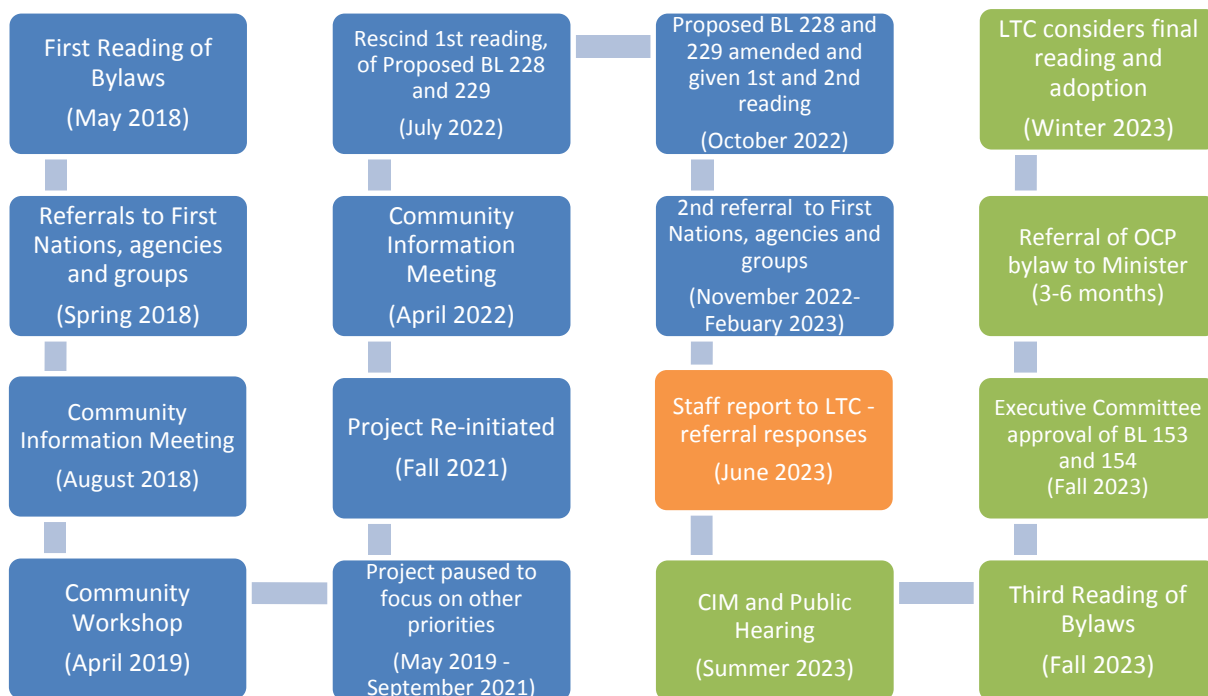
Staff are recommending two minor amendments to Proposed Bylaw No. 229 based on the referral response from Ministry of Agriculture and Food. Staff are suggesting amending the definition of agri-tourism to align with the ALR Use Regulation. The definition would be amended to clarify that agri-tourism means where no permanent facilities are constructed or erected.

In addition, as per the ALR Use Regulation, agri-tourism accommodation is not granted a 'grace period' when a property loses its farm tax classification. As such, staff recommend amending the zone regulation to remove reference to a grace period of "two (2) consecutive years" if farm tax status were to discontinue. Effectively, this would mean an agri-tourism accommodation would need to cease operation immediately if the property was no longer classified under the BC Assessment Act as a "Farm".

Timeline

The following timeline outlines the bylaw amendment process milestones to date along with next steps and approximate timing which may assist in managing community expectations in how an OCP and LUB amendment such as this, is processed.

Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing. Under section 465(1) of the *Local Government Act*, a public hearing must be held after first reading and before third reading. No date has been set for a public hearing at this time.



Rationale for Recommendation

The amendments made to Proposed Bylaw Nos. 228 and 229 are recommended by staff in response to discussions with referral agencies and to correct a mapping error. Staff are also recommending that the LTC send notification to the four property owners with properties affected by the change in land use designation due to the mapping error. Notification will ensure that the property owners are aware of the changes being made to the land use designation and give them the opportunity to respond ahead of the public hearing.

In addition, staff recommend adding amendments to the Land Use Bylaw Schedule B Zoning Map to the future projects list. There are under five properties that have an Agriculture designation in the OCP, are in the ALR, but are not zoned Agriculture (A).

The staff recommendations are found on Page 1 of this report.

ALTERNATIVES

Offer feasible alternatives to the staff recommendation, noting any significant implications and recommended resolution wording. The LTC may consider the following alternatives to the staff recommendation:

1. Proceed without amendments

The LTC may consider no additional amendments to the proposed bylaws are warranted.

2. Further Amend Proposed Bylaw No. 228 and 229, give Second Reading

The LTC may further amend the proposed bylaws beyond what is detailed in this report and give second reading, as amended. If selecting this alternative, the LTC should include specific wording in the resolution wording based on the recommendations on page 1 of this report.

3. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to the LTC's work plan timeline. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request the following information [list].

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will update the Proposed Bylaws and schedule a public hearing for Proposed Bylaw Nos. 228 and 229. Once a date is decided, public notification of the public hearing will be coordinated.

Submitted By:	Marlis McCargar, Island Planner	May 16, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 18, 2023

ATTACHMENTS

1. Proposed Bylaw No. 228, amended (clean copy) – for consideration of 2nd reading, as amended
2. Proposed Bylaw No. 228, amended (track changes)
3. Proposed Bylaw No. 229, amended (clean copy) – for consideration of 2nd reading, as amended
4. Proposed Bylaw No. 229, amended (track changes)
5. February 7, 2023 referral response from Ministry of Agriculture and Food
6. February 1, 2023 referral response from Denman Island Growers Alliance

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008,” is amended as per Schedule 1 and Schedule 2 attached to and forming part of this Bylaw.

READ A FIRST TIME THIS 6TH DAY OF OCTOBER , 2022

READ A SECOND TIME THIS 6TH DAY OF OCTOBER , 2022

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Schedule 1

1. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “A” is amended as follows:

- 1.1 Part B – PREAMBLE, Section B.1 – INTRODUCTION, Subsection – What is an Official Community Plan? is amended by deleting the word “eight” and replacing it with “nine” in each instance it appears and adding the word “Agriculture” as a bullet point before “Conservation/Recreation”.

- 1.2 Part B– PREAMBLE, Section B.3 – GUIDING OBJECTIVES, Subsection – Families and Individuals – Guiding Objectives is amending by adding the following text directly before “Guiding Objective – Conservation/Recreation”:

“Guiding Objective – Agriculture

To preserve agricultural land and encourage farming on land in the Agricultural Land Reserve”

- 1.3 Part C – THE NATURAL ENVIRONMENT, Section C.3 – THE MARINE ENVIRONMENT, Subsection- The Marine Environment- Advocacy Policies, Article - Advocacy Policy 3 is amended by replacing “The Ministry of Agriculture and Lands” with “The Ministry responsible for agriculture”.

- 1.4 Part D – THE SOCIAL FABRIC, Section D.3 – WATER MANAGEMENT, Subsection - Water Management- Advocacy Policies, Article - Advocacy Policy 2 is amended by replacing “The Ministry of Transportation and Infrastructure, Ministry of Environment and the Ministry of Agriculture and Land” with “The Ministries responsible for transportation, environment and agriculture”

- 1.5 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING is amended by deleting the fifth paragraph in its entirety and replacing it with:

“The Sustainable Resource designation, which is shown on Schedule C, includes large forested lots on the island in which the existing principal use is locally operated sustainable resources harvesting.

The Agriculture designation, which is shown on Schedule C, includes all of the lands in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.”

- 1.6 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 3 is amended by adding the words “in the Agriculture designation” before “the size of new lots for agricultural”.

- 1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 4 is amended by adding the words “Agriculture designation and in the” before the word “Sustainable”.

- 1.8 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - Policy 14 is amended by deleting the policy in its entirety and replacing it with:
- “In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:
- One principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* and the *Denman Land Use Bylaw*; and
 - One secondary suite within a principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
 - One secondary dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
 - Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.”
- 1.8a Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article Remove the “Information Note” located between Policy 16 and Policy 17.
- 1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - siting – an additional Policy is added after Policy 24: Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve as guided by the Ministry of Agriculture and Food’s Guide to Bylaw Development in Farming Areas to protect the land’s agricultural viability.
- 1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 27: that the proposal is not located within the Agricultural Land Reserve.
- 1.8d Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 28: that the proposal is not located within the Agricultural Land Reserve.
- 1.8e Part E – FAMILIES AND INDIVIDUALS, Section E.2 – ECONOMIC ACTIVITIES, Subsection – Policies, Tourism – the following text is added to Policy 14 after the word “accommodation”. Tourist accommodation within the Agricultural Land Reserve must be consistent with the Agricultural Land Reserve Use Regulation and Denman Island bylaws.
- 1.9 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by changing the section title to “AGRICULTURE AND RESOURCES”.

- 1.10 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by deleting the fourth paragraph in its entirety and replacing it with:

“The Agriculture designation, which is shown on Schedule C, includes all land in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.

The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”

- 1.11 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - Guiding Objective, is amended by inserting the words “and that the Agricultural Land Reserve is protected for farming use.” after the word “Island”.

- 1.12 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - “Resource – Objectives” is amended by renaming “Resource – Objectives” to “Agriculture and Resource Objectives”.

- 1.13 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection - Agriculture and Resource Objectives, Article – Objective 1 is amended by adding the words “for farming” after “Reserve”.

- 1.14 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – “Resource – Policies” is amended by renaming “Resource – Policies” to “Agriculture and Resource Policies”.

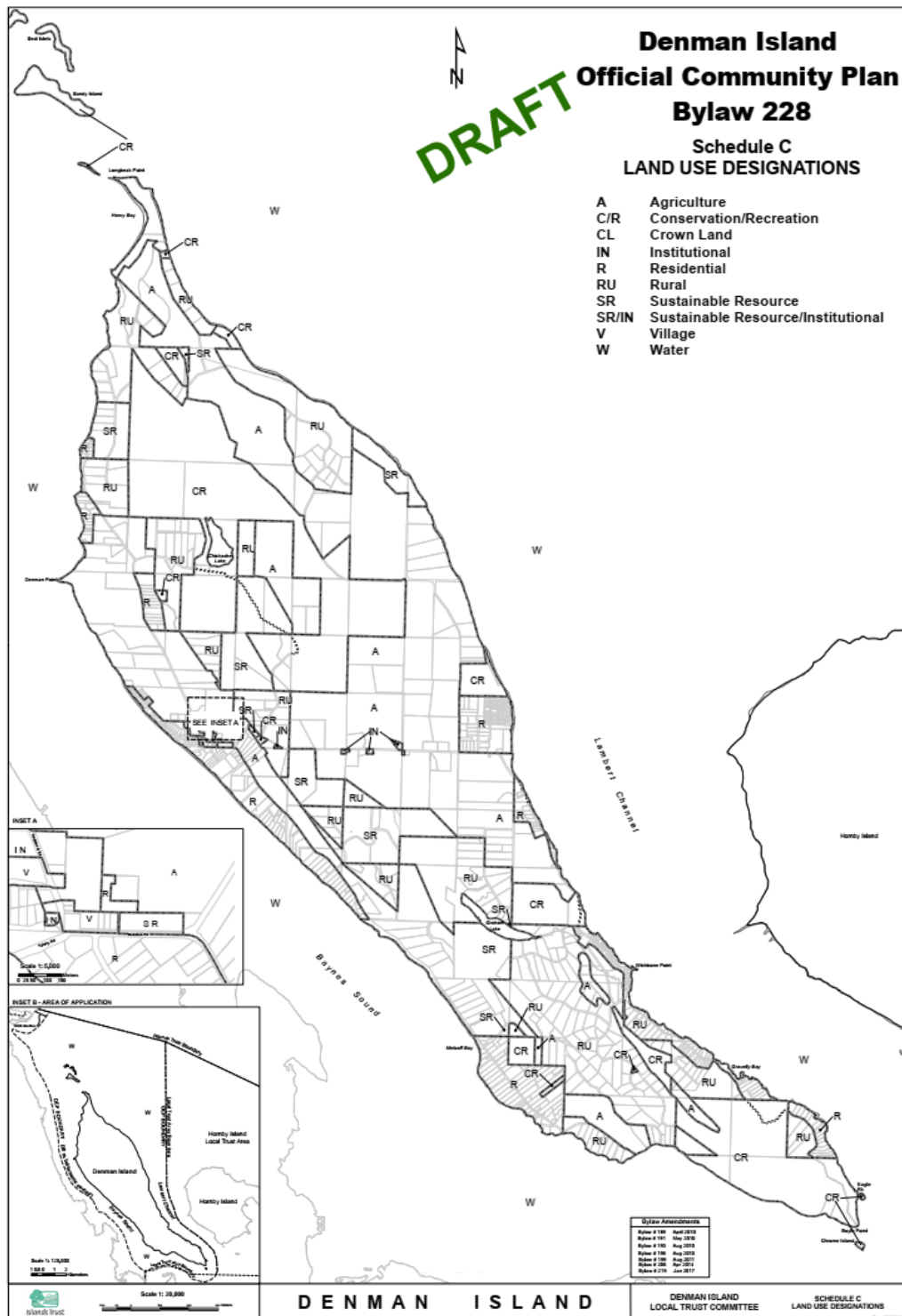
- 1.15 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – Agriculture and Resource Policies is amended by adding the following policies preceding Policy 1 and renumbering subsequent policies in this subsection accordingly:

“Policy 1 The Agriculture designation should apply to all lands in the Agricultural Land Reserve and the principal use of land within this designation should be agriculture.

- Policy 2 The Local Trust Committee supports the consolidation of parcels in the Agricultural Land Reserve.
- Policy 3 Subdivision regulations for parcels in the Agricultural Land Reserve should avoid the creation of panhandle lots.
- Policy 4 Zoning regulations should permit agri-tourism use on land in the Agricultural Land Reserve when consistent with the *Agricultural Land Reserve Use Regulation* and on lots where agriculture or horticulture are a permitted use.
- Policy 5 Zoning regulations should permit an amount of agri-tourism accommodation on land in the Agricultural Land Reserve that is more limited than the criteria set forth in the *Agricultural Land Reserve Use Regulation*.
- Policy 6 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 7 The Local Trust Committee should only support applications for exclusion of land from the Agricultural Land Reserve where there is a significant benefit for the greater community of Denman Island.”
- 1.16 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – DEVELOPMENT APPROVAL INFORMATION – CIRCUMSTANCES AND SPECIAL CONDITIONS:
- (a) Article – Policy 8 is amended by adding the words “Agriculture designation and” before “Sustainable Resource designation”; and,
- (b) Article – Policy 9 is amended by removing the words “area designated Sustainable Resource” and replacing with “areas designated Agriculture and Sustainable Resource” and adding the word “Agriculture and” before “Sustainable Resource designation”.
- 1.17 Part H – OTHER PERMITS, Section H.2 – TEMPORARY USE PERMITS, INFORMATION NOTE is amended by removing the words “Section 921 of”.
2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “C” is amended as per Schedule 2, attached to and forming part of this Bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

Schedule 2



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008,” is amended as per Schedule 1 and Schedule 2 attached to and forming part of this Bylaw.

