



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: February 13, 2024
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. **ELECTORAL AREA DIRECTOR'S REPORT** 10:05 AM - 10:15 AM
3.1 Regional Parks and Trails Strategic Plan - verbal update from Director Arbour
4. **COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 228 and 229 - Denman Farming Regulations Review Project** 10:15 AM - 10:30 AM
4.1 Planner Presentation
4.2 Question and Answer Period
5. **PUBLIC HEARING** 10:30 AM - 11:30 AM
5.1 Proposed Bylaw Nos. 228 and 229 - Denman Farming Regulations Review Project
5.1.1 Recess for Public Hearing
5.1.2 Recall to Order
6. **MINUTES** 11:30 AM - 11:35 AM
6.1 Local Trust Committee Minutes dated November 14, 2023- for adoption 4 - 12
6.2 Section 26 Resolutions-Without-Meeting Report dated February 2, 2024 13 - 13
6.3 Advisory Planning Commission Minutes - none
7. **REPORTS** 11:35 AM - 11:50 AM
7.1 Trustee Reports

7.2 Chair's Report

8. PUBLIC COMMENTS 11:50 AM - 12:10 PM

~ BREAK 12:10 PM - 12:40 PM ~

9. DELEGATIONS - none

10. CLOSED MEETING 12:40 PM - 1:00 PM

10.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(g) for the purpose of considering:

- (g) litigation or potential litigation affecting the municipality;

and that the Recorder and Staff attend the meeting.

10.2 Recall to Order

11. NEW BUSINESS 1:00 PM - 1:15 PM

- | | | |
|------|---|---------|
| 11.1 | Review of the New Provincial Short Term Rental Accommodation Act for the Denman Island Local Trust Area - Memorandum | 14 - 18 |
| 11.2 | Housing Statute Changes to British Columbia Legislation - Memorandum | 19 - 33 |
| 11.3 | Copy of Letter from P. Luckham to V. Tong, BC Housing regarding Letter of Support for BC Housing Funding Applications for Affordable Housing Projects | 34 - 35 |

12. BUSINESS ARISING FROM MINUTES 1:15 PM - 1:30 PM

- | | | |
|------|--|---------|
| 12.1 | Follow-up Action List dated February 6, 2024 | 36 - 38 |
|------|--|---------|

13. APPLICATIONS AND REFERRALS 1:30 PM - 2:00 PM

- | | | |
|------|--|---------|
| 13.1 | DE-DVP-2023.1 (BC Ferries) - Staff Report | 39 - 55 |
| 13.2 | DE-TUP-2023.1 (Peters & Ward) - Staff Report | 56 - 77 |

14. LOCAL TRUST COMMITTEE PROJECTS 2:00 PM - 2:45 PM

- | | | |
|------|--|----------|
| 14.1 | Denman Housing Advisory Planning Commission Reporting - verbal update | |
| 14.2 | Major Project: Denman Island Housing Project First Nations Engagement - Staff Report | 78 - 80 |
| 14.3 | Minor Project: Proposed Bylaw Nos. 228 and 229 - Post Public Hearing Staff Report | 81 - 115 |

15.	CORRESPONDENCE	2:45 PM - 2:55 PM
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
15.1	Letter dated January 25, 2024 from Nicolas Jimenez, President and CEO, BC Ferries regarding Request for Meeting	116 - 116
15.2	Email dated November 15, 2023 from S. Small regarding Untenable Hornby Island Tourist Traffic	117 - 121
15.3	Email dated January 4, 2024 from G. Donaldson regarding Housing	122 - 125
15.4	Email dated January 18, 2024 from D. Ricketts regarding Request for Letter of Support	126 - 131
16.	REPORTS	2:55 PM - 3:20 PM
16.1	Denman Bylaw No. 247 Final Adoption - Staff Report	132 - 135
16.2	First Nations Relationship Building - verbal update	
16.3	Trust Conservancy Report - none	
16.4	Applications Report dated February 2, 2024	136 - 138
16.5	Trustee and Local Expense Report dated December, 2023	139 - 139
16.6	Adopted Policies and Standing Resolutions	140 - 145
16.7	Local Trust Committee Webpage	
17.	WORK PROGRAM	3:20 PM - 3:35 PM
17.1	Active Projects Report dated February 2, 2024	146 - 146
17.2	Future Projects Report dated February 2, 2024	147 - 148
18.	UPCOMING MEETINGS	
18.1	Next Regular Meeting Scheduled for Tuesday, April 9, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
19.	ADJOURNMENT	3:35 PM - 3:35 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: November 14, 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, Regional Planning Manager
 Warren Dingman, Bylaw Compliance & Enforcement Manager (attended electronically)
 Narissa Chadwick, Island Planner (attended electronically)
 Vicky Bockman, Recorder

Others Present: Alex Allen, Hornby Island Trustee (attended electronically)
 Approximately 8 members of the public and no members of the media

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Maude called the meeting to order at 10:00 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He welcomed the public, introduced himself, Local Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Borthwick expressed his appreciation for the Housing Advisory Planning Commission's (HAPC) work and report on the Denman Island Housing Project referral.

Trustee Graham reported on his attendance at the Comox Valley Regional District Committee of the Whole. He summarized topics discussed there, which included First Nations Reconciliation and an affordable and emergency housing action plan. He provided notes with more information from the meeting for the record.

3.2 Chair's Report

Chair Maude reported on the following:

- He expressed appreciation for staff member, Wil Cottingham, for the assistance she provides with the electronic meetings.
- He reported that Executive Committee is reviewing the effective functioning of Trust Council including locations, number, and format of meetings.

3.3 Electoral Area Director's Report-none

4. PUBLIC COMMENTS

- The HAPC Housing Report is impressive and supported. Items that might affect affordable housing that have not been addressed in the report include mapping software in the Islands Trust budget requests which will create more Development Permit Areas, and policies requiring applicants to provide security for Development Permits. The draft Housing Section of the revised Islands Trust Policy Statement includes a new policy which will establish many new requirements. These new policies will require changes to the Official Community Plan (OCP) and Land Use Bylaw (LUB) and concern was expressed that these can be used to curtail affordable housing projects.
- Two of the proposed Land Use Bylaw No. 186 Contraventions and Penalties listed in Schedule A of the Bylaw Enforcement Notice Amendment Bylaw, 2019, Amendment No. 1, 2023 Staff Report were opposed: 1.3.5 Non Permitted Use in Any Zone – too vague and might be used against housing infractions; 2.1.2 Non Permitted Use of Dwelling for Vacation Rental/Paying Guests – paying guests might include those renting a room for housing. Bylaw Enforcement oversight is an ongoing concern; the Local Trust Committee (LTC) was asked to create a Standing Resolution to require Bylaw Enforcement to give 24-hours' notice before conducting a site visit.
- Support for the HAPC Final Report findings was expressed and the HAPC members were thanked for their hard work.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated October 3, 2023 - for adoption

By general consent the LTC minutes of October 3, 2023 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated November 6, 2023

A Trustee requested a status update on the July 25, 2023 Activity no. 6: “Staff to send a letter to First Nations to identify how they would like to be engaged on Denman Island’s Housing Review Project.”

- Planner Chadwick responded that this activity is in process. She reported that K’ómoks First Nation has requested a comprehensive package of requests for comments, including the Islands Trust Policy Statement, be forwarded as one package and not for each matter separately; and that respecting their request for engagement comments and working with this protocol is taking time.

8. APPLICATIONS AND REFERRALS - none

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Denman Housing Advisory Planning Commission Reporting - Final Report

HAPC Chair da Silva presented a document created to serve as a reading guide to the Final Report: “A Guide to the Denman Island Housing Advisory Planning Commission’s Final Report.”

Discussion of the HAPC Final Report, Guide, and next steps included the following:

- Chair Maude and Trustees thanked the HAPC members for their comprehensive work;
- The difference between requirements for Accessory Dwelling Units and Secondary Dwelling Units and rationale for addressing them separately was clarified;
- In Recommendation 3a of the report, Trustees suggested inserting the text “residential” after “combined” to read: Require a maximum combined residential floor area to minimize impacts of all housing;
- There are many educational opportunities within the report that might translate into published information for the public;
- Enforcement recommendations in the report might be best focused as a stand-alone project;
- HAPC inclusion in public discussions of the report was requested;
- Distribution of the Final Report and Guide for community information was suggested prior to a Community Information Meeting (CIM);
- Staff will provide an analysis of the Final Report including options and implications with consideration of public engagement in a LTC Special Meeting prior to a CIM;
- A CIM would provide an opportunity to introduce the public to the report with visual aids there to help people understand the proposed policies. HAPC review of material being presented prior to the meeting was supported.

DE-2023-069

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee receive the “Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023” as well as “A Guide to the Denman Island Housing Advisory Planning Commission’s Final Report.”

CARRIED

DE-2023-070

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff print twelve or more copies of the Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023 and accompanying Guide to the Denman Island Housing Advisory Planning Commission’s Final Report for distribution to the Denman Island community.

CARRIED

DE-2023-071

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff post the Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023, A Guide to the Denman Island Housing Advisory Planning Commission’s Final Report, and related correspondence to the Denman Island Projects web page.

CARRIED

DE-2023-072

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide an analysis of the Housing Advisory Planning Commission recommendations and schedule a Special Meeting via Zoom at the beginning of 2024 to discuss options and next steps.

CARRIED

10. CORRESPONDENCE

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

10.1 Email dated September 28, 2023 from S. Small regarding Support of Advisory Planning Commission's Recommendations for Short-Term Vacation

Received for information.

11. REPORTS

11.1 Trust Conservancy Report - none

11.2 Applications Report dated November 6, 2023

A Trustee commented that concerns have been heard regarding the work to stabilize the environmentally sensitive shoreline at Gravelly Bay. It was pointed out that BC Ferries application DE-DVP-2023.1 does not involve the terminal expansion.

11.3 Trustee and Local Expense Report dated August, 2023

Received for information.

11.4 Adopted Policies and Standing Resolutions

- Status of Policy No. 6a) regarding introduction of Trustees and staff and providing an update of current projects and advocacy activities to First Nations was requested. Staff will research current status.
- Policy No. 8's Cumulative Total of Residential Densities Remaining requires updating.
- Concern was expressed that Policy No. 10 initiated in 2021 regarding visitor accommodation is a temporary policy until the regulation is reviewed. Addressing this regulation might be considered when there is capacity to undertake a new project in the work program.

11.5 Local Trust Committee Webpage

In discussion of agenda item 9.1 the LTC requested that staff post the Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023, A Guide to the Denman Island Housing Advisory Planning Commission's Final Report, and related correspondence to the Denman Island Projects web page.

11.6 Residential Density Bank Update - verbal update

Planner Chadwick confirmed that the remaining cumulative total of residential densities remaining in the Residential Density Bank is seven.