READ A FIRST TIME THIS 6TH DAY OF OCTOBER , 2022

READ A SECOND TIME THIS 6TH DAY OF OCTOBER , 2022

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Schedule 1

1. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “A” is amended as follows:

- 1.1 Part B – PREAMBLE, Section B.1 – INTRODUCTION, Subsection – What is an Official Community Plan? is amended by deleting the word “eight” and replacing it with “nine” in each instance it appears and adding the word “Agriculture” as a bullet point before “Conservation/Recreation”.

- 1.2 Part B– PREAMBLE, Section B.3 – GUIDING OBJECTIVES, Subsection – Families and Individuals – Guiding Objectives is amending by adding the following text directly before “Guiding Objective – Conservation/Recreation”:

“Guiding Objective – Agriculture

To preserve agricultural land and encourage farming on land in the Agricultural Land Reserve”

- 1.3 Part C – THE NATURAL ENVIRONMENT, Section C.3 – THE MARINE ENVIRONMENT, Subsection- The Marine Environment- Advocacy Policies, Article - Advocacy Policy 3 is amended by replacing “The Ministry of Agriculture and Lands” with “The Ministry responsible for agriculture”.

- 1.4 Part D – THE SOCIAL FABRIC, Section D.3 – WATER MANAGEMENT, Subsection - Water Management- Advocacy Policies, Article - Advocacy Policy 2 is amended by replacing “The Ministry of Transportation and Infrastructure, Ministry of Environment and the Ministry of Agriculture and Land” with “The Ministries responsible for transportation, environment and agriculture”

- 1.5 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING is amended by deleting the fifth paragraph in its entirety and replacing it with:

“The Sustainable Resource designation, which is shown on Schedule C, includes large forested lots on the island in which the existing principal use is locally operated sustainable resources harvesting.

The Agriculture designation, which is shown on Schedule C, includes all of the lands in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.”

- 1.6 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 3 is amended by adding the words “in the Agriculture designation” before “the size of new lots for agricultural”.

- 1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 4 is amended by adding the words “Agriculture designation and in the” before the word “Sustainable”.

- 1.8 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - Policy 14 is amended by deleting the policy in its entirety and replacing it with:
- “In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:
- One principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* and the *Denman Land Use Bylaw*; and
 - One secondary suite within a principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
 - One secondary dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
 - Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.”
- 1.8a Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article Remove the “Information Note” located between Policy 16 and Policy 17.
- 1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - siting – an additional Policy is added after Policy 24: Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve as guided by the Ministry of Agriculture and Food’s Guide to Bylaw Development in Farming Areas to protect the land’s agricultural viability.
- 1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 27: that the proposal is not located within the Agricultural Land Reserve.
- 1.8d Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 28: that the proposal is not located within the Agricultural Land Reserve.
- 1.8e Part E – FAMILIES AND INDIVIDUALS, Section E.2 – ECONOMIC ACTIVITIES, Subsection – Policies, Tourism – the following text is added to Policy 14 after the word “accommodation”. Tourist accommodation within the Agricultural Land Reserve must be consistent with the Agricultural Land Reserve Use Regulation and Denman Island bylaws.
- 1.9 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by changing the section title to “AGRICULTURE AND RESOURCES”.

- 1.10 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by deleting the fourth paragraph in its entirety and replacing it with:

“The Agriculture designation, which is shown on Schedule C, includes all land in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.

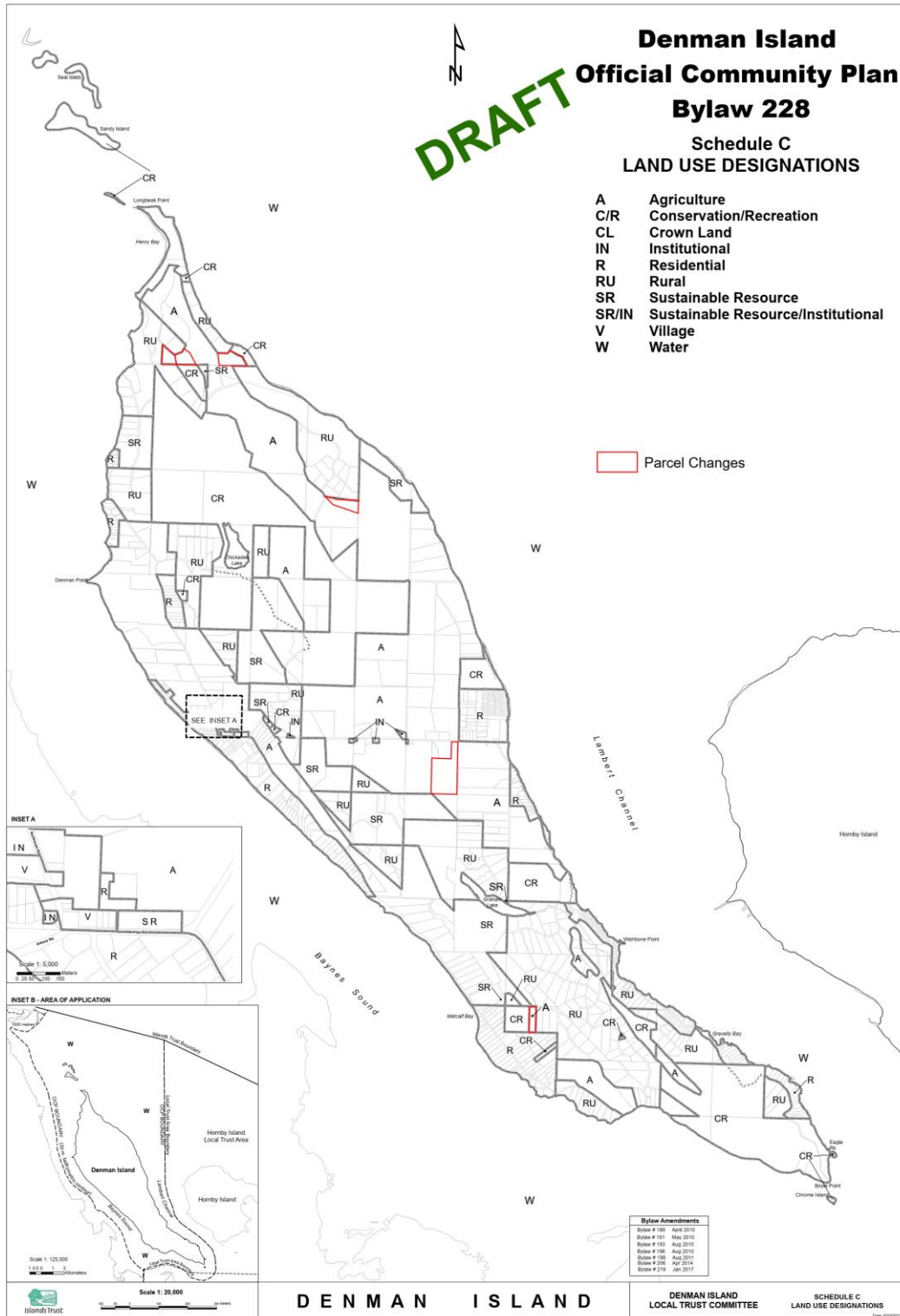
The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”

- 1.11 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - Guiding Objective, is amended by inserting the words “and that the Agricultural Land Reserve is protected for farming use.” after the word “Island”.
- 1.12 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - “Resource – Objectives” is amended by renaming “Resource – Objectives” to “Agriculture and Resource Objectives”.
- 1.13 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection - Agriculture and Resource Objectives, Article – Objective 1 is amended by adding the words “for farming” after “Reserve”.
- 1.14 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – “Resource – Policies” is amended by renaming “Resource – Policies” to “Agriculture and Resource Policies”.
- 1.15 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – Agriculture and Resource Policies is amended by adding the following policies preceding Policy 1 and renumbering subsequent policies in this subsection accordingly:
- “Policy 1 The Agriculture designation should apply to all lands in the Agricultural Land Reserve and the principal use of land within this designation should be agriculture.

- Policy 2 The Local Trust Committee supports the consolidation of parcels in the Agricultural Land Reserve.
- Policy 3 Subdivision regulations for parcels in the Agricultural Land Reserve should avoid the creation of panhandle lots.
- Policy 4 Zoning regulations should permit agri-tourism use on land in the Agricultural Land Reserve when consistent with the *Agricultural Land Reserve Use Regulation* and on lots where agriculture or horticulture are a permitted use.
- Policy 5 Zoning regulations should permit an amount of agri-tourism accommodation on land in the Agricultural Land Reserve that is more limited than the criteria set forth in the *Agricultural Land Reserve Use Regulation*.
- Policy 6 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 7 The Local Trust Committee should only support applications for exclusion of land from the Agricultural Land Reserve where there is a significant benefit for the greater community of Denman Island.”
- 1.16 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – DEVELOPMENT APPROVAL INFORMATION – CIRCUMSTANCES AND SPECIAL CONDITIONS:
- (a) Article – Policy 8 is amended by adding the words “Agriculture designation and” before “Sustainable Resource designation”; and,
- (b) Article – Policy 9 is amended by removing the words “area designated Sustainable Resource” and replacing with “areas designated Agriculture and Sustainable Resource” and adding the word “Agriculture and” before “Sustainable Resource designation”.
- 1.17 Part H – OTHER PERMITS, Section H.2 – TEMPORARY USE PERMITS, INFORMATION NOTE is amended by removing the words “Section 921 of”.
2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “C” is amended as per Schedule 2, attached to and forming part of this Bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

Schedule 2



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 229

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008,” is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 6TH DAY OF OCTOBER, 2022

READ A SECOND TIME THIS 6TH DAY OF OCTOBER, 2022

PUBLIC HEARING HELD THIS _____ DAY OF _____, 20XX

READ A THIRD TIME THIS _____ DAY OF _____, 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 20XX

ADOPTED THIS _____ DAY OF _____, 20XX

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229**

Schedule 1

1. Schedule "A" of Denman Island Land Use Bylaw, 2008, is amended as follows:
 - 1.1 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*agriculture*" and replacing with:
 - i. "*agriculture* means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock."
 - ii. "*panhandle lot* means a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width;"
 - 1.2 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "'feedlot'" in its entirety
 - 1.3 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by inserting the following new definitions in alphabetical order:

agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the *Assessment Act* where no permanent facilities are constructed or erected and includes all listed agri-tourism activities in Section 12.2 of the Agricultural Land Reserve Use Regulation.

agri-tourism accommodation means a) a bedroom or other area used as a bedroom within an agri-tourism accommodation cabin or b) a tent or recreational vehicle on an agri-tourism accommodation campground as defined by the *Agricultural Land Reserve Use Regulation*.

Produce stand means a structure used for the sale of agricultural products that is sited on the lot, or an adjacent lot owned by the same owner, on which the products being offered for sale have been grown or reared.

Sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.

- 1.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety and replacing with:

Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource), and on properties in the Agricultural Land Reserve without a Temporary Use Permit.

Secondary suites are generally permitted within a principal dwelling within these zoning designations.

- 1.5 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting the following information note in its entirety:

“INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.”

- 1.6 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

- 1.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.2 - Setbacks from Streams, Lakes and Wetlands is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:

- 30.0 metres for a sewage disposal field or alternate sewage system;
- 30.0 metres for buildings and structures associated with agriculture, except for a fence; and
- 15.0 metres for all other buildings and structures, except for a fence.

The minimum setback from Chickadee Lake and Graham lake is 60.0 metres for a sewage disposal field, alternate sewage system, and all other buildings and structures, including fencing associated with agriculture or used to accommodate domesticated animals other than household pets.”

- 1.8 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.3 -Setbacks and Elevations from the Sea is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- 30.0 metres for buildings and structures, associated with agriculture, except for a fence;
- 5.0 metres for a boathouse; and
- 15.0 metres for all other buildings and structures, except for a fence or access stairway.”

- 1.9 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.16 is amended by adding, under Commercial, the following bullet:
- One per sleeping unit of agri-tourism accommodation
- 1.10 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.17 is amended by adding the following bullet:
- Four, or one per sleeping unit of agri-tourism accommodation, whichever is greatest
- 1.11 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.6 - Setback Exemptions is amended by adding the following bullet:
- “Structures used solely for the purpose of displaying and offering for sale items produced on the same parcel, and having a floor area no greater than 10 m2.”
- 1.12 Part 2 – GENERAL REGULATIONS, Section 2.7 – Screening Regulations – General Regulations, is amended by adding the following item after 4:
5. All agri-tourism accommodation must be screened from view from an adjacent lot by a landscape screen, a berm, or fencing.
- 1.13 Part 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 3.1.1 is amended by replacing the heading “Resource Zones” with “Agriculture and Resource Zones”.
- 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by replacing item 6 with:
6. Horticulture and agriculture, accessory to a principal residential use
- 1.15 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number 9:
6. Intensive agriculture on lots greater than 2.0 hectares.
- 1.16 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:
- Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)
 Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)
 Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)
 Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)
- 1.17 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Table 1 – Permitted Uses		R1	R2	R3
“10	One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area	✓	✓	✓
“11	Agri-tourism use on a lot classified as a farm under the BC Assessment Act”	✓	✓	✓

12	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act where permitted by a Temporary Use Permit	✓	✓	✓
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- 1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2 after pit privies:

6. agri-tourism accommodation

- 1.19 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following item following number 3:

Table 5 – Setbacks		R1	R2	R3
4	Minimum setback for produce stands from the front lot line	4.5m	4.5m	4.5m

- 1.20 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 7 Conditions of Use, is added as follows:

Table 9 – Conditions of Use		R1	R2	R3
	On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	✓	✓	✓

- 1.21 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.

- 1.22 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses, Subsection 3.4.12 is deleted in its entirety and replaced with the following:

Table 1 – Permitted Uses		A	F	RE
“12	Secondary suite	✓	✓	✓
13	Secondary dwelling unit consistent with <i>the Agricultural Land Reserve Use Regulation</i>	✓		
14	Secondary dwelling unit (requires approval by a Temporary Use Permit)		✓	✓
15	Agri-tourism on a lot classified as a farm under the BC Assessment Act	✓	✓	✓
16	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act and consistent with the <i>Agricultural Land Reserve Use Regulation</i>	✓	✓	✓
16	Agri-tourism accommodation on a lot classified as a farm under the BC Assessment Act (requires approval by a Temporary Use Permit)”		✓	✓

- 1.23 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 2 – Permitted Buildings and Structures, Subsection 3.4.7 is amended by deleting in its entirety and replacing it with:

Table 2 – Permitted Buildings and Structures

		A	F	RE
7	“On land in the Agricultural Land Reserve, a secondary dwelling unit in accordance with the <i>Agricultural Land Reserve Use Regulation</i> ”	✓	✓	✓
8	“On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1) cabin on a property over 4 ha and classified under the BC Assessment Act as “Farm”. Should farm tax classification discontinue agri-tourism accommodation is no longer a permitted accessory use on the lot”	✓		

- 1.24 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

“Table 3 - Density of Uses, Buildings and Structures

		A	F	RE
1.	Minimum lot area per principal single family dwelling unit on land outside the Agricultural Land Reserve	15.0ha	64.0 ha	15.0 ha
2.	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3.	Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4.	Maximum lot coverage by buildings and structures			
	• excluding greenhouses	35%	5%	10%
	• including greenhouses	75%	5%	10%
5.	On land in the Agricultural Land Reserve, the total developed area for buildings, landscaping, sewage disposal, parking and access for agri-tourism accommodation must be less than 1% of the total area of the parcel	✓	n/a	n/a
6.	On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	1	1
7.	On land in the Agricultural Land Reserve, maximum gross floor area of a single family dwelling unit	410m ²	410m ²	410m ²
8.	On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))	1	1	1
9.	On land in the Agricultural Land Reserve maximum number of secondary dwelling units per lot”	1	1	1

- 1.25 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures – add a note that: the cumulative footprint of all dwellings (principal dwellings including any secondary suite and secondary dwelling) must not exceed 500 m².

- 1.26 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – the Information Note at the bottom of Table 3 is removed.

- 1.27 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 3 is amended by adding the words “except for buildings and structures used solely as silos or grain bins, on land in the Agricultural Land Reserve” after the word “use”.
- 1.28 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 4 is amended by removing the fence height restriction for “A” Agriculture and replacing with “N/A”.
- 1.29 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 5 – Setbacks, is amended by adding a new subsection (7) as follows:

Table 5 - Setbacks		A	F	RE
“7	Minimum setback from any lot line for agri-tourism accommodation”	30.0m	30.0m	30.0m”

- 1.30 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 9 – Conditions of Use, is added as follows:

Table 9 – Conditions of Use	A	F	RE
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply	✓	✓ *Agri-tourism accommodation must be approved through a Temporary Use Permit	✓ *Agri-tourism accommodation must be approved through a Temporary Use Permit

- 1.31 Part 5 – TEMPORARY USE PERMITS, “Area 2”, Subsection – Guidelines, is amended

Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as “R2” (Rural Residential), “F” (Forestry) and “RE” (Resource). For clarity, Temporary Use Permits are not required for secondary dwellings within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve so long as they are consistent with the *Agricultural Land Reserve Use Regulation*.

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan.

Guidelines

- Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as “R2” (Rural Residential), “F” (Forestry) and “RE” (Resource) by the Denman Island Land Use Bylaw.
- Guideline 2 Compliance with the requirements of the “Secondary Suites and Accessory Dwellings” regulations of Part 2, “General Regulations”, is a condition of approval.
- Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.
- Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.
- Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:
- a) Adequate off-road parking should be provided;
 - b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
 - c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
 - d) Other requirements that the Local Trust Committee may consider appropriate.

- 1.32 Part 5 – TEMPORARY USE PERMITS is amended by adding the following new headings and Subsections after “Area 2”:

“Area 3

The Local Trust Committee may issue Temporary Use Permits for agri-tourism accommodation on lands zoned as “R1” (Residential), “R2” (Rural Residential), “R3” (Co-housing), “F” (Forestry) and “RE” (Resource) on a farm classified under the BC Assessment Act as “Farm” over 4 hectares in size. For clarity, Temporary Use Permits are not required for agri-tourism accommodation within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve.

Objective

To permit flexibility for the provision of small scale agri-tourism accommodation in conjunction with agricultural uses and farm activities that support seasonal economic opportunities for farmers. Agri-tourism accommodation in the form of home-based guest accommodation units in the principal dwelling are subject to Section 2.4.

Guidelines

- Guideline 1 Agri-tourism accommodation is limited to four (4) or fewer sleeping units in the form of either seasonal campsites and/or a maximum of

one (1) cabin.

- Guideline 2 The total developed area for buildings, landscaping, sewage disposal, parking and access for the accommodation must be less than 1% of the total area of the parcel;
- Guideline 3 The accommodation should be sited and designed to address:
- Locating the accommodation on poorer agricultural capability soils and away from environmentally sensitive areas;
 - The provision of access to the accommodation that avoids conflict with agricultural uses on the farm and adjacent farms;
 - Mitigating possible negative impacts using landscape buffers and screening subject to Section 2.7;
 - The provision of adequate potable water and sewage disposal;
 - The provision of adequate off-road parking; and
 - Other requirements deemed necessary by the Local Trust Committee.”

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008,” is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 6TH DAY OF OCTOBER , 2022

READ A SECOND TIME THIS 6TH DAY OF OCTOBER , 2022

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229**

Schedule 1

1. Schedule "A" of Denman Island Land Use Bylaw, 2008, is amended as follows:
 - 1.1 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*agriculture*" and replacing with:
 - i. "*agriculture means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock.*"
 - ii. "*panhandle lot means a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width;*"
 - 1.2 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "'feedlot" in its entirety
 - 1.3 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by inserting the following new definitions in alphabetical order:

agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the *Assessment Act* where no permanent facilities are constructed or erected and includes all listed agri-tourism activities in Section 12.2 of the *Agricultural Land Reserve Use Regulation*.

agri-tourism accommodation means a) a bedroom or other area used as a bedroom within an agri-tourism accommodation cabin or b) a tent or recreational vehicle on an agri-tourism accommodation campground as defined by the *Agricultural Land Reserve Use Regulation*.

Produce stand means a structure used for the sale of agricultural products that is sited on the lot, or an adjacent lot owned by the same owner, on which the products being offered for sale have been grown or reared.

Sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.

- 1.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety and replacing with:

Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource), and on properties in the Agricultural Land Reserve without a Temporary Use Permit.

Secondary suites are generally permitted within a principal dwelling within these zoning designations.

- 1.5 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting the following information note in its entirety:

“INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.”

- 1.6 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

- 1.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.2 - Setbacks from Streams, Lakes and Wetlands is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:

- 30.0 metres for a sewage disposal field or alternate sewage system;
- 30.0 metres for buildings and structures associated with agriculture, except for a fence; and
- 15.0 metres for all other buildings and structures, except for a fence.

The minimum setback from Chickadee Lake and Graham lake is 60.0 metres for a sewage disposal field, alternate sewage system, and all other buildings and structures, including fencing associated with agriculture or used to accommodate domesticated animals other than household pets.”

- 1.8 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.3 -Setbacks and Elevations from the Sea is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- 30.0 metres for buildings and structures, associated with agriculture, except for a fence;
- 5.0 metres for a boathouse; and
- 15.0 metres for all other buildings and structures, except for a fence or access stairway.”

- 1.9 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.16 is amended by adding, under Commercial, the following bullet:
- One per sleeping unit of agri-tourism accommodation
- 1.10 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.17 is amended by adding the following bullet:
- Four, or one per sleeping unit of agri-tourism accommodation, whichever is greatest
- 1.11 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.6 - Setback Exemptions is amended by adding the following bullet:
- “Structures used solely for the purpose of displaying and offering for sale items produced on the same parcel, and having a floor area no greater than 10 m2.”
- 1.12 Part 2 – GENERAL REGULATIONS, Section 2.7 – Screening Regulations – General Regulations, is amended by adding the following item after 4:
5. All agri-tourism accommodation must be screened from view from an adjacent lot by a landscape screen, a berm, or fencing.
- 1.13 Part 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 3.1.1 is amended by replacing the heading “Resource Zones” with “Agriculture and Resource Zones”.
- 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by replacing item 6 with:
6. Horticulture and agriculture, accessory to a principal residential use
- 1.15 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number 9:
6. Intensive agriculture on lots greater than 2.0 hectares.
- 1.16 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:
- Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)
 Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)
 Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)
 Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)
- 1.17 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Table 1 – Permitted Uses		R1	R2	R3
“10	One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area	✓	✓	✓
“11	Agri-tourism use on a lot classified as a farm under the BC Assessment Act”	✓	✓	✓

12	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act where permitted by a Temporary Use Permit	✓	✓	✓
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- 1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2 after pit privies:

6. agri-tourism accommodation

- 1.19 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following item following number 3:

Table 5 – Setbacks		R1	R2	R3
4	Minimum setback for produce stands from the front lot line	4.5m	4.5m	4.5m

- 1.20 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 7 Conditions of Use, is added as follows:

Table 9 – Conditions of Use		R1	R2	R3
	On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	✓	✓	✓

- 1.21 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.

- 1.22 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses, Subsection 3.4.12 is deleted in its entirety and replaced with the following:

Table 1 – Permitted Uses		A	F	RE
“12	Secondary suite	✓	✓	✓
13	Secondary dwelling unit consistent with <i>the Agricultural Land Reserve Use Regulation</i>	✓		
14	Secondary dwelling unit (requires approval by a Temporary Use Permit)		✓	✓
15	Agri-tourism on a lot classified as a farm under the BC <i>Assessment Act</i>	✓	✓	✓
16	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act and consistent with the <i>Agricultural Land Reserve Use Regulation</i>	✓	✓	✓
16	Agri-tourism accommodation on a lot classified as a farm under the BC Assessment Act (requires approval by a Temporary Use Permit)”		✓	✓

- 1.23 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 2 – Permitted Buildings and Structures, Subsection 3.4.7 is amended by deleting in its entirety and replacing it with:

Table 2 – Permitted Buildings and Structures

		A	F	RE
7	“On land in the Agricultural Land Reserve, a secondary dwelling unit in accordance with the <i>Agricultural Land Reserve Use Regulation</i> ”	✓	✓	✓
8	“On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1) cabin on a property over 4 ha and classified under the BC Assessment Act as “Farm”. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot”	✓		

- 1.24 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

“Table 3 - Density of Uses, Buildings and Structures

		A	F	RE
1.	Minimum lot area per principal single family dwelling unit on land outside the Agricultural Land Reserve	15.0ha	64.0 ha	15.0 ha
2.	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3.	Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4.	Maximum lot coverage by buildings and structures			
	• excluding greenhouses	35%	5%	10%
	• including greenhouses	75%	5%	10%
5.	On land in the Agricultural Land Reserve, the total developed area for buildings, landscaping, sewage disposal, parking and access for agri-tourism accommodation must be less than 1% of the total area of the parcel	✓	n/a	n/a
6.	On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	1	1
7.	On land in the Agricultural Land Reserve, maximum gross floor area of a single family dwelling unit	410m ²	410m ²	410m ²
8.	On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))	1	1	1
9.	On land in the Agricultural Land Reserve maximum number of secondary dwelling units per lot”	1	1	1

- 1.25 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures – add a note that: the cumulative footprint of all dwellings (principal dwellings including any secondary suite and secondary dwelling) must not exceed 500 m².

- 1.26 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – the Information Note at the bottom of Table 3 is removed.

- 1.27 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 3 is amended by adding the words “except for buildings and structures used solely as silos or grain bins, on land in the Agricultural Land Reserve” after the word “use”.
- 1.28 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 4 is amended by removing the fence height restriction for “A” Agriculture and replacing with “N/A”.
- 1.29 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 5 – Setbacks, is amended by adding a new subsection (7) as follows:

Table 5 - Setbacks		A	F	RE
“7	Minimum setback from any lot line for agri-tourism accommodation”	30.0m	30.0m	30.0m”

- 1.30 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 9 – Conditions of Use, is added as follows:

Table 9 – Conditions of Use	A	F	RE
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply	✓	✓ *Agri-tourism accommodation must be approved through a Temporary Use Permit	✓ *Agri-tourism accommodation must be approved through a Temporary Use Permit

- 1.31 Part 5 – TEMPORARY USE PERMITS, “Area 2”, Subsection – Guidelines, is amended

Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as “R2” (Rural Residential), “F” (Forestry) and “RE” (Resource). For clarity, Temporary Use Permits are not required for secondary dwellings within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve so long as they are consistent with the *Agricultural Land Reserve Use Regulation*.

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan.

Guidelines

- Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as “R2” (Rural Residential), “F” (Forestry) and “RE” (Resource) by the Denman Island Land Use Bylaw.
- Guideline 2 Compliance with the requirements of the “Secondary Suites and Accessory Dwellings” regulations of Part 2, “General Regulations”, is a condition of approval.
- Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.
- Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.
- Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:
- a) Adequate off-road parking should be provided;
 - b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
 - c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
 - d) Other requirements that the Local Trust Committee may consider appropriate.

- 1.32 Part 5 – TEMPORARY USE PERMITS is amended by adding the following new headings and Subsections after “Area 2”:

“Area 3

The Local Trust Committee may issue Temporary Use Permits for agri-tourism accommodation on lands zoned as “R1” (Residential), “R2” (Rural Residential), “R3” (Co-housing), “F” (Forestry) and “RE” (Resource) on a farm classified under the BC Assessment Act as “Farm” over 4 hectares in size. For clarity, Temporary Use Permits are not required for agri-tourism accommodation within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve.

Objective

To permit flexibility for the provision of small scale agri-tourism accommodation in conjunction with agricultural uses and farm activities that support seasonal economic opportunities for farmers. Agri-tourism accommodation in the form of home-based guest accommodation units in the principal dwelling are subject to Section 2.4.

Guidelines

- Guideline 1 Agri-tourism accommodation is limited to four (4) or fewer sleeping units in the form of either seasonal campsites and/or a maximum of

one (1) cabin.

- Guideline 2 The total developed area for buildings, landscaping, sewage disposal, parking and access for the accommodation must be less than 1% of the total area of the parcel;
- Guideline 3 The accommodation should be sited and designed to address:
- Locating the accommodation on poorer agricultural capability soils and away from environmentally sensitive areas;
 - The provision of access to the accommodation that avoids conflict with agricultural uses on the farm and adjacent farms;
 - Mitigating possible negative impacts using landscape buffers and screening subject to Section 2.7;
 - The provision of adequate potable water and sewage disposal;
 - The provision of adequate off-road parking; and
 - Other requirements deemed necessary by the Local Trust Committee.”



February 7, 2023

Marlis McCargar
Island Planner
Islands Trust

Sent by email

Dear Marlis:

Re: Denman Island Official Community Plan (Bylaw 228) and Zoning Bylaw (Bylaw 229) Update (collectively, the Denman Farm Plan)

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on the Denman Island Official Community Plan and Zoning Bylaw Update (the Denman Farm Plan). Ministry staff note that preliminary comments on the Denman Farm Plan were sent to Islands Trust in February 2018 and that a formal referral letter dated July 11, 2018 was completed by Ministry staff. From an agricultural planning perspective, Ministry staff offer the following comments.

Support for Agriculture

Overall, Ministry staff appreciate the effort that the Denman Island Local Trust Committee (LTC) has invested into updating the Denman Farm Plan, which seeks to preserve agricultural land and encourage farming on land in the Agricultural Land Reserve (ALR). Further, Ministry staff are pleased to see that portions of the Ministry's Guide for Bylaw Development in Farming Areas (the Guide) appears to have been utilized/referenced for some of the proposed changes to the Denman Farm Plan.

Bylaw 228 (Official Community Plan)

Single Zone for Agriculture: Initially supported by Ministry staff in the July 11, 2018 referral response letter, Ministry staff are pleased to see that a single zone for agriculture is proposed. Having a single agricultural zone for all ALR land provides consistency and reflects an understanding that agriculture is the priority use for these parcels.

1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING

Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve as guided by the Ministry of Agriculture and Food's Guide to Bylaw Development in Farming Areas to protect the land's agricultural viability.

Ministry staff are pleased to see that the LTC has recognized the importance and value of siting residential uses on properties in the ALR. Ministry staff note however, that the updates to Bylaw 229 (Land Use Bylaw), do not actually include the above noted maximum setbacks from lot lines for residential use within the ALR. Please see section 2.4.6.5 of the Guide for additional information pertaining to maximum setbacks from lot lines for residential use.

1.8c & 1.8d Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article -zoning – an additional provision is added to Policy 27 & 28: that the proposal is not located within the Agricultural Land Reserve

Ministry staff appreciate LTC directing zoning amendment applications for both seniors housing and affordable housing projects to properties not located in the ALR.