DE-2023-073

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 Island Official Community Plan "Residential Density Bank" in Appendix D has last added or transferred to the bank on February 7, 2023 and has a cumulative total of residential densities of 7;
- b. The Denman Island Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately 5 percent 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

CARRIED

11.7 Bylaw Enforcement Notice Amendment Bylaw, 2019, Amendment No. 1, 2023 - Staff Report

Bylaw Compliance and Enforcement Manager Dingman presented the Staff Report that asks the LTC to consider amendments to the contravention schedule for the Denman Island Bylaw Enforcement Notification Bylaw, 2019 and enforcement options to provide additional oversight for the system.

DE-2023-074

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request regular reporting from the Bylaw Compliance & Enforcement Manager so that the Local Trust Committee can review and prioritize enforcement and enforcement resources.

CARRIED

Discussion followed on the proposed amendments to the contraventions and penalties Schedule A:

- Trustees expressed concern that including 1.3.5 “Non Permitted Use in Any Zone” in the contravention schedule was too broad and might be used for any bylaw infraction.
- The purpose of inclusion of 1.3.5 “Non Permitted Use in Any Zone” was explained by Bylaw Compliance & Enforcement Manager Dingman as a tool to prohibit environmental contraventions such as dumping of waste on land or in water not specifically addressed in the LUB.
- Adding a regulation to the LUB to address dumping of waste on land or in water might be considered as a future project.

DE-2023-075

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to amend the proposed Denman Island Land User Bylaw No. 186 Contraventions and Penalties Schedule A to remove Bylaw Section 1.3.5 but adopt the remaining Bylaw sections.

CARRIED

DE-2023-076

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee rescind third reading of Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notifications Bylaw, 2019, Amendment No. 1, 2023.”

CARRIED

DE-2023-077

It was MOVED and SECONDED,

that Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be amended by replacing the original Schedule A with the amended revised Schedule A, Denman Island Land Use Bylaw No. 186 Contraventions and Penalties, submitted with this Staff Report dated October 3, 2023.

CARRIED

DE-2023-078

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, Amendment No. 1, 2023,” be read a third time.

CARRIED

DE-2023-079

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, Amendment No. 1, 2023,” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

In discussion, Trustee Borthwick expressed his frustration that this work was not previously forwarded to the Executive Committee in a timely manner, and objected to the process that did not immediately inform the Local Trust Committee of feedback.

CARRIED

DE-2023-080

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt a Standing Resolution that Bylaw Enforcement personnel give a minimum of 24 hours notice before conducting a site visit and that they schedule a time with the property owner.

CARRIED

In discussion, Bylaw Enforcement Compliance & Enforcement Manager Dingman pointed out that Bylaw Enforcement staff do follow the existing law that a dwelling inspection requiring entry into a residence requires 24 hours notice and obtaining the occupant’s consent, noting that most of their work involves land inspections with in-residence inspections rarely occurring. There are occasional necessary exceptions requiring on-site serving a letter of notice of a future inspection.

12. CLOSED MEETING

12.1 Motion to Close the Meeting

DE-2023-081

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(2)(b) for the purpose of considering:

- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party and that the Recorder and Staff attend the meeting.

CARRIED

The meeting closed to the public at 12:45 pm.

12.2 Recall to Order

The meeting was recalled to order at 1:45 pm.

13. NEW BUSINESS

13.1 Joint Discussion with Hornby Island Local Trust Committee on mutual BC Ferries Concerns

Discussion among Denman Island Trustees and Hornby Island Trustee Allen included the following points:

- The Denman Island LTC is drafting a letter to BC Ferries advocating for direct sailings to Hornby Island in response to the Denman Island Community's ongoing concern with Hornby traffic speeding across the island causing unsafe conditions.
- The larger ferry capacity is helping with the vehicle backup at Gravelly Bay; however, is not resolving the speeding problem.
- Denman Island has advocated for this change for many years with BC Ferries and has recently discussed with the Ferry Advisory Committee with no success.
- Hornby Islanders are frustrated with the boarding and offloading inconsistencies. Perhaps discontinuing the Hornby Island lane designation might reduce the perceived need to speed.
- The Denman Island LTC solicited input as to the Hornby Island community's position on the issue of a direct sailing to Hornby Island.
- If Hornby Island joins Denman Island with their request that BC Ferries research a direct sailing schedule and cost for a trial period it might strengthen the initiative.
- Trustee Allen commented that the Hornby Island community is divided on the issue of a direct sailing. To gather more information, he offered to canvas the Hornby Island community on an informal basis and, if a direct sailing is supported, could bring a motion to the Hornby Island LTC for action.

14. WORK PROGRAM

14.1 Active Projects Report dated November 6, 2023

Received for information.

14.2 Future Projects Report dated November 6, 2023

Received for information.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting To Be Decided

16. ADJOURNMENT

By general consent, the meeting was adjourned at 2:27 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder



Resolutions Without Meetings Log

Denman Island

Resolution Number	Action	Date
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2023-003	Carried	22-Nov-2023
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2024 Regular Business Meetings

"That the Denman Island Local Trust Committee schedule its regular business meetings on the following dates in 2024: February 13, April 9, June 4, August 13, October 8, and December 10."



DATE OF MEETING: February 13, 2024

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Office

SUBJECT: Review of the new provincial *Short Term Rental Accommodation Act* for the Denman Island Local Trust Area

SUMMARY

The purpose of this memo is to present the Denman Island Local Trust Committee (LTC) with an overview of the possible implications of the new provincial [Short-Term Rental Accommodation Act](#), and identify preliminary opportunities and challenges in considering its implementation in the Denman Island Local Trust Area (LTA). All LTCs are being asked to consider whether they wish to opt-in to the new principal residence requirement by the first annual deadline of March 31 as per S.15 of the *Act*. Staff suggest that at this time, the LTC receive this memo as information only and consider reviewing the Denman Land Use Bylaw (LUB) home-based guest accommodation regulations as part of the major housing project for Denman Island.

BACKGROUND

The Provincial Government has advised local governments in BC to **not** grant zoning (or other permission) to short-term rental hosts, where inconsistent with (or more permissive than) the new provincial *Short-Term Rental Accommodations Act*. Local governments are being asked to review their bylaws and consider whether any updates may be warranted in light of the new provincial rules. What follows is a brief staff review of the Denman LTA bylaws to highlight any intersection with the new provincial legislation that the LTC may wish to consider.

CONSISTENCY WITH NEW PROVINCIAL LEGISLATION

The province has released a comprehensive overview of the [provincial policy guidance](#) for local governments for the *Short-Term Rental Accommodations Act*. The following Table 1 illustrates the five key elements of the provincial legislation and the possible implications for the Denman LTA.

Table 1. Opportunities and Implications of Provincial Legislation

New Provincial Legislation Overview	Potential Opportunities	Denman Local Trust Area Implications
Regional District Business Licensing for short term accommodation rentals	Work in cooperation with Comox Valley Regional District (CVRD) to determine capacity and interest to pursue licensing for any short term vacation business in the Electoral Area.	- Islands Trust does not currently have authority to issue business licenses. - Comox Valley Regional District would need to prioritize this action and administer for Denman and/or Hornby. - Significant financial resources are anticipated and being explored by Electoral Area Director at this time.
Increased Fines for non-compliant vacation rentals	Increase fines up to \$3,000 / day	Does not currently apply to Denman Enforcement Notification (BEN) Bylaw.
Principal residence requirement (vacation rental can only be in host's principal residence or secondary suite/secondary dwelling unit on the property)	- LTCs may opt in by March 31st each year to take effect by November 1st of the same year. - Province would enforce principle residence requirement and registry requirement. - Supersedes local government zoning and temporary use permit regulations.	- Still unclear whether host must be on site while the vacation rental use is in place. - Denman bed and breakfast style regulations appear to have challenges with monitoring compliance and enforcement. - When considering whether to request to opt-in of the principal residence requirement, LTC should consider their Housing Needs Report, the number of short-term rental listings, and the rental vacancy rate for their community as well as other factors.
End of legal non-conforming status for all existing vacation rentals	Need to educate public and enforce after May 31, 2024.	Current # of non-conforming short term rentals on Denman Island is unknown. These properties will need to comply with both local and provincial regulations, including the provincial principal residence requirement, if the LTC opts in at a future date.
Provincial Registry	- Province will share data when system is created. - Accessible central database. Provincial enforcement against website hosts.	- Timing of enacting the registry system is currently unknown but anticipated in 2024. - Will apply to ANY short term accommodation host on Denman Island regardless of whether the local government has opted in or not.

Provincial Enforcement	Province only enforcing its legislation – not local bylaws. Does not apply to use of RVs, tents or other types of shelters being used for short term vacation rentals.	▪ No provincial enforcement of the principal residence requirement unless LTC opts in. ▪ Province will enforce registry requirement regardless of opt-in.
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Table 2. outlines the relevant sections of the Denman Land Use Bylaw (LUB) regulations related to the Act and potential considerations and implications.

Table 2. Opportunities and Implications of Existing Denman Island Regulations

Denman LUB Regulation Section	Existing Denman LUB Regulations	Staff Comments on how this aligns with Provincial legislation
1.1 Definitions	<i>‘building’ means any roofed structure which is used or intended to be used for the shelter, habitation, assembly, or accommodation of people or animals other than wildlife, or for the storage of goods and chattels, and includes mobile homes, wood sheds, garden sheds, tool sheds and outhouses</i>	Province would not enforce on vacation use in a recreation vehicle, tent or other temporary shelter. Use of an RV for commercial accommodation is prohibited elsewhere in the LUB regulations (see below) and would be enforced on by the Islands Trust.
1.1 Definitions	<i>‘guest accommodation’ means accommodation provided for a fee to the travelling public, for a total length of stay of not more than 6 consecutive weeks and a total of 45 days in any one calendar year</i>	▪ Currently permitted in residential zones. ▪ Time limit difficult to determine from non-paying guests. Responsibility of Islands Trust to enforce. ▪ Province would enforce principal residence requirement, year-round if LTC opts-in.
2.1 Uses, Buildings and Structures	<i>Principal Dwelling Units: Subject to Section 2.4 (home occupations), the use of a dwelling unit for vacation rental or for the accommodation of paying guests is not permitted.</i>	Current regulations prohibit vacation rental unless as a ‘home occupation’. Intent appears to be to prohibit whole home rental, however Denman regulations do not appear to be clear enough to be enforceable.
2.1 Uses, Buildings and Structures	INFORMATION NOTE: <i>Secondary suites and secondary dwelling units are not permitted to be used for short term vacation rental or for the accommodation of paying guests in accordance with Regulation 2.1.2 of the Denman Island Land Use Bylaw.</i>	Denman can be more restrictive than provincial minimum legislation and permit short term rental use only in the principal dwelling. However the ambiguity around the home based guest accommodation rules may be problematic in this regard.
2.1	Accessory Buildings and Structures	Province would not enforce on vacation accommodation use in a recreation vehicle,

Uses, Buildings and Structures	<i>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 and the use is not permitted on a parcel in the “Affordable Rental Housing (R4) Zone.</i>	tent or other temporary shelter. This would be responsibility of Islands Trust.
2.1 Uses, Buildings and Structures	Travel Trailers <i>11. Travel trailers may be stored on the lot and used for occasional non-commercial accommodation except on a parcel zoned Affordable Rental Housing (R4).</i>	Vacation accommodation use is not permitted in a travel trailer and this would be enforced by Islands Trust.
2.4 Home Occupation Regulations	<i>5. Home occupations must be accessory to an active residential use.</i>	Difficult to monitor compliance as residential use for a significant portion of the year can be easily challenged and interpreted in the courts differently than what the LUB intended. Appears that LTC would not be able to rely on the LUB to enforce against a ‘whole house’ vacation rental.
2.4 Home Occupation Regulations	<i>7. The maximum combined floor area used for home occupations: • on lots less than 1.0 hectare is 60 per cent of the floor area of the dwelling unit in which the home occupations are located;</i>	Difficult to monitor compliance as guest accommodation use floor area can be variable. Staff are not confident that the floor area restriction can be properly applied to home based guest accommodation.
2.4 Home Occupation Regulations	Home-based Guest Accommodation <i>18. Despite Regulation 11 of this section, home-based guest accommodation must be contained within the principal dwelling unit.</i> <i>19. Unless otherwise permitted in Part 3 of this Bylaw, a home occupation providing home-based guest accommodation shall have no more than three bedrooms, with a maximum of two beds each, which may be rented to transient paying guests.</i> <i>20. Meals may be served to transient paying guests in a home occupation providing home-based guest accommodation.</i> <i>21. A second set of cooking facilities may be provided in a residence which provides home-based guest accommodation, in accordance with the provisions of this bylaw, to allow for transient paying guests to prepare their own meals.</i>	▪ Require correction to reference (11) as it is unrelated to home based guest accommodation. ▪ Appears that more than just a traditional bed and breakfast is permitted – can be interpreted that a commercial vacation rental of a suite <u>is</u> permitted. ▪ There is no provision in the LUB that expressly stipulates that residents of the property must be ON SITE during the use of the property as a private vacation accommodation. ▪ Strict interpretation of existing regulations is that the second set of cooking facilities may NOT be used by non-paying guests which is likely not original intent.

OPTIONS

The preliminary staff review of the new legislation, policy guidance and Denman LTA regulations concludes that even though the Denman regulations do permit “bed and breakfast” type accommodations in residential zones, the regulations may not be as restrictive as were intended upon adoption. As of January 4, 2024 the Islands Trust Bylaw Enforcement team is investigating six files on Denman Island related to unauthorized short term vacation rental uses of residential property as a result of difficulty in compliance enforcement and unclear regulations. An update to the LTC from Bylaw Enforcement staff on related matters is anticipated during the February 13, 2024 meeting.

The LTC can consider the following options:

- 1. Receive this memo for information;
- 2. Request staff to update the Denman Housing Review Project scope to include a comprehensive review and update of home-based guest accommodation regulations; or
- 3. Opt-in to the provincial principal residence requirement by March 31, 2024. If this option is selected the LTC resolution wording would be as follows:

That the Denman Island Local Trust Committee request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the Denman Island Local Trust Area and that the Denman Island Local Trust Area be removed from the exempt land as per S. 15 of the Short-Term Rental Accommodation Act.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	February 5, 2024
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	February 5, 2024



File No.: 400-30
12-RPT-HSNG

DATE OF MEETING: January or February 2024
TO: All Local Trust Committees
FROM: Stefan Cermak, Director
Planning Service
SUBJECT: **Housing Statute Changes to British Columbia Legislation**

PURPOSE

The purpose of this memorandum is for Local Trust Committee's to receive a copy of the Housing Statutes and Regulation Changes to BC Legislation briefings received at Trust Council December 7, 2023 and subsequently updated at Executive Committee December 20, 2023. The Executive Committee recommends that Local Trust Committees consider requesting to opt-in to the provincial's principal residence requirement for short term rental accommodations.

BACKGROUND

On December 7, 2023, Trust Council received a briefing: Housing Statute Changes to British Columbia (Attachment 1). The briefing provided an update and speaking notes on:

- The Short Term Rental Accommodation Act (Bill 35)
- The Housing Statutes (Residential Development) Amendment Act (Bill 44)
- Housing Statutes (Development Financing) Amendment Act (Bill 46)
- Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)
- Speculation and Vacancy Tax Act

On December 20, 2023, the Executive Committee received an update (Attachment 2) to the above briefing as provincial regulations were adopted the same day Trust Council considered the original briefing. After consideration, the Executive Committee carried the following resolution:

"That Executive Committee request staff to forward the housing statutes and regulation changes of BC legislation to local trust committees with a recommended consideration of request for opting in to the short term accommodation regulation for the 2025 intake."
CARRIED

As per the attached briefing:

A sample Local Trust Committee resolution to opt-in to the provincial principle residence requirement may read:

That the [] Local Trust Committee request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [] Local Trust Area and that the [] Local Trust Area be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.

Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024. If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

NEXT STEPS

All Local Trust Committees, to the exception of Ballenas-Winchelsea, meet before the 2024 March Trust Council meeting. Staff will respond to the ministry in one letter that contains all opt-in resolutions immediately following Trust Council in March 2024. Staff will provide the appropriate background information that describes the area and jurisdiction.

Submitted By:	Stefan Cermak Director, Planning Services	January 18, 2024
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ATTACHMENTS

1. Attachment 1 - Trust Council Housing Statue Changes to British Columbia Briefing for the meeting December 7, 2023
2. Attachment 2 – Executive Committee Housing Statue Changes to British Columbia Briefing Update for the meeting December 20, 2023

To:	Trust Council	For the Meeting of:	December 5, 2023
From:	Stefan Cermak, Director, Planning Services	Date Prepared:	November 15, 2023
SUBJECT:	Housing Statute Changes to British Columbia Legislation		

PURPOSE: To provide Trust Council with an update on recent and upcoming legislative changes regarding provision of housing in British Columbia, and how the legislation may affect the Islands Trust Area and local trust committees.

BACKGROUND:

The British Columbia Government has so far enacted, or is in the process of enacting, five pieces of legislation to increase housing supply throughout BC. They are:

1. ***Speculation and Vacancy Tax Act*** – came into force in on November 27, 2018. The Speculation and Vacancy Tax Regulation was last amended April 3, 2023.
2. ***The Short Term Rental Accommodation Act (Bill 35)*** – received Royal Assent on October 26, 2023 and will be brought into force by Ministerial regulations expected in December 2023.
3. ***The Housing Statutes (Residential Development) Amendment Act (Bill 44)*** - received First Reading on November 6, 2023, and is expected to receive Royal Assent before the end of 2023. This Act will also be brought into force by Ministerial regulations, which are expected in early 2024.
4. ***Housing Statutes (Development Financing) Amendment Act (Bill 46)*** – received First Reading on November 7, 2023, and is expected to receive Royal Assent before the end of 2023.
5. ***Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)*** received First reading on November 8, 2023 and is expected to receive Royal Assent before the end of 2023.

Speculation and Vacancy Tax Act

The *Speculation and Vacancy Tax Act* requires owners in prescribed areas to declare their primary home, and with certain exceptions, would be taxed on homes that they do not occupy as a primary residence. The Act applies to areas specified in the Act (municipalities in the Capital Regional District and Metro Vancouver, as well as seven other municipalities (Abbotsford, Chilliwack, Kelowna, Nanaimo, West Kelowna, Lantzville and Mission)). The Act also includes one unincorporated area, the University Endowment Lands. In April 2023, the list was expanded by Ministerial regulation to include six more municipalities (Duncan, North Cowichan, Squamish, Ladysmith, Lake Cowichan and Lions Bay).

Islands Trust Area and the rest of the Province is excluded from the *Speculation and Vacancy Tax Act* requirements. The Act allows the Minister, by regulation, to add areas to the list of areas to which the *Speculation and Vacancy Tax Act* applies.

The Short-Term Rental Accommodation Act.

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area. Staff understands that the regulations that bring the Act into force will include the ability for any municipality, regional district electoral area or local trust committee area, that are currently not included in the principal residence requirement for a short-term vacation rental, to opt-in. The regulation should address whether opting-out (once in) is something that could be considered, and if so, what the mechanism would be. Staff will know more about this once the regulations are released in December 2023.

The Act requires that platforms that advertise short-term rental accommodations to be registered with the Province. This may help with bylaw enforcement if the Province shares that information with local governments (the Act authorizes disclosure of personal information collected by the province under the authority of the legislation to be disclosed to local governments to support bylaw enforcement).

The Act also allows regional districts to issue business licenses for short-term rental accommodations, and where a business license scheme is in place, that a business license be required for advertising on platforms. The option for business licenses is not open to local trust committees, only regional districts.

The Act also removes legal non-conforming protection for short-term rental accommodation uses.

Action for the Islands Trust is for each local trust committee to consider whether or not it wants to opt-in. Opting-in would mean the Provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).

The Housing Statutes (Residential Development) Amendment Act

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area.

Residential Density Requirements

The Islands Trust Area is excluded by an amendment to the *Islands Trust Act* from the provincially mandated minimum density requirements. Ministerial regulation will establish to which municipalities the minimum density requirements will apply (staff understands that this will be all municipalities over 5,000 population).

The Act also allows the Minister by regulation to add an electoral area to the list on request of a regional district board. It is important to note that local trust committee areas could never be included in the density requirement without an amendment to the *Islands Trust Act*. However, Bowen Island Municipality could be included by Ministerial regulation either by virtue of its population (if the population goes over 5,000 Bowen may be automatically included), or on request of Bowen Island Municipal Council. The Act excludes land that is not on a municipal water or sewer system, is protected or are lots over a certain size.

There is no action required on this for local trust committees.

Housing Needs Reports Amendments

Housing Needs Reports now must include housing needs for 20 years (previously it was 5 years), and the first report is due by December 2028. Transitional provisions in the Act require that an interim report be received before a date to be prescribed by Ministerial regulation, or existing reports be updated by the

prescribed date to reflect the new 20 year horizon and a few other changes to housing needs content requirements.

These reports must then be published as soon as possible to the Islands Trust website, and the requirement to consider them in official community plans is continued. It appears that the mandatory requirement to adopt an official community plan and land use bylaw to reflect the housing needs report does not apply to local trust committees (this appears to apply only to municipal councils). This is a point that needs clarification with Ministry staff.

Action for Islands Trust is to ensure resources and funding is in place to update existing housing needs reports to meet the new requirements so they qualify as transitional, and then plan budget and resources to commission updates to the housing needs reports starting in 2028 and then every five years after that. While it is not mandatory for local trust committees, there should also be a program to ensure that all 20 official community plans are kept up to date reflecting the housing needs reports findings.