1.15 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES

Policy 3: Subdivision regulations for parcels in the Agricultural Land Reserve should avoid the creation of panhandle lots.

To further discourage subdivision of land in the ALR, the LTC may wish to amend Policy 3 or create a new policy in this section that states:

Further subdivision of agricultural lands to create new lots is not supported.

Policy 7: The Local Trust Committee should only support applications for exclusion of land from the Agricultural Land Reserve where there is a significant benefit for the greater community of Denman Island."

As written, it is unclear what constitutes 'a significant benefit for the greater community of Denman Island.' Ministry staff are concerned that this ambiguous statement may embolden private landowners to attempt to have their property excluded from the ALR for uses that they perceive to be of importance to the community of Denman Island. As such, Ministry staff suggest strengthening this policy by specifically defining what constitutes 'a significant benefit for the greater community of Denman Island'.

Bylaw 229 (Land Use Bylaw)

1.3 Part 1 - ADMINISTRATION, Section 1.1

agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the Assessment Act and includes all listed agri-tourism activities in Section 12.2 of the Agricultural Land Reserve Use Regulation

To both ensure consistency with the ALR Use Regulation and for clarity to the reader of the Denman Farm Plan, the LTC may wish to amend the definition of agri-tourism as follows:

*agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the Assessment Act, **where no permanent facilities are constructed or erected**, and includes all listed agri-tourism activities in Section 12.2 of the Agricultural Land Reserve Use Regulation*

1.6 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

Ministry staff are pleased to see that, as described in the Guide, deer fencing, netting supports and trellises are all omitted from height restrictions.

1.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations
The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:
 - **30.0 metres for buildings and structures associated with agriculture, except for a fence**

Section 2.4.8.4. of the Guide contains an extensive analysis of setbacks for agricultural structures from watercourses. Specifically, setback standards are divided into four categories with category 1 representing agricultural structures that are considered to pose a high risk for causing pollution (e.g. a confined livestock area). Accordingly, the Guide recommends a 30 metre setback from watercourses for these structures. Agricultural structures that pose less of a risk for causing pollution are categorized as category 2, 3 and 4 and generally, it is recommended that these structures are setback 15 metres from watercourses.

Ministry staff note that this section of Bylaw 229 does not differentiate between types of agricultural structures and that a 30 metre setback from watercourses is required for all agricultural structures. Ministry staff have reviewed the Definition section of both Bylaw 229 and the existing Denman Island Land Use Bylaw No. 186, 2008, and note that the definitions of *Feedlot* and *Intensive Livestock* would both fall into a category 1 structure as defined in the Guide. To differentiate between different types of agricultural structures, Ministry staff suggest amending this section of Bylaw 229 as follows:

*30.0 metres for buildings and structures associated with **a feedlot or intensive livestock** agriculture, except for a fence*

*~~30.0~~ **15.0** metres for **all other** buildings and structures associated with agriculture, except for a fence*

1.23 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”
“On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1)

cabin on a property over 4 ha and classified under the BC Assessment Act as “Farm”. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot”

Be advised that, as per the ALR Use Regulation, agri-tourism accommodation is only permitted on a parcel in the ALR if that parcel is classified as a farm under the Assessment Act and that there is no ‘grace period’ when a property loses its farm tax classification. As such, Ministry staff recommend amending this section as follows:

“On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1) cabin on a property over 4 ha and classified under the BC Assessment Act as “Farm”. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot”

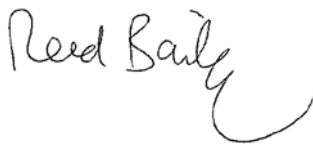
1.22 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses

Ministry staff note that “Produce Stand”, which is a new definition in Bylaw 229, is not included as either a permitted or an accessory use in the Agriculture zone.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural planning perspective with respect to this file.

Sincerely,



Reed Bailey
Land Use Planner
778-698-3455
Reed.Bailey@gov.bc.ca

Cc: Agricultural Land Commission – ALC.Referrals@gov.bc.ca



BYLAW REFERRAL FORM

Island: Denman Island Local Trust Area Bylaw Nos.: 228 and 229 Date: December 20, 2022

You are requested to comment on the attached Bylaws for potential effect on your agency's/organization's interests. We would appreciate your response by January 6, 2023. If no response is received by that date, it will be assumed that your agency's/organization's interests are unaffected.

APPLICANTS NAME / ADDRESS:

DENMAN ISLAND LOCAL TRUST COMMITTEE

PURPOSE OF BYLAWS:

Amendments to the OCP and LUB are part of the Denman Island Farming Regulations Review Project to formally protect Denman Island's land base for agriculture.

The intent of **Bylaw No. 228**, if adopted, would be to amend the Denman Official Community Plan Bylaw No. 185, 2008 (OCP) to re-designate all lands within the Agricultural Land Reserve (ALR) to a new 'Agriculture' designation and include several new policies supporting agriculture uses consistent with the Agricultural Land Commission regulations and policies.

The intent of **Bylaw 229**, if adopted, would be to amend the Denman Island Land Use Bylaw No. 186, 2008 (LUB), to regulate dwellings in the ALR; agritourism; use agritourism accommodation, and to update several definitions and setback regulations.

GENERAL LOCATION:

Denman Island, BC

OTHER INFORMATION: N/A

Please direct any communications regarding this referral to Becky McErlean, Legislative Clerk, at (250) 247-2206 or by email to northinfo@islandstrust.bc.ca.

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

Marlis McCargar

(Signature)

Marlis McCargar

Name:

Title

Island Planner

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Agriculture and Food
Agricultural Land Commission

Non-Agency Referrals

Denman Advisory Planning Commission
Denman Growers and Producers Alliance

Regional Agencies

Comox Valley Regional District
School District #71 (Comox Valley)

Adjacent Local Trust Committees and Municipalities

Hornby Local Trust Committee

First Nations

K'ómoks First Nation
Cowichan Tribes
Hul'qumi'num Treaty Group
Ts'uu baa-asatx First Nation (Lake Cowichan)
Lyackson First Nation
Penelakut Tribe
Halalt First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Qualicum First Nation
Snaw'Naw'As First Nation
Nanwakolas Council
We Wai Kai Nation
Wei Wai Kum Nation
Homalco First Nation (Xwemalhkwu)
Te'Mexw Treaty Association
Tla'amin First Nation

PLEASE TURN OVER ➔

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☒

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Island Trust 2050 – Fact Sheet for Agriculture states “For communities in the Islands Trust, thriving local agriculture is a key component of rural island culture and supports local food security, economies, community health and climate action.” We see various aspects of the proposed regulations as concerning because they appear to make it harder to produce and sell food for no good reason.

The Denman Growers and Producers Alliance believe several of proposed policies to be restrictive: Farm Stands is first issue: why is there an issue to regulate? We suggest that there should be no restrictions and the use, location and dimensions of a produce stand should be open to interpretation. If Islands Trust must zone, then we have the following specific complaints: The proposed size is restrictive. The two current farm stands on Denman would not meet proposed farm stands sizes putting them in a non-conforming position. Also, why 4.5 metre setback for a farm stand? In some cases this is not practical due to trees and then there is the possibility of using -up valuable farmland. Another issue is why regulate and say they can only sell produce from there farm. It would make more sense for produce stands to be able to sell local products from other producers. Last; buildings are valuable commodities, when not in use they should be allowed to store farm equipment and not just be limited to use as a farm stand.

Septic requirements: Apparently BC Code allows greywater Septic Beds and Jenkins Style composting toilets (Part 9 of the BC building Code). While this option may not be for everyone it should at least have consideration if there is an interest in conserving water. There is no reason why Islands Trust regulations for farmers should be more restrictive than the building code.

Screening of buildings: this should not be necessary in all cases and wonder why farmer is being penalized. Should be reviewed on a site by site basis. Also wondering how tall said screening needs to be?

Proving potable water for secondary dwellings: proposed wording is open to a lot of interpretation, expensive for the farmer, and will delay any building by at least a year. If water has been historically available in the area or an existing well could be used, then there should be an exception to this requirement.

The Alliance acknowledges Island Trust wish to regulate land use. However, a number of farmers farm on non-ALR land and would have to pay fees for TUP’s if they want secondary buildings. We suggest that “Bona fide Farmers” based on the proof of sales over \$1,000 a year in farm, orchard or related land-based products be exempt from said fees.

“The Denman Island Farm Plan “and LTC Staff recommended amending the OCP to support alternative land tenure agreements. At this moment we see a very rigid set of bylaws that allow no flexibility in regards to past practices, succession planning for retiring farmers, shared ownership or long-term leases. All of which could bring unused farmland into production. It should be noted that the ALR have a process for granting exceptions to their housing standards but are less likely to do so without local government support. We ask that the Islands Trust enact and publicize a general policy whereby if the ALR grant exceptions to their zoning that the Islands Trust will also grant any necessary exemptions to Island Trust policy.

Denman Island Local Trust Area – Denman Island	Bylaw No. 228 (OCP Amendment)
(Island)	(Bylaw Number)
Doug Wright	Past President
(Signature)	(Title)
Feb 1, 2023	Denman Island Growers Association
(Date)	(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☒

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

**Denman Island Local Trust Area – Denman
Island**

(Island)

Doug Wright

(Signature)

Feb 1, 2023

(Date)

Bylaw No. 229 (LUB Amendment)

(Bylaw Number)

Past President

(Title)

Denman Island Growers Association

(Agency)

File No.: 12-02-6500-20-2022 Housing
Review

DATE OF MEETING: June 6, 2023
TO: Denman Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner (Regional Planning Team)
Local Planning Services
COPY: Renee Jamurat, Regional Planning Manager
SUBJECT: Housing Review Project Preliminary Report

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee request staff send a letter to relevant First Nations to ask how they would like to be engaged in the development of a housing action plan for Denman Island.
2. That the Denman Island Local Trust Committee request staff forward the June 8, 2023 report and other relevant materials, with a terms of reference, to the Denman Island Housing Advisory Committee for review and comments by October 1, 2023.
3. That the Denman Island Local Trust Committee request that staff ask the Denman Housing Action Group to help gather community based information relevant to understanding housing need.
4. That the Denman Island Local Trust Committee request staff identify public engagement options.
5. That the Denman Island Local Trust Committee request that staff develop a project charter for the next phase in the Housing Review Project.
6. That the Denman Islands Local Trust Committee request staff to develop a business case focussing on the need for a water availability assessment as part of the housing project for 2024/25.

REPORT SUMMARY

The purpose of this report is to:

- Provide background on past efforts related to housing on Denman Island;
- Provide an overview of what is known of housing needs on Denman Island based on past work;
- Identify steps for addressing housing needs (Suitable Land Analysis and OCP and LUB Options); and
- Recommend next steps for the Denman Island Housing Project.

BACKGROUND

Housing has been a key concern for Denman residents for over the past two decades. The traditional approach to land use planning on Denman Island has resulted in zoning that has almost exclusively supported the development of single detached housing. As numerous housing studies have indicated, this has limited housing options and contributed to housing challenges. Changes made to the Official Community Plan (OCP) and Land Use Bylaw (LUB) to allow secondary suites in some zones, and secondary dwellings by Temporary Use Permits (TUPs) as a result of the 2013 Housing Needs Review, increase the opportunity for more diversity in housing to some degree. However, increasing community concern contributing to the initiation of the Denman Housing Project in 2022 indicates that there is more to be done to address housing need on Denman Island.

Past efforts to address housing and steps leading up to and supporting the current Denman housing project are summarized below.

Housing Consultation and Reporting for Denman Over Two Decades

In a document review presented to the Denman Island LTC on April 4, 2023, the Denman Island Housing Action Group (DIHAG) provided summary and analysis of a number of public consultation processes and reports related to housing on Denman Island produced in the last 20 years. Staff have reviewed all of the documents identified by DIHAG, as well as others, and confirm DIHAG's observation that over the past two decades that there has been a high degree of consistency in observations and recommendations related to housing. Providing adequate and affordable housing for Denman residents with minimal environmental impact is a central theme.

An annotated bibliography of reports can be found in Appendix 1. Staff are working to have many of these reports available on the Islands Trust website. Staff have used these documents to help identify housing needs and options for LUB and OCP amendments (described later in the report).

Resulting Outcomes of Housing Initiatives Over the Past Two Decades

The outcome of rezoning applications and LTC Projects related to housing over the past two decades include:

2010 – Density Bank created as part of 2009 OCP Review

2011 - Housing Cooperative led CoHo Landing rezoning application resulted in permitting 15 single detached home on a cooperatively owned property (5201 Denman Rd.).

- 2014 – 2013 Denman Housing Needs Project resulting in approval of OCP and LUB amendments permitting secondary suites (outright) and secondary housing units (through TUP) on lands zones R2 (rural residential), A (agricultural), F (forestry) and RE (Resource).
- 2017 – Denman Community Land Trust Association rezoning application resulted in permitting 8 units of seniors housing (Pepper Lane – 3730 Denman Rd.)
- 2022 – Denman Housing Association rezoning application resulted in permitting 20 units of rental housing (mixed market and affordable) (Denman Green - 6080 Woodham Rd.)

Denman Housing Review 2022/23

In July 2022 the Denman LTC approved a project charter supporting the Denman Island Housing Review Project. The purpose of the project was to: “Through the use of a consultant, engage the APC, community members and stakeholders to assist in identifying necessary updates to the Denman Island Official Community Plan and Land Use Bylaw to increase housing options for affordable and attainable housing. Develop recommendations for policy and regulatory amendments that will minimize impacts of housing generally to better protect the environment while supporting equity, diversity and inclusion”.

The project began in May 2022 and was completed in March 2023. Vancouver Island University’s (VIU) Mount Arrowsmith Biosphere Region Research Institute (MABRRI) was retained to facilitate public engagement and provide a report on their findings. The process was criticized by community members, including the DIHAG, for not effectively engaging the community, not providing background on housing need and not acknowledging work that had been previously done to identify and address housing needs on Denman.

Denman OCP and LUB Housing and Short Term Rentals Review 2023/24

In fall of 2022 a business case was submitted to Trust Council for 2023/24 funding and allocation of staff time to address housing needs through amendments to the OCP and LUB. A budget of \$18,000 and Regional Planning Team time was allocated to this project for fiscal 2023/24. Of this, \$6000 has been allocated to legal review and \$12,000 to the development of communication and educational information/community information meeting(s) and public hearing. With LTC direction, staff will develop a project charter identifying timing and funding allocation.

Related Regional Planning Committee Directives

The Denman Housing Review will benefit from work that is being supported by the Trust Council Regional Planning Committee. This work includes: the development of a Trust Wide Housing Strategy, the development of a suitable land analysis methodology (to be discussed in more detail further in this report), and an update to housing needs assessments Trust Wide in 2024/25.

Regional Planning Team

The development of the regional planning team was the result of the Local Planning Services Review, an initiative of the previous Trust Council. Regional planning team members work on major projects throughout the Trust Area. Having Regional Planning Team staff work with a number of Local Trust Committees (LTC) helps build staff expertise in specific topic areas and facilitate information sharing that benefits all the islands in the Trust Area. For instance, Denman has the opportunity to benefit from

housing project work done on Mayne Island as well as freshwater sustainability implementation work done for North Pender Island and Galiano Island.