Public Hearing Changes

The Act now prohibits public hearings being held for land use bylaw amendments that are consistent with the official community plan and exclusively, or at least 50 per cent, residential. The intent is to allow public comment at the policy level (amendments to official community plans still require public hearings) and to streamline the approval process. There is nothing in the legislation that would prohibit less formal discussions between the local trust committees and Bowen Municipal Council and the community, such as open houses, surveys and community information meetings.

Action for Islands Trust is a change in process for local trust committees when considering land use bylaw amendments that are consistent with the Official Community Plan for residential rezonings, or land use bylaw amendments that contains at least a 50 per cent component of residential. Note that if there is a Official Community Plan amendment as part of the land use bylaw amendment, then a public hearing is required for the amendment to the Official Community Plan.

Housing Statutes (Development Financing) Amendment Act

Amenity Cost Charges

The Act adds a new section to the *Local Government Act* regulating how local governments develop and levy amenity cost charges (ACC), and makes changes to development cost charges and development cost levies (in the Vancouver Charter). The new system provides a framework and regulation on what may be considered as an amenity, who may be required to pay them and who may be exempted, the process to develop an amenity cost charges bylaw, and a reporting requirement. Amenity cost charges are charged at time of subdivision or issuance of a building permit.

Local trust committees are excluded by an amendment to the *Islands Trust Act* from the new ability of local government to levy amenity cost charges. Local trust committees are already exempt from the ability to levy development cost charges. The reason for the exemption is that both of these tools are intended to fund infrastructure improvements related to development, and local trust committee are not responsible for infrastructure.

The new legislation appears to apply to regional districts, and regional districts could, by bylaw, determine to collect amenity cost charges for new construction in the Islands Trust Area.

Housing Statutes (Transit Oriented Areas) Amendment Act

The Act adds a new section to the *Local Government Act* establishing minimum density and height requirements around prescribed transit stations and major bus stops. Regulations will establish which transit stops are included (likely in larger cities) and establish the distance around the stop and the minimum height requirements.

While local trust committees are excluded by an amendment to the *Islands Trust Act*, this is included here to complete the currently known legislative updates to the local government planning legislation.

ATTACHMENT(S):

Speaking Notes – Bill 35 (Short-term Vacation Accommodation) and Bill 44 (Housing Statutes).

FOLLOW-UP:

As requested by the Regional Planning Committee.

As this is new information, staff will update as more information on regulations becomes available. This should be forwarded to Trust Council and all trustees for information and to assist with answering public questions.

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager
Stefan Cermak, Director, Planning Services/ November 8, 2023

Backgrounder/Speaking Notes

Bill 44 - Housing Statutes (Residential Development) Amendment Act, 2023 (First Reading version)

Bill 35 - 2023 Short-Term Rental Accommodations Act (Royal Assent)

November 9, 2023

[Bill 44 Housing Statutes \(Residential Development\) Amendment Act, 2023](#)

- The first reading of Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023 was on November 1.
- In this Act, "housing unit" means a self-contained dwelling unit
- "local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*

Minimum Density Requirements

The new provincially mandated minimum residential density requirements added to the planning section (Part 14) of the Local Government Act do not apply to local trust committees by a consequential amendment to the Islands Trust Act. Staff understanding is that this section will also not apply to municipalities under a certain population. The BC Government news release suggests most municipalities with a population under 5,000 people will be exempt; however this will be implemented by regulation. Likely this section will not apply to Bowen Island Municipality based on population. And if it does, would only apply where lots are connected to municipal water and sewage and the legislation excludes specified protected lots or large lots. Staff will need to wait for the regulation to know for sure.

Housing Needs Reports

Changes to the Housing Needs Reports requirements apply to local trust committees and Bowen Island Municipality as follows:

- Housing needs report must be received by December 31, 2028, and then by December 31st every five years after that. A transitional provision in the legislation requires that existing housing needs reports are updated to reflect the new requirements by a prescribed date – that date will be in the forthcoming regulations and will likely be by the end of 2024 or early 2025.
- Housing needs reports must consider five-year and 20-year timelines for expected housing requirements (previously only five years required).
- When developing or amending an Official Community Plan (OCP), the governing body must consider the most recent housing needs report and the OCP must include statements and map designations. The housing needs report should include approximate location, amount, type, and density of residential development that is required to meet anticipated housing needs over a period of 20 years.
- An OCP must now include provisions for 20 years of housing as determined in the housing needs report
- OCPs must be updated within a time period to be prescribed by regulation following receipt of an updated housing report (which will be required once every five years).
- The minimum requirements for housing must be permitted outright in the OCP, not conditional (i.e. cannot require conditions (such as provision of amenities) for the housing to be provided).

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

Public Hearing for Housing Rezoning

The following changes to the public hearing requirements for housing rezoning apply to local trust committees and Bowen Island Municipality:

- Public hearings on proposed zoning bylaws must **not** be held if:
 - an official community plan is in place for that area
 - the bylaw is consistent with the official community plan
 - the purpose of the bylaw is to permit a residential development
 - the residential component of the development accounts for at least half of the floor area of all proposed structures in the development
- Note that notice must be given if a public hearing is not held.

Official Community Plan Adoption

Previously, the decision to adopt an official community plan was discretionary. **Now it is mandatory.** This appears to not apply to the Islands Trust as it states municipal council and a prescribed class of regional districts. This needs to be clarified with Ministry staff but will be obvious once the regulation has been released.

- All municipal councils, board of a regional district, or a board in a prescribed class of regional districts must adopt one or more OCPs.

Bill 35: 2023 Short-Term Rental Accommodations Act

- **Royal Ascent October 26, 2023**– will be brought into force by regulation, which is expected in December 2023.

Registration of Short Term Rental Platforms

- Requires that all platforms advertising short-term rentals must be registered with the Province

Restrictions on Homes that can be used for Short Term Rentals

- For those lands not exempted, legislation requires that the short term rental occurs in the host's residence, or in not more than one accessory dwelling unit.
- Local trust committees are exempted; municipalities under a certain size will be exempted, unless adjacent to a major municipality that is not exempted. Staff not sure if Bowen Municipality will be included or exempted given its proximity to Metro Vancouver.
- Provincial staff have advised that local trust committees will be able to opt-in so that the residence restriction applies. How this happens will be determined by regulation; however, it is likely a resolution of the local trust committee requesting to be removed from the exempted list. The regulation will also indicate how a local trust committees that chooses to opt-in can opt-out in the future.

No Legal Non-Conforming Status

- The legislation removes legal non-conforming status for short-term rentals. This means that if there are any short-term rentals operating and the bylaws change to prohibit them, those short-term rentals cannot continue to operate. Non-conforming use protection will continue to exist for other land uses.

Business Licenses

- The legislation now allows regional districts to require business licenses for short term rentals. This option is not available to local trust committees.

Focus of the Legislation

- The legislation focuses on three key areas:
 - Increasing fines for Municipal Ticket Information (MTI), and strengthening tools for local governments. This is not applicable in all local trust areas, since only three LTCs have MTI bylaws (though those that don't can adopt an MTI bylaw). Bylaw Enforcement Notification ticketing can continue to be used to enforce.
 - Returning more short-term rentals to long-term homes
 - Establishing provincial rules and enforcement
- This proposed legislation will not apply to:
 - Hotels and motels
 - Additional types of properties, for example, timeshares and fishing lodges
 - Communities on First Nations reserve land
 - Modern Treaty Nations will also be exempt but will be able to opt into the legislation, if desired
 - Resort municipalities and mountain resort areas
 - Regional district electoral areas
 - Municipalities of less than 10,000 population, unless adjacent to a larger municipality that is under the regulation (but not an electoral area close to one)

Islands Trust Background:

- Islands Trust is a special-purpose government mandated to preserve and protect over 450 Islands and surrounding waters in the Salish Sea in cooperation with other levels of government
 - Poorly managed growth could threaten the preservation and protection of the Trust Area
- The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area
 - Strengthening housing affordability is an Islands Trust Council priority
 - Lack of available workforce housing impacts the viability of island businesses, the ability to deliver services, and other aspects of community life such as volunteerism
- Short Term Vacation Rentals (STVR) have been a long standing concern for Islands Trust
 - In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners
- It is recognized that STVRs likely have a positive economic impact on the islands
- While some STVRs are operated legally and responsibly, many are completely unlawful

- The funds generated through the rental of STVRs are also, in many cases, vital to the financial well-being and solvency of the property owner
- Primary concerns with STVRs are around impacts on availability of long-term rental housing, as well as the effect on limited groundwater resources
- Other negative impacts which are frequently mentioned are:
 - Increased noise, traffic and parking concerns
 - Increased fire risk
 - Increased consumption of disposable goods, production of solid waste, and sewage
 - Impacts to community character and cohesiveness
 - Lack of a fair playing field between legal and non-legal STVR operators, as well as regular commercial accommodation such as hotels and motels

Existing Islands Trust Regulations

- Local trust committees have taken a variety of approaches consistent with its each island's individual culture, history, and intensity of tourist use
- The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STVR-specific provisions
 - Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.
- The OCP allows Temporary Use Permits to be issued for limited periods of time, and several islands have created specific guidelines
 - Bowen Island Municipality issues business licenses to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas
 - There is interest from some islands in advocating to regional districts to institute business licenses for STVRs

Current Islands Trust Enforcement

- Since the 2012 Islands Trust loss in the Supreme Court of BC of a case that would have restrained a rental agent from using or facilitating the use of residential homes for STVRs on Salt Spring Island, Islands Trust has continuously found that accommodation platforms are not cooperative or assistive to bylaw enforcement efforts. In the 2012 case the judge found that the activities of the rental agent did not, on their own, constitute a breach of the land use bylaw.
- Currently, 204 open bylaw enforcement files, with the majority on Salt Spring Island
- There may be 500+ advertisements at any given time for all local trust areas, which must be continually vetted to ensure compliance
- Bylaw staff regularly review and update a database for the known operators
 - Co-op planning students have, at times, reviewed the listings
 - Since 2005, 532 STVR enforcement files have been closed

- During the peak summer season, the majority of bylaw staff resources are for STVRs
- Seven local trust areas have directed proactive bylaw enforcement on STVRs because of concerns about diminishing housing supply
- Bylaw notices (tickets) are issued when contraventions are confirmed. There is a mixed response to ticketing:
 - Some are disputed and there is a good response to negotiating compliance agreements to ensure a cease of unlawful operations
 - For those that have proceeded to adjudication, 90 percent of the tickets are upheld by an adjudicator
 - However, with a \$500.00 limit on bylaw notices penalties, the upscale operations charging \$500-700 per night can treat the penalties as the cost of doing business and makes court action, the next step in enforcement, an expensive choice.
- Enforcement staff note that the clear bylaw language in the Gabriola Island Land Use Bylaw has resulted in less complications and conflicts than have occurred in other local trust areas.
 - The Gabriola Island Land Use Bylaw also explicitly states that you cannot operate without that permit:
 - *B.6.3 Commercial Vacation Rentals*
 - B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*
- There is currently a trend towards “glamping” operations on larger lots in an effort to maximize the number of rentals:
 - These operations are considered non-permitted campgrounds and it appears to be the next trend for STVRs, as it offers a lower cost for guests
 - These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and the threat to neighboring wells

Provincial Statistics

- In British Columbia in June 2023, there was an average of 28,510 short-term rental listings active each day (a year-over-year increase of 17.8%)*
- While the province’s STVR market is dominated by commercial operators*, this may not be the case for the Islands Trust Area
- The top 10% of hosts earned 48.8% of revenue*
- Listings operated by hosts with multiple listings were 48.4% of active listings and 51.7% of total host revenue in June 2023*
- In June 2023, 16,810 housing units were taken off BC’s long-term and shifting to the STVR market*

**Data from The Housing Impacts of Short-Term Rentals in British Columbia’s Regions. A report prepared by researchers from the Urban Politics and Governance research group, School of Urban Planning, McGill University*

BRIEFING

To:	Executive Committee	For the Meeting of:	December 20, 2023
From:	Stefan Cermak, Director, Planning Services	Date Prepared:	December 14, 2023
SUBJECT:	Housing Statute and Regulation Changes to British Columbia Legislation		

PURPOSE:

To provide the Executive Committee with an update on recent and upcoming legislative and regulatory changes regarding provision of housing in British Columbia, and how the changes may affect the Islands Trust area and local trust committees.

Key Takeaways:

- A draft resolution is provided for local trust committees to opt-in to the principal residence requirement for Short Term Rental. Such a resolution needs to be made by March 31, 2024 to take effect by November 1, 2024.
- Local Trust Committees with MTI Bylaws (Gabriola, North Pender, Salt Spring, and Thetis) may amend the penalty fees to \$3,000 per infraction per day. Other LTCs would require MTI bylaws if seeking the extra short term rental disincentive.
- Housing Need Reports Regulations have not been adopted at time of drafting this briefing.

BACKGROUND:

On December 7, 2023, the Islands Trust Council was briefed on five recent and upcoming provincial legislative changes designed to increase housing supply throughout BC. On the same day, the province adopted Orders-In-Council (Regulations) for Bills 35 and 44 (Short Term Rental Accommodation and Housing Statutes (Residential Development) respectively) and released policy documents to assist local governments implement the changes.

1. **The Short Term Rental Accommodation Act (Bill 35)**
 - Received Royal Assent on October 26, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
2. **The Housing Statutes (Residential Development) Amendment Act (Bill 44)**
 - Received Royal Assent on November 30, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
3. **Housing Statutes (Development Financing) Amendment Act (Bill 46)**
 - Received Royal Assent on November 30, 2023
 - Does not apply to Local Trust Committees; applies to Bowen Island Municipality
4. **Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)**
 - Received Royal Assent on November 30, 2023

- Does not apply to Local Trust Committees; applies to Bowen Island Municipality
5. **Speculation and Vacancy Tax Act**
- Came into force in on November 27, 2018
 - The *Speculation and Vacancy Tax Regulation* was last amended November 16, 2023
 - Does not apply to properties in the Islands Trust area

The Short-Term Rental Accommodation Act and Regulations.

Materials pertaining to [Bill 35](#) - *Short-Term Rental Accommodation Act* include:

- Order in Council [679](#) – bringing into force specific provisions of the *Short-Term Rental Accommodation Act*, and making a regulation that addresses various details including interpretation, changes to exempt land, and general and specific exemptions.
- A policy guidance [document](#) for local governments detailing the new short-term rental framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement responsibilities.
- Properties in the Islands Trust Area are exempt from the principal residence requirement. A local trust committee or Bowen Island Municipality needs a resolution requesting to be removed from the list of exempt land in order to “opt-into” the principal residence requirement. Opting-in would mean the provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).
- A sample LTC resolution to opt-in may read:
 - That the [XX Local Trust Committee] request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.
 - Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024.
 - If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.
- Order in Council [680](#) - increases possible maximum bylaw ticketing fine from \$1,000 to \$3,000 (amends BC Reg 425/2003).
 - The maximum fine that a local trust committee may set for a bylaw ticket has been increased to \$3,000 per infraction per day in accordance with the Community Charter Bylaw Enforcement Ticket Regulation. Note that this has been implemented via “Municipal Ticket Information System Bylaws” (MTI Bylaw) within the Islands Trust Area. The following local trust committees have MTI Bylaws: Gabriola, North Pender, Salt Spring, and Thetis (Table 1).
 - MTI Bylaws have been generally replaced in favour of Bylaw Enforcement Notification (BEN) Bylaws. The maximum Local Trust Committee bylaw notices penalty of \$500 under the Local Government Bylaw Notice Enforcement Act (Bylaw Enforcement Notification (BEN) Bylaws) is overseen by the Ministry of Attorney General and remains unchanged (Table 1).

Table 1 LTCs Enforcement Bylaws and Associated Maximum Permitted Penalty

Local Trust Committee	MTI Bylaw (max: \$3,000 penalty)	BEN Bylaw (max: \$500 penalty)
Ballenas-Winchelsea	N/A	✓
Denman	N/A	✓
Gabriola	✓	✓
Galiano	N/A	✓
Gambier	N/A	✓
Hornby	N/A	✓
Lasqueti	N/A	N/A
Mayne	N/A	✓
North Pender	✓	✓
Salt Spring	✓	✓
Saturna	N/A	N/A
South Pender	N/A	✓
Thetis	✓	✓

- Effective May 1, 2024, the *Short-Term Rental Accommodation Act* removes legal non-conforming protection for short-term rental accommodation uses.

Bill 35, Order in Council 679, and the policy guidance document for local governments will be forwarded to the Regional Planning Committee as per the December 7, 2023 [draft] Islands Trust Council resolution:

“THAT Trust Council request the Regional Planning Committee to evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.”

The Housing Statutes (Residential Development) Amendment Act

Materials pertaining to [Bill 44](#) – *Housing Statutes (Residential Development) Amendment Act* include:

- A Policy [Manual](#) & Site Standards document to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with Small Scale Multi-Unit Housing (SSMUH) legislation. In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government must consider any applicable guidelines for SSMUH, including this Policy Manual.
- Order in Council [673](#) – bringing into force specific provisions of the *Housing Statutes (Residential Development) Amendment Act* and making a Local Government Zoning Bylaw Regulation that among other things, prescribes: minimum densities, distances and parcel sizes. The regulation also provides additional details on what constitutes a bus stop, and details exemptions from small-scale multi-family housing requirements. Does not apply to local trust committees.

ATTACHMENT(S):

- Hyperlinks provided to Orders In Council and Policy Manuals

FOLLOW-UP:

Staff will update as more information on regulations becomes available (ex: Housing Needs Reports).
Staff may forward to Local Trust Committees for consideration of opting to the principal residence regulations.

Prepared By: Stefan Cermak, Director, Planning Services

Reviewed By/Date:



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December 14, 2023

File No.: 11-5770-20-10

Vincent Tong
Chief Executive Officer
BC Housing

Via email: HousingHub@bchousing.org

Dear Vincent Tong:

Re: Letter of Support for BC Housing Funding Applications for Affordable Housing Projects on Mayne, North Pender and Denman Islands

On behalf of Islands Trust Council, I wish to extend our support for three Community Housing Fund applications that are currently with BC Housing for consideration. They are:

- Mayne Island: Salish Grove affordable housing project which proposes to add 10 units
- North Pender: Plum Tree Court <https://www.penderhousing.ca/expansion>
- Denman: Denman Green affordable housing project <https://denmanhousing.ca/denman-green/> which will add 20 units of affordable housing

In the Islands Trust Area, there is a pressing need for accessible and affordable housing options, especially for seniors, families, persons with disabilities, and workforce members who are finding it especially difficult to find suitable housing.

Trust Council recognizes the significant positive impact these projects could have by allowing seniors to age in place, families to have a safe and nurturing environment for their children to grow, persons with disabilities to have suitable housing, and workers to be able to accept employment on the islands because they can find housing. These benefits are critical to the viability of our isolated rural island communities.

Given the very positive impact of these affordable housing projects on all three islands, Islands Trust Council would like to convey its strong support for these projects and urges you to fund all three.

Yours sincerely,

Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

cc.

Denman Island Local Trust Committee

Mayne Island Local Trust Committee

North Pender Island Local Trust Committee

Islands Trust Executive Committee

Islands Trust website

Follow Up Action Report

Denman Island

25-Jul-2023

Activity	Responsibility	Dates	Status
1 Actions for the Major Project - Denman Island Housing Review Project (Project Charter, Business Case, Advisory Planning Commission Terms of Reference): 1. Staff to post Project Charter to project website, re: Denman Island Housing Review Project. - <i>complete</i>. 2. Staff note the endorsed amended project charter for the Denman Island Housing Review Project Stage 2, Phase 1 and 2. - <i>complete</i>. 3. Staff note the endorsed amended business case for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3. - <i>complete</i>. 4. Staff note the endorsed amended Terms of Reference for the Housing Advisory Planning Commission (HAPC). - <i>complete</i>. 5. Staff note the endorsed amended Engagement Plan for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3. 6. Staff to send a letter to First Nations to identify how they would like to be engaged on Denman Island's Housing Review Project. - <i>FN has requested an overall update for all projects from IT and included sharing information on the project. Date to be scheduled</i>. 7. Lead Planner to request the Regional Planning Committee submit a business case to Trust Council regarding water availability assessment and prioritize Denman Island in fiscal 2024/25. 8. Staff to schedule Community Meeting 1 following receipt of the October report from the Housing Advisory Planning Commission.	Chloe Straw Narissa Chadwick Wil Cottingham		In Progress

Follow Up Action Report

Denman Island

03-Oct-2023

Activity	Responsibility	Dates	Status
1 Staff to write a letter signed by the Chair regarding affirming the words of past Trustees Mandryk and Ludvigsen to "seriously examine the option of supplying a ferry to Hornby Island from Vancouver Island and not across Denman Island". Send letter to MOTI, current CEO of BC Ferries, Comox Valley Regional District Director Arbour, and MLA.	Chloe Straw Renee Jamurat	Target: 27-Oct-2023	Completed

14-Nov-2023

Activity	Responsibility	Dates	Status
1 RPM to advise LTC on options to update or rescind Standing Resolution #6 First Nations Reconciliation, February 7, 2019, based on current approaches to reconciliation actions; confirm with TAS. <i>*December 4, 2023: RPM advises to keep current Standing Resolution unchanged until update provided from TAS Director Frater. Director Frater to advise and update based on discussion and direction needed through Trust Council.</i>	Clare Frater Renee Jamurat		In Progress
2 DE LTC requests regular reporting from the Bylaw Compliance & Enforcement Manager so that the Local Trust Committee can review and prioritize enforcement and enforcement resources, where there is a completed investigation. <i>This is an ongoing requirement and the LTC will see regular reporting from BE.</i>	Warren Dingman	Target: 17-Nov-2023	In Progress

Follow Up Action Report

Denman Island

14-Nov-2023

Activity	Responsibility	Dates	Status
3 Regarding Major Project - Denman Island Housing Review Project, request staff to: Complete an analysis of the Housing Advisory Planning Commission recommendations and schedule a Special Meeting via Zoom at the beginning of 2024 to discuss options and next steps. <i>Meeting has been scheduled for Feb 20th.</i>	Jennifer Isaac Narissa Chadwick Wil Cottingham		Completed



File No. : DE-DVP-2023.1 (BC Ferry Services Inc.)