WHAT IS KNOWN - HOUSING NEEDS ON DENMAN ISLAND

As identified by past engagement processes and housing related projects on Denman, the lack of housing inventory, diversity in housing and increasing property values have made purchasing and renting housing increasingly less accessible and attainable for residents on Denman Island. As the 2018 Housing Needs Assessment, Northern Region of Islands Trust identifies, “based on the population growth projected for 165 units and 48% need for affordable rental, Denman Island now requires up to 80 affordable housing units”. This number may have increased since the last census. Many of the reports contained in Appendix 1 point to a variety of similar housing needs; and many of these needs are identified in the following summary below.

Who Needs Housing?

Seniors - The need for affordable and attainable seniors housing has been a key theme throughout the past two decades. The Denman Island’s population is increasingly comprised of seniors. The 2021 Statistics Canada report identified that 52% of the population is over 60 years old. There are 110 seniors on Denman that are considered low income households. The 2014 report Affordable Housing for Seniors on Denman Island identified a strong interest in seniors housing that is smaller scale in size and close to the Denman Island Village.

Families with children - According to Statistics Canada data there are 145 families (households with children). Almost half (70) of these households are lone parents. The number of households with children increased from 120 in 2015 to 155 in 2021. During this time the number of lone parent households has increased by 20. Lone parent families, in general, are statistically the most vulnerable when it comes to housing. More data is needed to determine what the housing need for families is.

Workers and volunteers - A number of reports identify that individuals and families have had to leave Denman Island because of the lack of housing options. This has a negative impact on services that are critical to the functioning of the community. As identified by Islands Trust staff in the 2022 business case submitted to Trust Council, as of June, 2021, the preschool, General Store, and at least one farm are having trouble finding staff, mainly due to lack of housing on the island. The labour and volunteer force will continue to decrease if affordable housing options are not available.

Inadequate housing and hidden homeless - A number of reports have identified the existence of the “hidden homeless”. These are people living in places that are considered unsuitable and inadequate for human habitation such as travel trailers, vehicles and busses, tents or other temporary accommodation. These living conditions tend to be under reported as they violate bylaws. The 2018 Needs Assessment report for Denman identified that 83% of survey respondents indicated they were aware of people living in illegal and inappropriate housing on the island. This trend has continued. A community based assessment is needed to get a clearer picture of this need.

Households in core housing need - Those in core housing need are paying over 30% of their income on housing and are living in dwellings that are considered unsuitable or inadequate. On Denman 105 households are identified to be in core housing need according to 2021 Statistics Canada data.

Housing Needs Considerations

Affordable and adequate rental opportunities. Permanent rentals has been a consistent housing need over the decades. About 90% of the survey respondents related to the 2013 Affordable and Convenient Housing Needs report indicated that rental units on Denman were inadequate. Other reports since then identify the existence of inadequate housing as well as unsafe housing conditions and insecure tenure. Another issue that has been identified is the existence of seasonal rentals which results in residents having to find temporary accommodation in the summer months. The DIHAG in their February 2023 presentation to the DILTC identified the rental vacancy rate to be “almost 0%”.

Subsidized development of owner housing. While there is a clear role or purpose for rental housing on Denman, for those wanting to be rooted in the community, attainable and affordable ownership could be a more desirable option. The median value of single –family dwellings identified in the 2021 Statistics Canada data is \$645, 000. The Basic Housing Information Denman Island report provided by Peter Spur in January looked at BC Assessment data for 2022 and identified that the average price of housing on Denman was \$1,003,859. Only five of these were priced below \$700,000. As Spur identified, this would be unattainable for a majority of Denman residents where the median income is \$59,200. Understanding what is needed and developing a Housing Action Plan will enable Denman to be in a position to take advantage of funding opportunities and partnerships that may result in subsidized ownership and rental opportunities.

Legalizing existing housing. As a number of report identify, in cases where “illegal” housing is providing safe and secure fulltime accommodation efforts should be taken explore how to bring these dwellings into conformity with the OCP and LUB. In some cases these may be secondary dwellings existing without TUPs. There may be secondary suites where they are not permitted. The proliferation of dwellings in the Agricultural Land Reserve suggests consideration of an application for ALR exemption.

Provision of a mix of housing options. As identified by 2021 Statistics Canada data, 96% of Denman’s occupied dwellings are single-detached houses. Secondary suites are permitted in some zones, secondary dwellings (including travel trailers, buses and similar vehicles) are only permitted with TUP. There are no multi-family developments. Due to lack of options those in need of affordable housing are using a range of means to meet housing needs, including shared housing, illegal dwelling units, and non permitted trailers and mobile homes. As will be identified in the next section, there are many options the LTC could consider to further increase opportunity for housing diversity.

Updating Needs Assessment

Staff acknowledge the importance of an updated needs assessment that includes both qualitative and quantitative analysis in order to understand the intensity of each of the needs identified above and

identify needs that may not have been captured. This will help Denman set targets in their Housing Action Plan to be ready for potential future finding opportunities.

Updating housing need data for Denman will be done during the course of this project. An Islands Trust Wide housing needs assessment update is a priority of fiscal 2024/25. Staff recommends that the LTC consider engaging the DIHAG, if they are interested, to help with identifying hidden needs that may not be captured by the consultant or staff leading the needs assessment processes. DIHAG could also be involved designing a qualitative survey to be used as part of the formal needs assessment process.

Not having an updated needs assessment should not delay the continuation of this project. Reports indicate that many of the needs identified above have not been addressed.

Some 2021 Statistics Canada Data relevant to housing is contained in the Denman Island Housing Profile Snapshot contained in Appendix 2.

STEPS TO ADDRESSING HOUSING NEED

Addressing housing need through increasing options and diversity in housing require knowing **WHERE** on the land increases in residential density and intensity of land use can be accommodated with limited risk to the environment, **WHAT** type of housing should be supported through changes to land use policies and regulation. **HOW** the housing is build will be dependent on private land owners, government agencies and not for profit organizations and require advocacy and partnerships.

1. Identifying WHERE to put housing

This step is about balancing housing needs with the ‘preserve and protect’ mandate. Environmental impact and groundwater availability are key considerations in identifying **WHERE** to put housing. OCP Objective 1 speaks very clearly to this interest *“To ensure that housing options are sensitive to ground water availability and sewage disposal capability, guard against contamination of ground water and preserve the rural nature of Denman Island “.*

OCP policy and land use bylaw regulation and zoning options permitting housing diversity enable properties to be “ready” for potential investment by property owners, non-profit and government organizations to build units that address housing need (The chart in Appendix 3 identified the roles different jurisdiction have in providing housing). In urban areas developers identify “ready land” as land that is most conducive to building affordable housing. Ready land in this context is land that is pre-zoned for multi-family and has adequate servicing (e.g. sewage, water, road) that does not need to be developed or updated by the developer. In the Islands Trust Area “ready land” can be considered to be land that has already been pre-zoned and land that is identified to be suitable for development (e.g. has adequate water, impact to the environment will be limited).

Understanding if land is suitable for increasing housing options involves understanding growth limits. This includes knowing if the land has adequate potable groundwater supply and the ecological impacts of increasing density and intensity of use. Denman’s population has grown by 19.4% from 2016 to 2021.

Increasing population if not accommodated appropriately will begin to have negative impacts on a number of environmental factors in addition to increasing health and safety concerns.

Suitable land analysis is a tool that can be used to help identify areas that are most suitable for increasing density and intensity of residential use. Mayne Island piloted the use of a suitable land analysis to identify a pilot area for with flexible housing project. (Flexible housing permits an increase in number of dwellings within a combined maximum floor area of all buildings). Mayne Island's suitable land analysis involved using existing groundwater mapping data, saltwater intrusion data and data related to contamination potential.

Recognizing the value of suitable land analysis to housing projects, the Island Trust's Regional Planning Committee has allocated a portion of its 2023/24 budget to the development of a methodology for a more complex suitable land analysis than that used for Mayne Island. This analysis will include build-out mapping and other sources of data (e.g. sensitive ecosystems, steep slope, endangered species) as well as groundwater data. Given the importance of this analysis to Denman's housing review project, Denman will likely be one of the pilot communities for the suitable land analysis being developed. By this Fall the LTC may have a draft suitable land analysis to help inform the housing project. Denman will still need a water availability analysis to complete the suitable land analysis. This will need to be part of the LTC's budget request for 2024/25.

Determining suitability of land for increase in density and intensity of land use will also include consideration of social and economic factors including distance to services and distance to ferry.

2. Identifying WHAT can be built

This step is all about increasing housing options by identifying **WHAT** kind of housing should be supported through changes to land use policies and regulations. Permitting, through amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB), the ability to build a mix of housing in a diversity of locations (using housing agreements where feasible), is the strongest tool LTCs have to support housing affordability. The table in Appendix 4 identifies existing housing policies in the OCP and LUB. Table 1 and 2 below identify options for amendments to the OCP and LUB.

OCP Policy Options

OCP policies need to permit flexibility to build a diversity of housing in a diversity of locations. Creative solutions may be necessary. This could include the development of housing for workers and volunteers in areas that are not currently zoned for housing such as the Community Zones (Institutional, Conservation and Park). It also could mean supporting different approaches to housing such as RV parks or tiny home villages with communal cooking and bathroom facilities. Staff have identified options for OCP amendments in Table 1. Other options may emerge as the project progresses.

Table 1: OCP Policy Options

OCP POLICY OPTIONS	
Option	Staff Comments
MAP SCHEDULE	
Suitable Land Identification - Include map schedule identifying land more suitable for additional housing	Including maps that identify areas most suitable for increased housing would support evaluation of the impacts of both application based and LTC driven projects where increasing density or intensity of land use is being considered. The types of maps that could be added include water balance, groundwater recharge and sensitive ecosystems. These maps do not have to be added to the OCP. If they are added it is likely that they will need to be updated in the future.
FORM/USE	
Remove TUP requirement for secondary dwelling units in all designations	The OCP permits secondary dwelling units in rural and sustainable resource designations by TUP. TUP is not recommended for uses requiring permanent structures. The Denman Island Housing Review (2013) survey indicated strong support for allowing more secondary suites and secondary dwellings. The Denman Housing Review (2023) recommends removing the TUP requirement.
Allow Variations in Housing Form	If there is interest in permitting untraditional forms of housing (e.g. communal cooking and bathroom facilities and separate sleeping units) this will need to be supported by the OCP.
Establish policies for rezoning for tiny home and RV villages in suitable locations.	While there appears to be a need, this type of zoning does not currently exist on Denman Island and is not contemplated by the OCP. This could include identifying land that would be suitable and developing rezoning criteria.
Permit residential use in all designations	Existing OCP policies explicitly support housing in the residential and rural designation. This support should be extended to other designations where housing is supported.
DENSITY/INTENSITY	
Permit flexible housing in residential and other land use designations including lots less than 1 hectare	Flexible housing, piloted on Mayne Island allows additional dwelling units within a maximum combined floor area of all dwellings on a property in suitable areas. Policy restricts parcels less than 1 hectare to one dwelling.
Permit reduction of minimum parcel size in some designations to facilitate donation of land for affordable housing	Subdivision regulation currently includes minimum lot sizes for residential, rural and sustainable resource land designations. The OCP could support a reduction of this minimum if the lot is being donated to and NGO or government organization for the development of affordable housing.
Permit more than 5 dwellings units in R1 if clustering and size is considered	In R1 one dwelling per 1 hectare to a maximum of 5 dwellings is permitted. Consider permitting additional dwelling units if floor area is restricted and clustering is considered.
Permit zoning for additional density in exchange for lots	This involves allowing rezoning for subdivisions of properties where two or more additional lots could be created provided a lot or lots

being donated for affordable housing.	created would be donated to a non-profit or government organization for affordable housing.
Review density bank policy and make updates	The density bank is unique to Denman and can be a useful tool in limiting and redirecting density. The Residential Density Bank Chart in OCP needs to be updated with numbers in standing resolution. It may be useful to identify an alternative way to record changes in density bank beyond standing resolutions that do not require OCP amendment. Density allocations specifically for affordable, First Nations and other specific needs could be considered. Currently secondary suites are not deemed to contribute to density extending this to smaller secondary dwellings could be considered.
WORKFORCE HOUSING	
Require workforce housing as a condition of rezonings for commercial / institutions and industrial purposes	This is an increasing trend in small communities where services are being impacted by lack of housing for workers.
TEMPORARY USE PERMITS	
Develop TUP guidelines for RVs and Tiny Homes.	TUP can be used to legally site RVs and Tiny Homes that do not conform to existing bylaws.
ALR EXCLUSION	
Include policies related to ALR exclusion	Local Governments may apply for land to be excluded from the Agricultural Land Reserve. The OCP should include policies that indicate the circumstances under which an application for exclusion for affordable housing would be appropriate.
OTHER OCP UPDATES	
Update policies that are outdated	Housing policies that refer to actions to be taken that have been implemented should be updated (e.g. Policy 19 referring to review of OCP policies following needs assessment and Policy 29 referring to bringing existing dwellings into conformity pre existing dwellings)
Revisit site specific exemptions in light of potential changes to secondary dwelling policy	Policy 8 identifies specific permissions for Site Specific Zones R1(1) and R1(2). These should be revisited if changes related to secondary dwellings are made.

LUB Regulation and Zoning Options

Table 2 identifies a number of Land Use Bylaw options to address housing needs. These include options such as expanding permission for secondary suites into areas where they are not currently allowed and removing the need for TUPs for secondary dwellings and pre-zoning for subdivision to enable additional density in exchange for lots donated for housing. All LUB options adopted must be consistent with the OCP.

Table 2: Land Use Bylaw Options

LAND USE BYLAW OPTIONS	
Option	Staff Comment
DEFINITIONS	
Review Definitions to ensure consistency with OCP and LUB update	OCP and LUB updates may required updates to definitions. Other definitions may also need to be added
Create definition for variations in housing form	If the LTC wants to support variations in housing form that are not already defined in the LUB a new definition will need to be created.
Revise definition of affordable housing	Denman's current definition of "dwelling unit, affordable housing" is tied to a housing agreement.
SUBDIVISION	
Subdivision density bonus	If there is suitable land close to services the LTC could introduce density bonus regulations that establish a base permitted lot density, as well as a provision for additional density in exchange for the contribution of a lot or lots for affordable housing.
Smaller lot subdivision	Allow for smaller lot subdivision for the purposes of creating affordable housing. This could also be considered in areas where smaller lots will have minimal impact to the environment. respondents. Staff recommend this be used in limited circumstances where lots are being donated for affordable housing.
TARGETED REZONING	
Review zoning of properties that are currently zoned for multiple dwellings	These properties are identified in the previous section of this report. As they are already zoned and designated for multiple dwellings the zoning and associated regulations could be amended to address current housing needs and opportunities.
Amend zoning to allow for small-scale density bonus in appropriate locations	This would involve rezoning specific properties for subdivision into smaller lots to create additional properties in exchange for donation of a lot to a non-profit or government organization that builds affordable housing.
ZONING TO INCREASE SMALL SCALE DENSITY/INTENSITY	
Permit secondary suites in all areas where dwellings are permitted	Secondary suites are currently not permitted in R1 and R3. 78% of Denman Islands Housing Review respondents indicated interest in expanding secondary suite to R1. R3 is co-housing. Consider changes to secondary suite regulation to permit flexibility (e.g. reconsider form, size, access)
Allow secondary dwelling units outright in appropriate areas	Secondary dwelling units are currently only permitted by TUP in a number of zones. These units could be allowed outright. The LTC may want to expand permission for secondary dwelling units to other zones.
Introduce flexible housing	Flexible housing, piloted on Mayne Island allow additional dwelling units within a maximum combined floor area of all dwellings on a property. The LTC may way to pilot this approach areas that are suitable.