DATE OF MEETING: February 13, 2024

TO: Denman Island Local Trust Committee

FROM: Ian Cox, Planner 2
Northern Team

SUBJECT: Development Variance Permit DE-DVP-2023.1
Owner: BC Transportation Financing Authority
Applicant: BC Ferry Services Inc. (leaseholder)
Civic: Lambert Road, Denman (Gravelly Bay, BC Ferries East Terminal)
PID: 025-709-798
Legal: DISTRICT LOT 2052 NANAIMO DISTRICT PLAN VIP75383
Area: 0.77 ha

RECOMMENDATION

That the Denman Island Local Trust Committee approve Development Variance Permit DE-DVP-2023.1.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP), DE-DVP-2023.1 (Attachment 1) for as-built work carried out after the application was submitted. The Applicant proposes upgrades to the existing rip-rap jetty/breakwater and reposition a 10 m² steel container used for vessel oil storage, within the 15 metre setback to the natural boundary of the sea as required by the [Denman Island Land Use Bylaw No. 186, 2008](#) (LUB) (the “Application” or “Proposal”). The works include:

- In place stabilization and repairs to the rip-rap jetty/breakwater with no expansion of the structure;
- Temporary relocation of the container landward;
- 150 millimetre concrete slab for container base;
- Repositioning of the container approximately 2 feet landward from its original position with no proposed changes to its use.

Staff note that per section 3 of the [Denman LTC SUP Bylaw No. 240](#), a Siting and Use Permit (SUP) is not required in addition to the DVP for the storage container, as the container is less than 10 m² in gross floor area. Further, no LTC authorization is required for the maintenance work performed on the existing rip-rap structure because no expansion to the existing footprint is planned, and “breakwaters” and “structures” for a permitted use” are listed as permitted structures for ferry terminal use within the W2 – Marine Services zone under LUB section 3.7.

The Application provides a letter from Fisheries and Oceans Canada (DFO) authorizing the rip-rap works (Attachment 2). This DVP report therefore considers the siting of the storage container and associated concrete pad only requiring LTC authorization within the setback to the natural boundary of the sea.

RATIONALE FOR VARIANCE

The Application states that the top of the rip-rap embankment “...has receded to within 300 mm of the container” and for protection, must be placed onto a concrete slab located slightly landward of its current location (Attachment 3 and Attachment 4).

BACKGROUND

In 2016, the Applicant applied for and received, DE-DVP-2016.1 and DE-SUP-2016.3 that facilitated replacement of the terminal waiting rooms, associated sewage disposal field, and the siting of an electrical storage container on the Property. These permits did not include the storage container that is the subject of this DVP application. The terminal consists of marine structures, an upland vehicle holding compound, a passenger waiting room building and utility structures. The terminal is located on fill and rip-rap in the W2 – Marine Services zone and is bordered by ocean on all sides, except for upland access points from the public roadways at Denman and Gravelly Road.

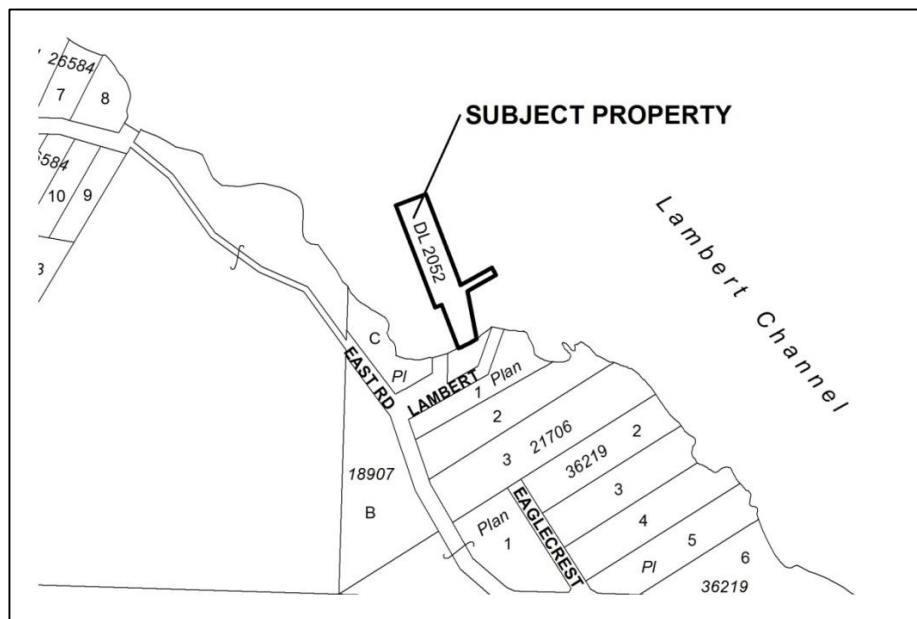


Figure 1: Subject Property Map (Gravelly Bay, Denman East Terminal)

ANALYSIS

Intent of Regulations being varied

Natural boundary setback regulations serve a number of purposes, including providing a buffer to reduce potential conflicts between adjacent landowners, impact mitigation for foreshore ecosystems, and protection for development from the effects of climate change such as sea level rise, etc. It is important to enforce natural boundary setbacks in light of these objectives, particularly for marine and foreshore ecosystem protection. In this case, the ferry terminal and breakwater by its nature, is sited partially within a water zone and is built on fill within that zone at zero meters from what was originally the natural boundary. Staff consider that relaxing the setback for a storage structure that will be placed on top of that artificially created land is unlikely to negatively impact the foreshore or marine areas.

Potential impacts of granting to variance

The LTC must not fetter its discretion as a decision-maker in this or any decision on a DVP application, and can consider future applications on their own merits with staff advice as to whether a proposal may be at variance with the Islands Trust Policy Statement (ITPS) and Denman OCP foreshore protection and impact mitigation policies. In this case, staff consider the Proposal to be aligned with Denman OCP policies and the ITPS.

Policy/Regulatory:

Relevant policies, regulations, and site context information were reviewed for the Application as presented in Attachment 5. Below is a summary of key points.

The most significant regulation identified was the setback from the natural boundary of the sea, resulting in the need for the DVP to ensure compliance with the LUB by varying the following section:

2.3.3 Setbacks and Elevations from the Sea

The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is:

- 15.0 metres for all other buildings and structures

The [Denman Island Official Community Plan No. 185, 2008 \(OCP\)](#) provides the following Policies and Objectives germane to the Proposal:

C.3 – The Marine Environment:

- Policy 18: The areas designated Water in this Plan are designated to protect the natural environment and sensitive ecosystems, while allowing for recreational and transportation activities that support the Denman community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that new uses do not harm sensitive natural habitat features and systems, and preserving the rural nature of the local trust area. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Water designation.

D.2 – Transportation and Utilities

- Objective 10: To maintain the ferry service that follows, rather than precedes, community needs
- Objective 11: To achieve ferry service that encourages carpooling, public transport, and non-automotive land transportation

Staff consider the proposed variance to be consistent with the above OCP policies.

Notification

Public notification of the DVP took place on January 26, 2024 in accordance with statutory requirements. (Attachment 6). At the time of writing this report, no public submissions were received from neighbouring property owners or tenants in response to the notice.

First Nations

The terminal and area of the works is within close proximity (50-100 metres) to a documented archeological site as indicated by the provincial Remote Access to Archaeological Data (RAAD) system. At the time the Application was submitted, the Applicant was made aware of the possibility that the lot may contain previously unrecorded archaeological material protected under the *Heritage Conservation Act*. If such material is encountered during development, all work should cease and the provincial Archaeology Branch should be contacted immediately, as

a *Heritage Conservation Act* permit may be needed before further development is undertaken. Provincial Chance Find Procedures ¹ are in place and must be followed.

The K’omoks First Nation (KFN) Archaeology & Referrals Department has confirmed that no Cultural Heritage Investigation Permit (CHIP) is required for the works. BC Ferries and KFN are in communication about development at the Gravely Bay terminal separately from Islands Trust processes.

Rationale for Recommendation:

Ferry terminals are generally considered an essential transportation service on the gulf Islands and their associated upgrades and improvements are necessary for continued operation. Due to site constraints in this case, the location of the storage container within the setback from the natural boundary of the sea is unavoidable given its intended use as directly related to ferry vessels and the fill and rip-rap on which that part of the terminal is built. Staff is recommending approval of the variance request as noted on page 1 of this report.

ALTERNATIVES

1. Request Further Information

The LTC may request further information or clarification be provided prior to making a decision. In selecting this alternative, the LTC should request specific information from the Applicant. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request further information prior to making a decision on application DE-DVP-2023.1 in the form of [specify information requested].

2. Deny the Application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee deny application DE-DVP-2023.1 for the following reasons [insert reasons].

Submitted By:	Ian Cox, Planner 2	January 10, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	January 17, 2024

ATTACHMENTS

1. Proposed DVP
2. DFO Letter
3. Applicant Proposal Description
4. Site Plan
5. Site context
6. Statutory Public Notice

¹ <https://islandstrust.bc.ca/document/province-of-bc-archaeology-chance-find-procedure/>

PROPOSED

 Islands Trust	DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. DE-DVP-2023.1
--	--

TO: BC Transportation Financing Authority

- 1.** This Development Variance Permit applies to the land described below:

PID: 025-709-798

Legal Description: DISTRICT LOT 2052 NANAIMO DISTRICT PLAN VIP75383

- 2.** Pursuant to Section 498 of the *Local Government Act*, the *Denman Island Land Use Bylaw No.186, 2008* is varied as follows:
- 1.** PART 2 GENERAL REGULATIONS, Section 2.3 GENERAL SETBACK REGULATIONS, Subsection 3, “The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is: 15.0 metres for all other buildings and structures” is varied:
 - To reduce the minimum setback to the natural boundary of the sea from 15 metres to 0.9 metres, to allow the siting of a fuel oil storage container labelled as “Structure (A)” on the attached plans to be located on the existing rip-rap jetty/breakwater.
 - 3.** The proposed development shall be consistent with **Schedule “A” – Site Plan, Schedule “B” – Detail, and Schedule “C” Photographs** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Denman Island Land Use Bylaw, 2008 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 2024.

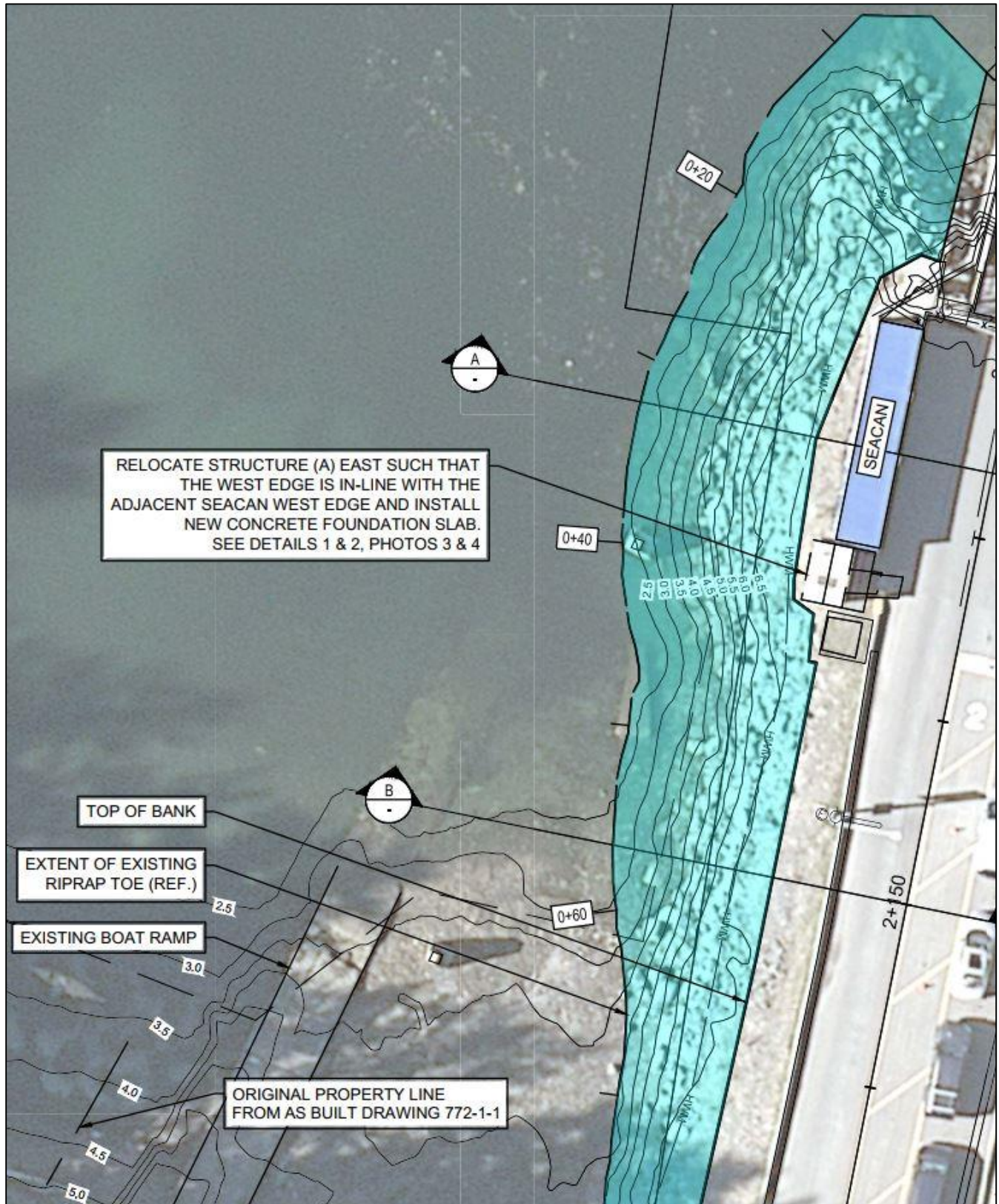
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 19 DAY OF XX 2026, THIS PERMIT AUTOMATICALLY LAPSES.

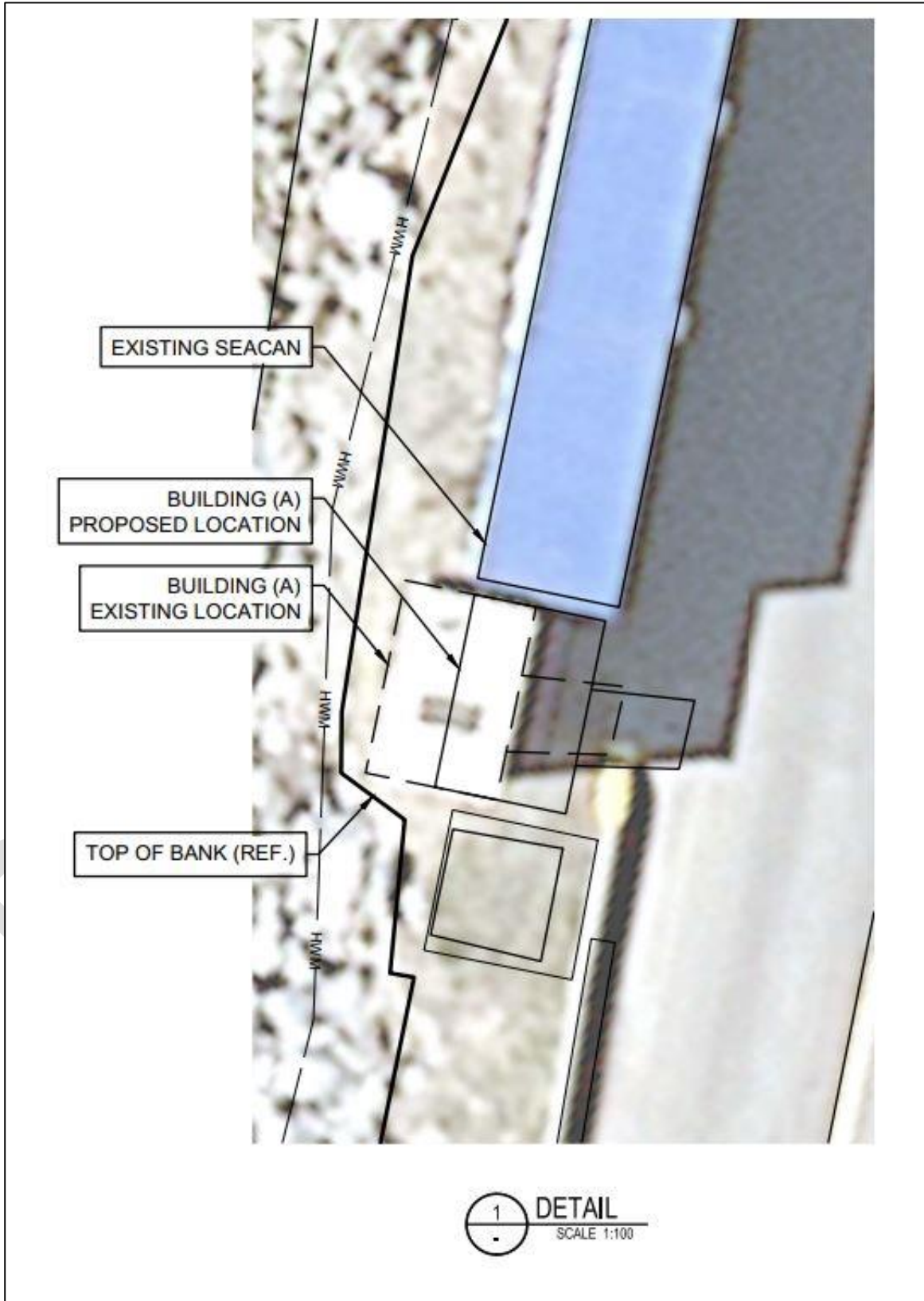
PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
DE-DVP-2023.1
Schedule "A" – Site Plan



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
DE-DVP-2023.1
Schedule "B" – Detail



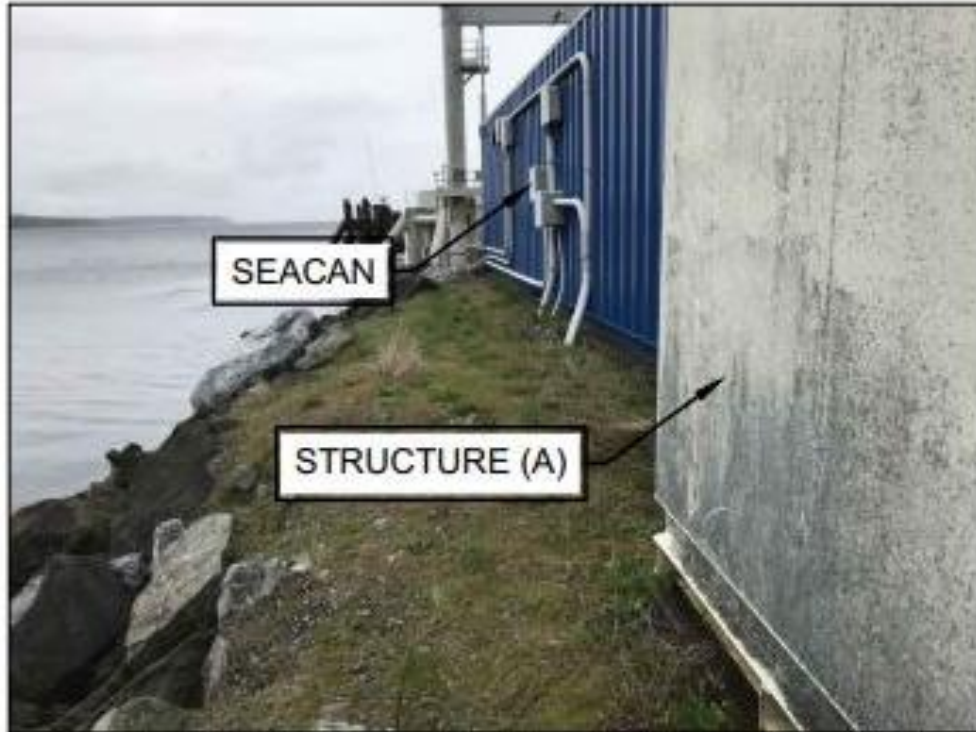
PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

DE-DVP-2023.1

Schedule "C" – Photographs





Fisheries and Oceans
Canada

Pacific Region
Ecosystem Management Branch
3190 Hammond Bay Road
Nanaimo, BC
V9T 6N7

Pêches et Océans
Canada

Région du Pacifique
Direction de la gestion des écosystèmes
3190, rue Hammond Bay
Nanaimo (C.-B.)
V9T 6N7

January 18, 2023

Our file Votre référence
22-HPAC-01464

British Columbia Ferry Services Inc.
ATTENTION: Jameson Mtanga, Project Manager
Suite 500 – 1321 Blanshard Street
Victoria, BC
V8W 0B7

Via email: jameson.mtanga@bcferries.com

Dear Jameson Mtanga,

Subject: Ferry Terminal Improvements, Gravelly Bay, Buckley Bay – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on December 15, 2022. We understand that you propose to install an oil water separator and conduct erosion protection works at the Denman Island East ferry terminal in Gravelly Bay on Denman Island, BC. Proposed works include:

- Use of an excavator working from the upland;
- Temporary removal of existing riprap along the shoreline and excavation of a trench approximately 0.5 m below the high water mark to permit the installation of a 300 mm diameter oil water separator outlet pipe (with backflow valve);
- Backfilling of the trench and placement of existing and new riprap along the eroding shoreline embankment of the outlet pipe; and
- Upgrades and repairs to the existing shoreline embankment west of the vehicle ramp, including excavation of the upland and placement of riprap in the intertidal zone to re-grade the slope and provide on-going erosion protection. Riprap will be placed on top of historic fill; no native seabed will be impacted by the proposed works.