Allow more zones to have some measure of housing outright	Housing is currently not permitted in the Community Zones (Institutional, Conservation and Park). Providing the ability to have housing in zones were is not currently permitted enables options such as housing above community services building or connected to the school for workers and volunteers.
ZONING FOR ALTERNATIVE DWELLING VILLAGES AND HOUSING VARIATION	
Pre-zone for manufactured/mobile/ tiny home parks	If the LTC identifies land appropriate for a manufactured or tiny home village it could pre-zone the land for that use
Permit variations in housing in suitable locations	Variations in housing refers to housing does not meet the current definition of “dwelling unit” which identifies a dwelling as containing cooking facilities. Separate units with shared cooking facility are not currently recognized.
ZONING- SIZE AND SITING	
Increase building height/storeys	Where suitable, the LTC could increase the permitted height of, or number of storeys for buildings. This may include commercial or community service areas where residential units are permitted and could be built above other uses.
GUEST ACCOMODATION	
Review short-term vacation (guest accommodation) regulations	Review regulations related to short term vacation rental to ensure that the intended restrictions are supported by the regulation. Consider restrictions on short term vacation rentals of additional units through the housing project.
ECOLOGICAL FOOTPRINT REDUCTION OPTIONS	
Require freshwater cisterns for all new builds	Other LTCs are considering bylaws requiring freshwater storage of at least 18,000 litres.
Update potable water requirements for subdivision	North Pender has recently update potable water requirements for subdivision. Their bylaw can be used as reference.
Establish floor area and/or lot coverage maximums where appropriate	The LTC could consider these options to limit the size of single dwellings and accessory buildings in order to reduce environmental impact.
Prohibit groundwater fed swimming pools	As the biggest limiting factor for increasing density and intensity of residential use is water regulations prohibiting groundwater fed pools would complement housing.

While permitting a diversity of housing in suitable areas “makes ready” the land for opportunities that may emerge it is important to recognize that expanding permission for housing through OCP and LUB changes will not result in the housing being built. Uptake in increases in residential opportunity is extremely slow and limited throughout the Island Trust Area. How housing gets built, as identified below is dependent on the interest of those who have the land and financing to build.

3. Developing Partnerships to Build Housing : HOW to get housing built

Once the policies and regulations are in place to enable housing options, **HOW** the housing will be built will be dependent on private land owners, government agencies and not for profit organizations. Housing,

no matter how small the dwelling, is expensive to build. Reducing the cost and barriers to building a diversity of housing on the island is multi faceted given the number of jurisdictions involved in different aspects of housing from subdivision approvals to building code to regulating drinking water and sewage (see chart in Appendix 2). A number of actions that contribute to affordable housing being built fall outside of DILTC land use authority but could be addressed through advocacy.

Housing Action Plan

The development of a housing action plan will provide the opportunity to identify actions that are related to the suitable land analysing, the implementation of land use options through bylaw amendment and actions that require coordination and co-operation with other agencies. Should the DILTC decide to proceed with staff recommendations, the benefits of developing a housing action plan for Denman Island will be discussed in the staff report accompanying the Project Charter.

NEXT STEPS

- Staff write a letter to relevant First Nations to ask how they would like to be engaged in the development of a housing action plan for Denman Island.
- The Denman Island Housing Advisory Committee review the Housing Review Options staff report and other relevant material by October 1.
- Staff will connect with the DIHAG to see if they are interested in helping to gather community based information relevant to understanding housing need and will work with them to identify the information required.
- Staff will identify options of public engagement.
- Staff will develop a project charter.
- Staff will develop a business case which include water availability assessment.

RATIONALE FOR RECOMMENDATIONS

1. **That the Denman Island Local Trust Committee request staff send a letter to relevant First Nations to ask how they would like to be engaged in the development of a housing action plan for Denman Island.** - As First Nations have identified interest in engagement at the start of major projects all major OCP and LUB project should include this step.
2. **That the Denman Island Local Trust Committee request staff forward the June 8, 2023 report and other relevant materials, with a terms of reference, to the Denman Island Housing Advisory Committee for review and comments by October 1, 2023.** - The DILTC has indicated interest in engaging the newly formed HAPC in the early stages of the housing review project. Providing several months for review will enable the HAPC to explore the option in depth and still provide adequate time for public engagement on options prior to the end of the fiscal year.
3. **That the Denman Island Local Trust Committee request that staff ask the Denman Island Housing Action Group (DIHAG) to help gather community based information relevant to understanding housing need** – As indicated in the report there is information, such as understanding the situation of the hidden homeless and those living in dwellings that are not permitted, that is not easily captured by census data or formal needs assessments. If DIHAG is interesting in participating staff will work with DIHAG to identify the type of information needed.

4. **That the Denman Island Local Trust Committee request staff identify public engagement options.** As defined in the business case supporting this project, public engagement is a key component. Staff will consult with the HAPC and DIHAG to identify option for public engagement.
5. **That the Denman Island Local Trust Committee request that staff develop a project charter for the next phase in the Housing Review Project.** The project charter will provide focus and timeline for the project.
6. **That the Denman Islands Local Trust Committee request staff to develop a business case focussing on the need for a water availability assessment as part of the housing project for 2024/25.** Any funding and/or staff time required to support this project for 2024/25 requires a business case to be supported by Trust Council. As identified in the report, water availability assessment is a key to understand where additional housing can be built.

ALTERNATIVES

1. The DILTC could choose not to refer this report to the HAPC at this stage and engage the HAPC at another point in the process.
2. The DILTC could choose a different date for the HAPC to return with comments on the June 6, 2023 Housing Review Options staff report. Staff advise recommend this be no sooner than October 1 to allow for detailed consideration and opportunity for public engagement.
3. The DILTC could choose on to recommend staff connect with the DIHAG to explore their interest in helping to gather community based housing needs information and either decide this information is not needed or identify other ways to collect this information.
4. The DILTC could identify preferred public engagement options and request staff to schedule public engagement.
5. The DILTC could choose not to move forward with the housing review project at this time.

Submitted By:	Narissa Chadwick, RPP MCIP, Island Planner	May 26, 2023
Concurrence:	Renée, Jamurat, RPP MCIP, Regional Planning Manager	May 26, 2023

ATTACHMENTS

1. Annotated Bibliography of Past Reports
2. Denman Housing Profile Snapshot
3. Roles and Responsibilities Chart
4. OCP and LUB Policies and Regulations

Appendix 1 – Annotated Bibliography of Report Related to Housing on Denman

Below is a summary of Denman Island housing related projects and reporting undertaken over the past 20 years¹. These have been used to inform the identification of housing need and OCP and LUB amendment options.

2003 Denman Island Local Trust Committee (Special Advisory Planning Commission) Accessory Dwelling Advisory Committee – Final Report. In 2002 the LTC appointed an Advisory Planning Committee to look at accessory dwelling units. The resulting report indicated that the APC was divided on allowing accessory dwelling units. There was consensus related to the type of restrictions that should be in place if they are allowed (e.g. siting, septic, water supply).

2008, Hornby Island Community Economic Enhancement Corporation (Eberle Planning and Research) Housing Needs on Hornby and Denman Island – Final Report. This is a snapshot of housing needs on Hornby and Denman Islands in 2008. Developed through a combination of 2006 Statistics Canada census data, community surveys, and interviews with key informants. The report identifies that renters and elderly residents were in precarious housing situations on both islands. Recommendations for supporting housing need included: affordable home ownership opportunities, assistance for renters, home repair assistance for elder home-owners, home care for elders, elder housing, secondary suites and detached units and emergency/temporary accommodation.

2009 (February), Housing Affordability – A Denman History. This article in the Flagstone written by Directors of the Denman Community Land Trust Association (DCLTA) provides a brief documentation of the history of housing affordability on Denman from 1972 to 2008 when the DCLTA was established. Points of interest include: 1993 when an informal count of renters identified that many of the 60 counted were long-term residents. In 2005 when property values increased considerably many rental units were sold.

2013 (October), Denman Housing Needs Summary Report of August Community, Staff Report. In 2012 the Denman LTC initiated a housing needs review. Public consultation and discussion lead to a focus on secondary suites and secondary dwelling units (including the use of moveable units) and the introduction of Temporary Use Permits (TUP) for approval of secondary dwelling units. The outcome of the housing review was to permit secondary suites (outright) and secondary housing unit (through TUP) on lands zones R2 (rural residential), A (agricultural), F (forestry) and RE (Resource).

2013 (June) Rural Affordable Housing Project, Denman Community Land Trust Association. This report focussed on affordable housing opportunities for those wanting to live and farm in the Agricultural Land Reserve (ALR). The report indicated that the principal need was for affordable housing for those who wished to farm. The major challenge was the lack of regulatory provisions to accommodate farmer-housing options in the ALR. Recommendations included: secondary suites to be permitted on farms, moveable housing units to be permitted without permanent foundations, the development of a regulatory framework to enable cooperative multiple-farmer family housing in the ALR.

¹ Staff recognize that this list may not be exhaustive and welcome contributions to the documents that will be posted on the Islands Trust website.

2013 (November) Affordable and Convenient Housing Needs on Denman Island, Roberts Management Consulting. The report, produced for the Denman Housing Association, identified a significant need for safe and secure rental housing. Of the 44 renters surveyed 90% identified their rental units to be inadequate. The report concluded that “preferred housing was evenly split between affordable rentals, homeownership, and ownership of shared land”. The report indicated that about 80 households on Denman Island need better rental housing. The report suggests that a cluster of low maintenance owned and rental units located near the village would be very suitable for improving housing on Denman Island.

2014 (September) Affordable Housing for Seniors on Denman Island, Sephanie Slater (for Denman Community Land Trust Association). This report explored the need for housing for seniors on Denman Island. Surveys and focus groups identified seniors’ interest in smaller scale housing close to the Denman Island village.

2018 (January), Denman Island Design Charrette Presentation, Planning Students Vancouver Island University. In 2017 the Denman LTC collaborated with Vancouver Island University Masters of Community Planning Students in a four-day community planning and design process with Denman residents. The recommendations for housing included: affordable co-operative housing and introducing 10-12 housing units in the core of downtown.

2018 (July), Housing Needs Assessment, Northern Region of Islands Trust – Final, Dillon Consulting

The 2018 Housing Needs Assessment: Northern Region of Islands Trust concluded that: based on population projections, there could be a need for 165 new residential units in the next 25 year; based on household income only 10% of households could afford a home and existing market rates; Employees are in critical need for affordable secure rental accommodations; as of January 2018 there were no long-term homes to rent and there is a lack of housing options. The report recommendations included: OCP review, housing agreements, support for not-for profit organizations working to increase housing.

2022 Denman Island Farming Regulations Review: Engagement Summary, Upland Agricultural Consulting and Investment Agricultural Foundation– This report reviewed farm worker housing and agritourism accommodation through interviews, a questionnaire and community information meeting. Recommendations included allowing one secondary suite per ALR property and removing the need for temporary use permits for secondary dwelling units (aligning secondary dwelling allowances with ALC Act and regulations).

2022 (April) Draft Project Charter for the “Denman Island Housing and Short Term Rentals Review. The purpose of the project was, through the use of a consultant, engage the APC, community members and stakeholders to assist in identifying necessary updates to the OCP and LUB to increase the options for affordable and attainable housing while protecting the environment.

2023 (January) Basic Housing Information Denman Island, Peter Spur. This report by Denman resident Peter Spur who is a research contractor with a background in planning reviews population and housing data from Statistics Canada over four census periods and well as other sources. It draws similar conclusions related to Denman’s housing supply not addressing housing need particularly for low income households.

2023 (February), Adequate Housing on Denman, Denman Housing Action Group. Presentation to LTC. Provided some background on housing challenges and need. Provided recommendations: legalizing existing secondary housing, expanding secondary suite permissions, limiting combined floor area of new

builds, using housing agreements, encourage clustering, permitting in ALR what is permitted by the ALC, adjusting/revisit density bank, consider environmental impact of all housing.

2023 (March) Denman Island Housing Review Recommendations Report, Vancouver University's Mount Arrowsmith Biosphere Region Research Institute. This report resulted from a review of the Denman OCP and LUB. It involved limited engagement with residents, property owners, local organizations and other agencies to identify a suite of policy and regulatory amendments to increase housing options for affordable and attainable housing. The report identified that "overall, the lack of safe, affordable, and attainable rental housing is the most difficult housing problem on the island". Policy recommendations included

2023 (April) Two Decades of Denman Housing: Time for Action. This document reviews many of the reports identified above. It draws out some key findings and recommendations from each report. It provides an overview of some key statistics and observations and provides a number of recommendations which include: policy changes to permit new and legalize existing secondary housing; permitting tiny home clustering; ALR housing policy and regulation consistent with ALC policy; revisiting density bank.

Roles and Responsibilities



Denman Island Housing Profile

Population and Dwelling Characteristics	2021 Census
Total population	1,391
Population over 60	720
Population change 2016-2021	+ 19.4%
Total private dwellings	881
Change in dwellings 2016-2021	+ 5.5%
Private dwellings occupied by full-time residents	695
Private households	655
Household couples with children	90
One parent households	55
Median income of individuals**	\$31,400
Median income of households of 2+**	\$77,500
Households spending 30% or more of total income on housing *	100
Households in housing that is unsuitable or in need of repair*	105
Households in core housing need***	105

Renter Households	
Full-time households who rent*	85
Median monthly shelter costs*	\$670
% tenants in subsidized housing*	22.2%
% tenants spending 30% or more on shelter*	27.8%

Owner Households	
Full-time residents who own*	570
Median monthly shelter costs*	\$608
Median value of properties	\$645,000

* Based on 25% sample data (Census)

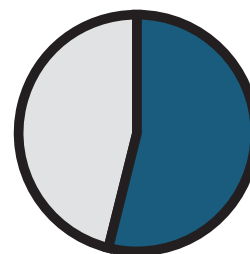
** Before tax income (Census)

*** When a private household's housing falls below at least one of the indicator thresholds for housing adequacy, affordability or suitability, and spends 30% or more of its total before-tax income to pay the median rent of alternative local housing that is acceptable (attains all three housing indicator thresholds)



50%

Full-time Occupied Dwellings



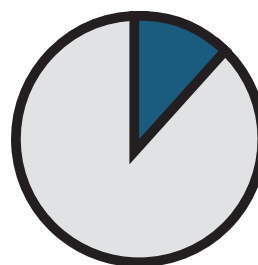
52%

Population of age 60+



22%

Households spending 30% + on housing, or are in unsuitable housing or in need of repair, or are in core housing need.



13%

Residents who rent

87%

Residents who own

Appendix 4 – OCP and LUB Policies and Regulations

OCP Housing Objectives and Policies

Housing Objectives	
Objective 1	To ensure that housing options are sensitive to ground water availability and sewage disposal capability, guard against contamination of ground water and preserve the rural nature of Denman Island.
Objective 2	To ensure housing options preserve human diversity in the community.
Objective 3	To set the maximum for the overall residential density of the Island as the residential density possible with the zoning regulations in place at the time of adoption of this Plan while providing flexibility for a range of dwelling types.
Objective 4	To support the establishment of affordable housing, rental opportunities and special needs housing and provide the opportunity for Island seniors to remain in the community, especially in their own or their families' homes.
Subdivision	
Policy 1	In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare. In areas where the subdivision potential of the existing parcel may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size in the zoning regulations.
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. In areas where the existing parcel size may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size and the minimum for the average parcel size in the zoning regulations.
Policy 3	In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares, and the size of new lots for agricultural and other uses that are created by subdivision may not be less than 15 hectares.
Policy 4	In the Sustainable Resource designation, the lot size averaging provision should not be used.
Policy 5	In the Sustainable Resource designation, parcel sizes should be regulated in such a way as to encourage and enhance the sustainable resource capability of the land.
Policy 6	When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.
Policy 7	In the Residential designation, parcel consolidations are encouraged wherever possible.

Residential Designation	
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.
Policy 9	In the Residential designation, unless otherwise permitted by Policy 29, zoning regulations should permit one dwelling unit per 1.0 hectare of lot area to a maximum of five dwelling units, provided that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners. One dwelling unit should be permitted on lots that are less than 1.0 hectare in area.
Rural Designation/Secondary Suites	
Policy 10	In the rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.
Density Bank	
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. *Guidelines for Density Banking are contained in Appendix D.
Building Code	
Policy 12	Landowners are encouraged to ensure that all dwelling units comply with the building safety and waste disposal regulations found in the B.C. Building Code and the applicable health standards.
Sustainable Resource Designation/Secondary Suite	
Policy 13	In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel.

Sustainable Resource Designation	
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.
Approval of Secondary Suites Through TUP	
Policy 15	The Local Trust Committee may approve secondary dwelling units on lands 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.
Clustering	
Policy 16	Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.
Non-Profit Housing	
Policy 17	The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.
Policy 18	The Local Trust Committee should consider amendments to this Plan allowing the Committee to accept and hold for affordable housing purposes, in accordance with the guidelines in Appendix D, any unused residential densities that are relinquished by owners of lots with subdivision potential or available through land sold or given for conservation or park.
Policy 19	The Local Trust Committee should review the policies in this section once the final report is available for the Hornby and Denman Island Housing Needs Assessment, with a view to determining whether further opportunities for affordable housing are needed and what form any such opportunities should take.
Seniors Housing	
Policy 27	The Local Trust Committee should consider zoning amendment applications for seniors housing provided: - that the proposal is not located in a connectivity area identified on Schedule D; - that the proposal is small-scale; - that the siting and height of the proposal is sensitive to the surrounding land uses and does not impact negatively on adjacent properties; - that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; - that the applicants enter into a housing agreement with the Local Trust Committee; - that any environmentally sensitive areas on the lot are identified and the applicant undertakes

	- a conservation covenant to protect such areas; - that the proposal is designated a development permit area to guide form and character; and - that the proposed development will not place a strain on existing public services and infrastructure.
Affordable Housing Projects	
Policy 28	The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: - that the proposal is not located in a connectivity area identified on Schedule D; - that the proposal does not impact negatively on adjacent properties; - that the proposal is small-scale; - that the proposal is clustered and the siting and height are sensitive to surrounding land uses; - that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; - that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; - that the proposed development will not place a strain on existing public services and infrastructure.
Zoning for Non Conforming Dwellings	
Policy 29	The Local Trust Committee should consider zoning amendment applications: • to bring into conformity dwelling units that were in existence but did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; • to bring into conformity dwelling units that were constructed to replace existing dwelling units that did not comply with the policies in this Plan at BL 199 Denman Island Official Community Plan, 2008 55 the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the replaced dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; and • to authorize up to 9 dwelling units on land legally described as The south east ¼ of section 26, Denman Island, Nanaimo District.

Land Use Bylaws - Definitions and General Regulations

Definitions
"Dwelling unit" means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy (Land Use Bylaw); "Dwelling Unit, Affordable Housing" means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is available to persons with a low income as defined by housing agreement for the dwelling unit (Land Use Bylaw). "Moveable housing unit" means a dwelling unit capable of being moved from location to location which does not require a permanent foundation (Land Use Bylaw); "Secondary Dwelling Unit" means a dwelling unit, which may be a moveable housing unit, that is accessory to a permitted principal dwelling unit and which is limited in floor area (Land Use Bylaw). "Secondary Suite" means an accessory, self-contained dwelling unit, located within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a lesser floor area than the principal dwelling unit (Land Use Bylaw).
Principal Dwelling Units (Section 2 – General Regulations, Section 2.1 Uses, Buildings, and Structures)
3. On lots where a principal dwelling unit exists and a subsequent principal dwelling unit is to be created, the landowner must provide proof of an adequate supply of water for the second or subsequent dwelling unit using the rules for proving water for a subdivision in Section 2.8.
Secondary Suites (Section 2 – General Regulations, Section 2.1 Uses, Buildings, and Structures)
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. 5 .A secondary suite is permitted within a dwelling unit provided that: a) Either the dwelling unit or secondary suite is occupied by the owner of the dwelling unit; or the dwelling unit or the secondary suite is occupied by a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbours arising from the occupancy of the property; b) There is a maximum of one secondary suite permitted per lot; c) The secondary suite is contained within the walls of a permitted dwelling unit; d) The secondary suite shall have an external access only which is separate from that of the principal dwelling; e) The floor area permitted for a secondary suite is no more than 40% of the floor area of the dwelling unit to a maximum of 90 square metres; f) One off-street parking space is provided for the exclusive use of the secondary suit; and

g) The secondary suite is not subdivided from the principal dwelling unit under the Land Title Act or the Strata Property Act.
Secondary Dwelling Units (Section 2 – General Regulations, Section 2.1 Uses, Buildings, and Structures)
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. 6. Where permitted by a Temporary Use Permit a secondary dwelling unit shall: a) Not have a floor area in excess of 140 square metres; b) Shall not be located more than 60 metres from the principal residence unless otherwise approved by the Local Trust Committee as a condition of the permit; and c) Be connected to an approved sewerage system. d) Include a rainwater catchment and storage system for a capacity of at least 1,000 gallons unless otherwise approved by the Local Trust Committee as a condition of the permit. 7. A written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water prior to the issuance of any permits to allow the use.
Secondary Suites and Secondary Dwellings and Water
8. Where water is supplied to a secondary suite or a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity prior to the issuance of any permits to allow the use. 9. Where water is to be supplied from a surface water body, a water license, issued by the Province, must permit the withdrawal of the required amount of water prior to the issuance of any permits to allow a secondary suite or secondary dwelling unit.
Accessory Buildings and Structures
10. Accessory buildings and structures are not to be used for overnight accommodation other than on an occasional basis, except as permitted elsewhere in this Bylaw
Travel Trailers
11. Travel trailers may be stored on the lot and used for occasional non-commercial accommodation. 12. A travel trailer, bus or similar vehicle may be used as a principal dwelling unit or as a secondary dwelling unit approved by a Temporary Use Permit on any lot where a single family dwelling is a permitted building provided that it: ○ is on a lot larger than 1.0 ha or is screened from adjacent properties subject to Section 2.7; ○ is connected to an approved sewage disposal system; and ○ is considered a dwelling unit for the purpose of residential density calculations.

May 6, 2023

Islands Trust
700 North Road
Gabriola, BC V0R 1X3

Attn: Mr. David Graham, Mr. Sam Borthwick

**Re: Proposal for Re-Classification of Application
Lot 4, Sec. 27, Denman Island, Nanaimo District, Plan 26275 and
MOTI File #: 2022-00841**

Mr. Graham, Mr. Borthwick,

Description of Issue

You are both aware of the situation that I am trying to work my way through with the planning staff. There was an orchard on the upper 2 hectares of the land at the time of the purchase. It had been severely neglected by the previous owners for at least 12 years. On the advice of the adjacent apple orchard owners, I removed the trees due to disease.

I intend to sell those two hectares to my neighbour to the east so they they can turn it back into an orchard. The children of my neighbour will work the land in the future and add to Denman Island's growing food security.

The Islands Trust planning staff has deemed this a subdivision and has placed onerous requirements on me which have to be satisfied before they will allow the sale.

It is my contention that this is not a subdivision. The Subdivision Regulations (B.C. Reg 22/70) on the first page of the regulation, defines subdivision as the following:

***"subdivision"** means the division of land into 2 or more parcels, whether by plan or by metes and bounds description or otherwise*

This is not what I am doing. The transaction between my neighbour and myself is a simple sale of property and a lot line adjustment. I am not dividing the land. No densities are involved. Denman Island bylaws do not have a lot line adjustment category. This should not automatically mean that this land transition is treated as a subdivision because there is no other place to put it.

I understand that government agencies need to have boxes in which to categorize actions and there is not currently a box for what I am doing here.

Unfortunately, subsequent to the application an issue was raised that really has no bearing on the selling of the property. This is the legal non-conforming status of the property .The Islands Trust planners have rejected the letter written by longtime resident Kathy Reider stating the onsite buildings pre-date the formation of the Islands Trust. Since there no more Temporary Use Permits being issued, this would mean I would have to dismantle my cottage as living quarters, which has been in existence since before the Islands Trust was created and addresses much needed affordable housing for the current occupants.

Considerations

The only Islands Trust “environmental” requirement is the Streams, Lakes and Wetlands Development Permit. I have commissioned a complete Riparian Area Report and it has been completed. This information will be added to the general wetland/stream information for Denman Island and I am happy to contribute to that database. As a 25+ year resident and one of the directors of DCA, I recognize the importance of the wetlands and riparian areas on our island.

Additionally, there is a frontage variance that will need to be included, due to the increased size of the neighbouring lot. Planner Stephen Bough has informed me this is easily done.

The other requirements are strictly bureaucratic and apply to increased density, which is not an issue in this case, do not add information to any database and do not “preserve and protect” anything.

The subdivision process is long, requiring many, many hours of Islands Trust personnel time and the associated high costs. We all know that that is an issue looming large at this time. My proposed solution also addresses this very real concern.

Proposal

I am requesting that this issue be considered as a special circumstance. I am requesting that the Trustees deal with this issue as if it were a decision that they would make independent of current regulated processes. For example, a decision by the Trustees on an issue they were asked to evaluate the merits of whether it should be undertaken or not.

This Trustee decision process could also inform the process for future inclusion of Lot Line Adjustments in the upcoming housing bylaw review.

The Ministry of Transportation and Infrastructure, the overseeing government body, requires nothing from me other than a small road dedication and Islands Trust acknowledgement that all Islands Trust requirements have been met.

I am requesting that the Trustees see this issue for what it is, and not for what it has illogically been categorized as, to fit into an existing box. Both as an independent decision and, perhaps, a structure for future good land management. As someone with extensive experience in this area, I would be happy to work with the trustees on this issue.

I am requesting the Trustees instruct the planners that, once the DP area permit and the frontage variance are completed, they inform the Ministry of Transportation that the requirements are met.

I also request a written response to this letter from the Islands Trust.

Sincerely,



Steven M. Carballeira

From: Wil Cottingham on behalf of northinfo
Sent: Tuesday, May 23, 2023 4:03 PM
To: Renee Jamurat
Cc: Nadine Mourao
Subject: FW: Correspondence for DILTC Agenda
Attachments: DHAG-DILTC_referral_HAPC_June_2023.doc

FYI.

Wil Cottingham

Office Administrative Assistant
Islands Trust | T 250-247-2203

From: DIHAG <DIHAG@proton.me>
Sent: Tuesday, May 23, 2023 3:43 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: David Maude <dmaude@islandstrust.bc.ca>; David Graham <dagraham@islandstrust.bc.ca>; Sam Borthwick <sborthwick@islandstrust.bc.ca>; Virginia Glass [REDACTED]; Donna Rae [REDACTED]; Miki Fox [REDACTED]; Erin O'Brien [REDACTED]; Christina Wilson [REDACTED]; Heather Mclean [REDACTED]; Riane da Silva [REDACTED]; [REDACTED]
Subject: Correspondence for DILTC Agenda

To whom it may concern,

Please accept the attached letter as correspondence to the Denman Island Local Trust Committee for inclusion in the agenda package for the upcoming DILTC meeting of June 6, 2023.

Thank you for your assistance,

Sincerely the Denman Island Housing Action Group

Denman Housing Action Group
Denman Island, V0R 1T0
dihag@proton.me

May 23, 2023

Denman Island Local Trust Committee
Denman Island, BC

Dear Denman Island Local Trust Committee:

We are pleased to see that the Housing Advisory Planning Commission (HAPC) is being formed and that members have been appointed. We are looking forward to it being tasked with looking at the reality of our housing situation on Denman Island, and how we can support necessary change.

While last year's "Housing Consultation" returned a report with recommendations (many of which we support), we are also concerned that the process (and ensuing recommendations report) was very limited, not relevant to lived experience on Denman, and flawed for the following reasons:

1. Advertisement of the first (and only) community engagement at the Saturday market appeared in our local community newspaper a mere 2 days before the date of that launch event. This affected both attendance, and participation, and is not a reasonable amount of notice to give to such an important topic.
2. The invitation only zoom "stakeholder's group" was missing some very important local voices.
3. The survey was difficult for many people to understand.
4. The subsequent "open house" was canceled with none of the promised follow up, meaning the only in person meeting with our community was the original booth at the market with only 2 days notice!

For these reasons we believe that the HAPC must not be limited in their referral, scope, and discussions by the limited and flawed recommendations report. Members of the HAPC must be able to review all available information on housing on Denman, in order to recommend necessary policy updates (add, change, or remove) to the Denman Island Official Community Plan, Land Use Bylaws, Standing Resolutions and other policies.

We also ask that the DILTC access and release to the HAPC, the comments that were submitted with the housing surveys.

We are also asking again that the DILTC include in its referral to the HAPC the 2 documents - **Adequate Housing on Denman** (submitted February 23, 2023), and **Two Decades of Denman Housing: Time for Action** (submitted April 4, 2023).

As you know, our community desperately needs change that enables and supports a diverse and sustainable community on Denman Island. We need to increase access to legal, safe and environmentally responsible housing options that are affordable and attainable.

Please also include discussion of the following points in your referral to the HAPC. That they consider:

1. Providing an amnesty and/or legalizing existing housing/building stock - which is already, or could be, meeting some of our community's existing housing need.
2. How to allow new accessory dwellings with appropriate controls (such as Housing Agreements) to ensure affordable; and or inter-generational homes. To encourage land sharing rather than subdivision. To recognize the validity of a variety of housing options.
3. Allowing secondary dwellings on ALR land as per Provincial ALC regulations.
4. Review the functionality of the density bank and provide appropriate recommendations.
5. Discussing specific bylaw changes to meet our community needs and (human rights) obligations with regards to housing with/in our environment.
6. How we can structure Land Use Bylaws to focus on and minimize the environmental effects of housing. Not on the housing itself.

We look forward to a new era in housing on Denman Island. One that is mutually supportive of all members of our community. We hope the Housing APC is a significant step in that direction.

Sincerely,

Denman Housing Action Group
dihag@proton.me



REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** June 6, 2023
From: Nadine Mourao, Legislative Clerk **Date Prepared:** May 23, 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 adopted.

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 this report be referred back to staff for additional information.

Submitted By:	Nadine Mourao, Legislative Clerk	May 23, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 23, 2023

PROPOSED

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.

PROPOSED

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 4th DAY OF APRIL , 2023

READ A SECOND TIME this 4th DAY OF APRIL , 2023

READ A THIRD TIME this 4th DAY OF APRIL , 2023

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
3rd DAY OF MAY , 2023

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

Chairperson

Secretary

PROPOSED

**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	\$3 each	

PROPOSED

			cartographic record/plan	
		(xiii)	slide duplication	\$0.95 each
		(xiv)	audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of 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: June 6, 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 an explanation of the current amendments required for 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 the new Siting and Use Bylaw No. 240, other than court action, and therefore a new Schedule B referencing Bylaw No. 240 is required so that the Bylaw Enforcement Notice (BEN) system can be used to obtain compliance.

At the April 4th, 2023 Local Trust Committee meeting the following resolution was adopted after a discussion regarding the disproportionate impact of fines on low-income residents and the need for enforcement on short-term vacation rentals that generate income while limiting the housing supply.

DE-2023-016

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019” be amended by removing all Bylaws in the Bylaw Section from Schedule A Contraventions and Penalties, except 2.1.2, the Short Term Vacation Rental Bylaw.

The Local Trust Committee also discussed the use of the BEN system to enforce the Siting and Use bylaw and the consensus expressed was that enforcement should proceed for those who have not obtained the necessary siting and use permit. Schedules A & B have been amended according to the Local Trust Committee’s direction.

Submitted By:	Warren Dingman Bylaw Compliance & Enforcement Manager	May 18, 2023
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	May 18, 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, attached to and forming part of this bylaw.
 - c. By deleting Schedule B in its entirety and replacing it with a new Schedule B, 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

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
2.1.2	Non Permitted Use Of Dwelling For Vacation Rental/Paying Guests	\$500.00	\$375.00	\$750.00	Yes	100%

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%



File No.: 3050-20 (APC)

DATE OF MEETING: June 6, 2023
TO: Denman Island Local Trust Committee
FROM: Renée Jamurat, Regional Planning Manager
Northern Team
SUBJECT: Advisory Planning Commission Appointments

UPDATE FOR NEXT TERM 2023 - 2025

RECOMMENDATION

1. That the Denman Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission whose terms expire on July 6, 2023, inviting their expressions of interest for reappointment to the Advisory Planning Commission and thanking them for their participation.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider reappointments for its Denman Island Advisory Planning Commission because the terms expire on July 6, 2023.

As of the date of this staff report, the Advisory Planning Commission (APC) currently has five members. The maximum number of APC members is nine.

ANALYSIS

Islands Trust Policy Statement:

A guiding principle of the Islands Trust Policy Statement is that “*open, consultative public participation is vital to effective decision making for the Trust Area.*” Moreover, Commitments of Trust Council include:

- 5.8.1 Trust Council holds that public participation should be part of the decision-making processes of all levels of government.
- 5.8.2 It is the position of Trust Council that local trust committees and island municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.
- 5.8.3 Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the object of the Islands Trust.

LTCs have a responsibility to ensure that members of the public can participate in planning processes, yet they have the freedom to determine the framework best suited to a particular Local Trust Area.

LTC Bylaw No. 231

The authority to establish advisory planning commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*.

Advisory planning commission

461(2) A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a regional district director representing the electoral area, on all matters referred to the commission by the board or by that director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under this Part.

Notably, such advisory planning commissions are intended to advise LTCs specifically on land use matters including Official Community Plans, and proposed bylaws or permits that may be issued under Part 14 (e.g. zoning bylaw or development permit). Formal citizen representation on advisory planning commissions adds value and transparency to planning processes. It is important that the APC remains in place should a referral be recommended in the future.

Pursuant to section 461, the LTC has adopted Bylaw No. 231 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2019”, which identifies the planning commission, member composition, terms and roles, and rules for arranging, advertising and conducting commission meetings (Attachment 1).

NEXT STEPS

Should the LTC pass the recommended resolution (page 1), staff will proceed with sending letters to members of the APC inviting their expressions of interest for reappointment.

Submitted By:	Renée Jamurat, RPP, MCIP Interim Island Planner	May 16, 2023
Concurrence:	Renée Jamurat, RPP, MCIP Regional Planning Manager	May 16, 2023

ATTACHMENTS

1. Bylaw No. 231

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 231

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE DENMAN ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

The Denman Island Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Thetis Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, enacts as follows:

1. Establishment

- a) The Denman Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an Official Community Plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to nine members to an Advisory Planning Commission (APC) to serve a two-year term, and may reappoint those members for a subsequent two-year term.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.
- c) The Deputy Chairperson will:

- i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
 - iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has, by resolution, requested a response by an earlier specified date or authorized the referral to be considered at a later date.
- c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) The Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) If the APC has been referred an application, the Islands Trust must ensure that the applicant is notified of the date, time and place of the meeting at which their application will be discussed, at least five (5) calendar days prior to the meeting.
- c) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- d) The Secretary must post the notice of meeting indicating the date, time, and place of any APC meeting at least five (5) calendar days prior to the meeting on a bulletin board that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50% of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

- e) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- f) The APC must not receive development proposals or other applications directly from applicants.
- g) The APC must not consult directly with other government agencies or organizations.
- h) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.
- b) Draft minutes will be forwarded directly to the Islands Trust Office within (7) days of an APC meeting.
- c) Upon receipt of draft minutes, Islands Trust staff will conduct a review and revise the minutes insofar as to ensure that the draft minutes can be published in accordance with the Islands Trust policies and provincial legislation.
- d) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

8. Transition

- a) Denman Island Local Trust Committee Bylaw No. 89 cited as "Denman Island Trust Committee Advisory Planning Commission Bylaw, 1987", is repealed.

9. Citation

- a) This Bylaw may be cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2019".

READ A FIRST TIME THIS	24 TH	DAY OF	APRIL	, 2019
READ A SECOND TIME THIS	24 TH	DAY OF	APRIL	, 2019
READ A THIRD TIME THIS	24 TH	DAY OF	APRIL	, 2019
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	8 TH	DAY OF	MAY	, 2019
ADOPTED THIS	6 TH	DAY OF	JUNE	, 2019

SECRETARY

CHAIRPERSON



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth Planner: Stephen Baugh	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
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-2022.2	Cleveland & Tetlow, Randy & Carole Planner: Margot Thomaidis	03-Mar-2022	PID: 001-095-871 Two story addition. Civic address: 3031 Nelson Crescent, Denman Island, BC.
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-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: 06-Apr-2023

K'omoks FN contacted regarding CHIP referral for archaeological site and ocean proximity. Contacted on April 6th, can be permitted by April 20th if there is no response.

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending April 2023

615 Denman	Invoices posted to Month ending April 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	199.00	0.00	199.00
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	1,410.00	393.25	1,016.75
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-615	LTC - Local Exp - Communications	250.00	35.00	215.00
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>2,335.00</u>	<u>428.25</u>	<u>1,906.75</u>
Projects				
73001-615-4025	Denman Housing Review	18,000.00	109.60	17,890.40
73001-615-4127	Denman Farming Regulations Review	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>20,000.00</u>	<u>109.60</u>	<u>19,890.40</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.			

REQUEST FOR DECISION

To: Denman Island LTC **For the Meeting of:** June 6, 2023
From: Trust Area Services **Date Prepared:** April 19, 2023
SUBJECT: 2022/23 ANNUAL REPORT – APPROVAL OF DENMAN ISLANDS LTC SECTION

RECOMMENDATION: That the Denman Island LTC approves the attached text for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

- 1 PURPOSE:** Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2023 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.1](#). The Executive Committee approved the format and outline of the 2022/23 Annual Report at its meeting on February 22, 2023.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 27- 29, 2023 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and then Trust Council consideration of approval in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about First Nations relations may be included within committee reports.

OTHER: None.

- 3 RELEVANT POLICY(S):** Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

RESPONSE OPTIONS

Recommendation: That the Denman Island LTC approves the attached text for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

Alternative: That the Denman Island LTC approves the attached text for inclusion in the 2022/23 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.

Prepared By: Morgana van Niekerk, A/Communications Specialist

Reviewed By/Date: Renée Jamurat, RPP MCIP, Regional Planning Manager / May 18, 2023

Denman Island Local Trust Committee

The Denman Island Local Trust Committee (DE LTC) held four regular business meetings in the 2022/23 fiscal year, as well as one Community Information Meeting, five special meetings and one public hearing.

Work for this period focused on advancing the Denman LTC priorities of review housing policies and challenges, and a review of farming regulations.

The Denman LTC also initiated key projects including phase 1 of a housing review, and updating the Fees Bylaw and Siting and Use Permit Bylaw.

From April 1, 2022 to March 31, 2023, the Denman LTC received and considered applications for three development permits, 23 siting and use permit referrals, two crown lease referrals, one agricultural land reserve referral and one subdivision referral.

Furthermore, the Denman LTC continues its work on the Farming Regulations Review Project, which seeks to enhance and preserve farming activities on the island through updates to the Denman Island Official Community Plan policies and Land Use Bylaw regulations. The project is focused on implementing three recommendations from the Denman Farm Plan. The project was awarded a contribution grant, which spanned 2021-2022 and 2022-2023 fiscal years. It was funded in part by Agriculture and Agri-Food Canada and the Government of British Columbia through programs delivered by the Investment Agriculture Foundation of B.C.

[Donate](#)[Volunteer](#)[Contact](#)

Hello Islands,

30th Anniversary Celebration

We are thrilled to announce our 30th Anniversary event "Celebrating Stewardship" on May 27th at the K'ómoks Band Hall. Join us as we celebrate our past 30 years of work and pay homage to ancient First Nation stewardship practices. The event will feature interactive demonstrations, tasty snacks and live music. The event will run from 1-4 pm, providing you with an afternoon filled with education and entertainment. [Read more...](#)

The event is open to the public, admission by donation. Come out and be a part of this milestone celebration.

Thank you for supporting Project Watershed, and we can't wait to see you there!



[Register!](#)



Kus-kus-sum Restoration Overview

Ever wondered what our restoration plan for Kus-kus-sum is in more detail? We've created a new page on our website that outlines each of the three phases of the project.

The plan emulates the land and habitat characteristics of Hollyhock Flats, situated south of Kus-kus-sum, to create an ideal environment for the growth and recruitment of native plant species, both naturally and planted. These characteristics include forested upland areas, saltmarsh benches, upland islands, tidal channels with complex woody debris habitats, and sloping transition areas.

[Read more...](#)

Spring Education Program and Field Trips

Project Watershed's "Students Keeping It Living in the Comox Valley" education and engagement program has been met with a huge amount of interest this year!

We are lined up to work with over 600 students from kindergarten to Grade 9 from schools around the Comox Valley.

Project Watershed also has a hub of environmental education materials ranging from colouring pages to videos and classroom lessons which are freely available on our website [read more...](#)



AGM June 10th

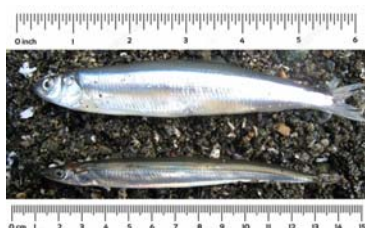
Project Watershed is hosting our 2023 Annual General Meeting on the morning of June 10th. Everyone is invited to join but only active members are able to vote. More details and registration coming soon!

Quality Foods Point Donation

We just wanted to remind you that you can donate your Quality Foods points to Project Watershed! You just need to request that the teller donate your points during the checkout process.

The points will be used to purchase drinks and snacks for our hard working volunteers.

Every point makes a difference!



Beginning the Next Forage Fish Season

The spring/summer forage fish field sampling season has officially begun! We are actively searching for volunteers to help out with sampling at beaches in Courtenay and Campbell River (especially Campbell River!).

We have also created a map showing where forage fish eggs were found in the previous sampling season. You can check it out [here](#).

Forage Fish Sampling Sign-up

Volunteer Opportunities

Most of our work depends directly upon our generous volunteers. Check out our [volunteer page](#) to see all of our upcoming events and links to volunteer sign-up information.

Our upcoming opportunities are also listed below:

Various dates, May to September - **Forage Fish Field Sampling** - time dependent on the tides

May 7 - **River Never Sleeps Festival Booth** - 9:00am to 12:30pm or 12:00pm to 3:30pm

May 9 and 12 - **Plant Maintenance at Kus-kus-sum** - 9:00am to 12:00pm or 12:30pm to 3:30pm

May 18 and 19 - **Hedgerow Planting at Glen Urquhart** - 9:30am to 12:00pm or 12:30pm to 3:30pm

May 27 - **Event Assistance for 30th Anniversary** - 10:00am to 12:00pm or 12:30pm to 4:30pm

Various dates, May - **Field Trip Assistants** - Morning, afternoon, or full day shifts

As needed - **Volunteer Drivers** - TBA

Events

May 4 - **Art Competition** - There is still time to enter!

May 27 - **30th Anniversary Celebration** - 1:00pm to 4:00pm

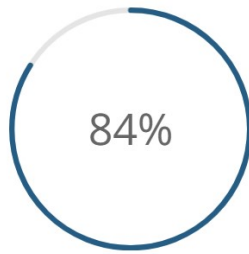
June 10 - **Annual General Meeting** - 10:30 am to noon (details and registration to come)

Click the green text to learn more and/or sign up!

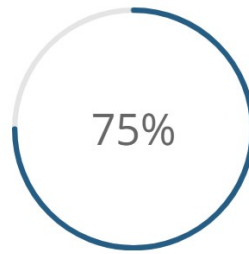


Kus-kus-sum Fundraising Progress

We appreciate all contributions and thank everyone for their continued support of this monumental project.



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COST OF THE PROJECT



RAISED FOR RESTORATION

Kus-kus-sum Calls to Action

Sponsor a Salmon - To date 113 of the 144 salmon created this year have been sponsored. We can't wait for the others to join them [read more...](#)

Send an E-card - Make a donation in honor of someone for a special occasion and send them an e-card.

Donate - Donate to help restore Kus-kus-sum and unpave paradise.

Ongoing promotions supporting Kus-kus-sum

Ashley Sykes - You can name your price to purchase her song, **Dorothy**, on bandcamp and 50% of what you pay will go to help unpave paradise at Kus-kus-sum.

40 KNOTS Winery - \$2 from every bottle of Safe Haven with the PW label goes to Project Watershed - Thanks 40 KNOTS!

For more information please contact us at info@projectwatershed.ca or by phone at 250-703-2871

We are currently updating our email delivery system, if you received this by mistake or you no longer wish to receive our monthly newsletters, you can unsubscribe using the link at the bottom of this email or contact Caila at caila.holbrook@projectwatershed.ca

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www.projectwatershed.ca



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Sent by caila.holbrook@projectwatershed.ca

Active Projects Report

Denman Island

1. Denman Housing Review Project - Phase 1

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. **This is a major project.*

Responsible

Narissa Chadwick
Sonja Zupanec

Dates

Rec'd: 19-Jan-2021

2. Farming Regulations Review Project

Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions) **This is a minor project.*

Responsible

Marlis McCargar

Dates

3. Comprehensive Official Community Plan / Land Use Bylaw

**This is a major project.*

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. *LUB Amendments*

Responsible

Date Received

Review zoning policies and regulations regarding guest accommodations in the LUB.

04-Apr-2023

5. *Update to Development Approval Information Bylaw*

Responsible

Date Received

Staff to prepare updates to Development Approval Information BL 149, 2013 and return to LTC for consideration.

27-Sep-2022