Our review considered the following information:

- *Request for Review* form completed and signed by Chris Zamora (Aquaparian Environmental Consulting Ltd.), dated December 12, 2022;

- *Re: Environmental Assessment & Environmental Protection Plan (EPP) – Denman Island East Ferry Terminal Oil Water Separator and Outfall, Erosion Control* prepared by Aquaparian Environmental Consulting Ltd., dated November 28, 2022;
- Phone conversation between Chris Zamora and Marissa Miles Clark (the Program) on January 12, 2023, regarding project scope and measures to reduce the potential for stranding/trapping of fish; and
- Additional information provided by Chris Zamora to Marissa Miles Clark via email on January 13, 2023, regarding the project footprint, habitat present, and measures to prevent impacts to fish and fish habitat.

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*.

The aforementioned impacts are prohibited unless authorized under their respective legislation and regulations. As of the date of this letter, aquatic species listed under the *Species at Risk Act* may be found in the vicinity of your proposal but are unlikely to be affected by the project works, undertakings and activities.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below **in addition to those set out in your project proposal**:

1. Retain a qualified environmental professional (QEP) to conduct environmental monitoring during all project activities that may result in potential adverse effects to fish and fish habitat.
2. Minimize the duration of intertidal works to the extent possible.
3. Conduct works during favourable weather conditions, avoiding work during heavy rains.
4. Operate machinery from the upland area.
5. Conduct intertidal works, undertakings or activities in the dry (i.e., when the site is dewatered during a low or falling tide).
6. Construction works, undertakings and activities are not to result in the trapping or stranding of fish (e.g., in open excavations, on flat platforms, behind geotextile fabric used to stabilize material, etc.). Any intertidal excavations should be sloped appropriately and graded smooth before tidal inundation to reduce the risk of trapping or stranding fish.
7. If fish are being trapped or stranded in the work area, measures are to be put in place immediately to prevent further trapping and stranding. Trapped and stranded fish are to be salvaged immediately and relocated to an area outside of the project footprint that is hospitable for fish survival.
8. If Pacific Herring spawning occurs (typically between February and April) within the project vicinity and is at risk of being harmed by construction activities, works are to be

- temporarily suspended until a QEP has been consulted and additional measures are implemented to avoid harm to Pacific Herring adults, spawn, or larvae. Herring spawn sites should be left undisturbed until the eggs hatch. This includes any marine vegetation, materials (e.g., riprap, geotextile cloth) and equipment where herring have deposited eggs.
9. Salvage motile marine invertebrate species (e.g., sea stars, etc.) from the project footprint wherever feasible prior to works, and relocate them to suitable nearby habitat outside of the project footprint.
 10. Salvage colonized riprap/rocks (i.e., colonized with algae, invertebrates) within the project footprint wherever possible. Temporarily store colonized rocks in the adjacent water, rather than above the high water mark, to maintain viability of attached organisms. Replace colonized riprap/rocks after works are complete.
 11. All construction and excavation materials, temporary or otherwise, are to be stored and/or stockpiled upland in a manner that prevents the materials from entering fish habitat.
 12. Develop and implement an erosion and sediment control plan to avoid and minimize the introduction of sediments (e.g., silts, clays, soil and sand) into fish habitat or in areas where the material will enter fish habitat.
 13. Stabilize disturbed intertidal areas prior to the tide inundating the area. Ensure the area is stabilized in a manner that will prevent material (e.g., exposed soils, existing and new riprap, etc.) from inadvertently entering fish habitat, such as during tidal inundation.
 14. All material used for shoreline embankment upgrades should be non-acid generating, clean, and free of debris and fine sediment. If necessary, prior to installation the material is to be washed in a location where the wash water cannot enter fish habitat.
 15. Develop and implement a dewatering plan associated with potential groundwater infiltration during trenching/excavation to avoid and mitigate potential impacts to fish and fish habitat.
 - a. Minimize the duration of work in the trench/excavation as much as practicable to minimize the duration of dewatering.
 - b. Protect pump discharge areas to prevent erosion and the release of suspended sediments into fish habitat.
 - c. Pump any residual water from the isolated worksite (i.e., excavation/trench) into a designated treatment area (e.g., settling pond, holding tank, vegetated area, etc.).
 16. End dumping of rock is not permitted. Riprap should be carefully placed (e.g., by thumb and bucket).
 17. Develop and implement a spill response plan to minimize the risk of a deposit of deleterious substances into fish habitat.
 18. Ensure machinery is in good working condition and a spill kit(s) is kept on site at all times.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-pppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further

review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, *Species at Risk Act*, and the *Aquatic Invasive Species Regulations*.

Please note that the Program does not review and is not responsible for the discharge of effluent as it relates to subsection 36(3) of the *Fisheries Act*, which specifically prohibits the deposit of deleterious substances into water frequented by fish. All works, including the operation of the oil water separator discharging effluent into the marine environment, must be undertaken and completed in such a manner so as to prevent the release of a substance(s) deleterious to fish and other aquatic life. Due diligence is required at all times to prevent such deposits, and adherence to the measures in this letter does not itself relieve the Proponent of this ongoing obligation. It is your responsibility to meet all federal, territorial, provincial and municipal requirements related to effluent discharge that apply to your proposal.

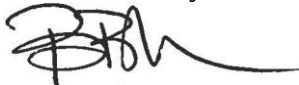
It is also your Duty to Notify DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to the DFO-Pacific Observe, Record and Report phone line at 1-800-465-4336 or by email at DFO.ORR-ONS.MPO@dfo-mpo.gc.ca.

Please notify the Program by email at Marissa.MilesClark@dfo-mpo.gc.ca at least ten days before starting your project, ensuring you file number and appropriate on-site contact information is included. We recommend that a copy of this letter be kept on site while the work is in progress. It remains your responsibility to meet all other federal, territorial, provincial and municipal requirements that apply to your proposal.

Please note that the advice provided in this letter will remain valid for a period of one year from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being no change in the relevant aquatic environment, including any legal protection orders or designations, during the one year period.

If you have any questions with the content of this letter, please contact Marissa Miles Clark at our Nanaimo office by email at Marissa.MilesClark@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Boone Barber, RPBio
Senior Biologist
Fish and Fish Habitat Protection Program

cc.: Chris Zamora (Aquaparian Environmental Consulting Ltd.): czamora@aquaparian.com

Description of work:

The container pictured below is $<10\text{m}^2$ and is used to store oil barrels for the vessel crews. Current erosion is such that the top of the embankment has receded to within 300 mm of the container.

The proposed work includes moving the shed to a temporary location, casting a 150mm concrete slab and returning the shed back to the current location.

The shed will however be relocated approximately 2' inwards from its current position. There are no changes to the use of container after its relocation.





PERMIT TO PRACTICE

McElhanney Ltd.

PERMIT NUMBER: 1003299

Engineers and Geoscientists
of British Columbia

APPROVED SEAL

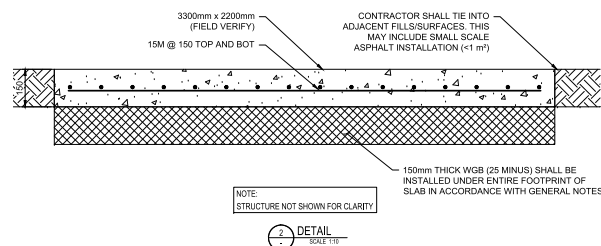


PHOTO 2

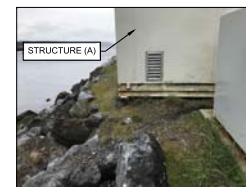


PHOTO 4



PHOTO 6



British Columbia
Ferry Services Inc.

92543
SHORELINE STABILIZATION
CIVIL PACKAGE

DENE-269-C100	F
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**LOCATION**

Legal Description	District Lot 2052, Nanaimo District, Plan VIP75383
PID	025-709-798
Civic Address	Gravelly Bay, Lambert Road, Denman Island

LAND USE

Current Land Use	Ferry Terminal
Surrounding Land Use	Bordered by ocean on all sides, except for its upland access point off of Lambert Road to the southeast. Upland zoning is residential.

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUP-2016.6	Partner applications for the siting of a new terminal building and septic field, etc.
DE-DVP-2016.3	

POLICY/REGULATORY

Official Community Plan Designations	OCP Designation: W – Water DP Area: No. Relevant Denman Island Official Community Plan No. 185, 2008 sections: C.3 – The Marine Environment: Objective 5 To ensure that use of the foreshore or offshore water does not result in loss or damage to the natural environment Objective 6 To minimise any negative impacts either of marine uses on adjacent upland or of upland uses on the marine area Policy 14: All buildings and structures located on adjacent upland should have setbacks sufficient to protect the foreshore and coastal marine environment. Policy 18 The areas designated Water in this Plan are designated to protect the natural environment and sensitive ecosystems, while allowing for recreational and transportation activities that support the Denman community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that new uses do not harm sensitive natural habitat features and systems, and preserving the rural nature of the local trust area. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Water designation. D.2 – Transportation and Utilities Objective 10 To maintain the ferry service that follows, rather than precedes, community needs Objective 11 To achieve ferry service that encourages carpooling, public transport, and non-automotive land transportation
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Land Use Bylaw	W2 – Marine Services In addition to the W2 regulations, the following are relevant subsections of the Denman Island Land Use Bylaw No. 186, 2008: 2.3.3 Setbacks and Elevations from the Sea <i>The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is:</i> 15.0 metres for all other buildings and structures
Other Regulations	N/A
Covenants	Non-Islands Trust Lease between BC Transportation Financing Authority and BC Ferry Corp)
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Fund	N/A
Regional Conservation Plan 2018-2027	The Plan indicates that the estimated importance of habitat composition is medium for the property.
Species at Risk	None mapped
Sensitive Ecosystems	Cliff ecosystem
Hazard Areas	N/A
Archaeological Sites	Within 100 metres
Climate Change Adaptation and Mitigation	There are no anticipated significant impacts on greenhouse gas emissions that would result from this variance request directly.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Patches of forage fish and some eel grass habitat mapped near the property. Fisheries and Oceans Canada has provided authorization and mitigation measures/protocols for works.

NOTICE
DE-DVP-2023.1
DENMAN ISLAND LOCAL TRUST COMMITTEE

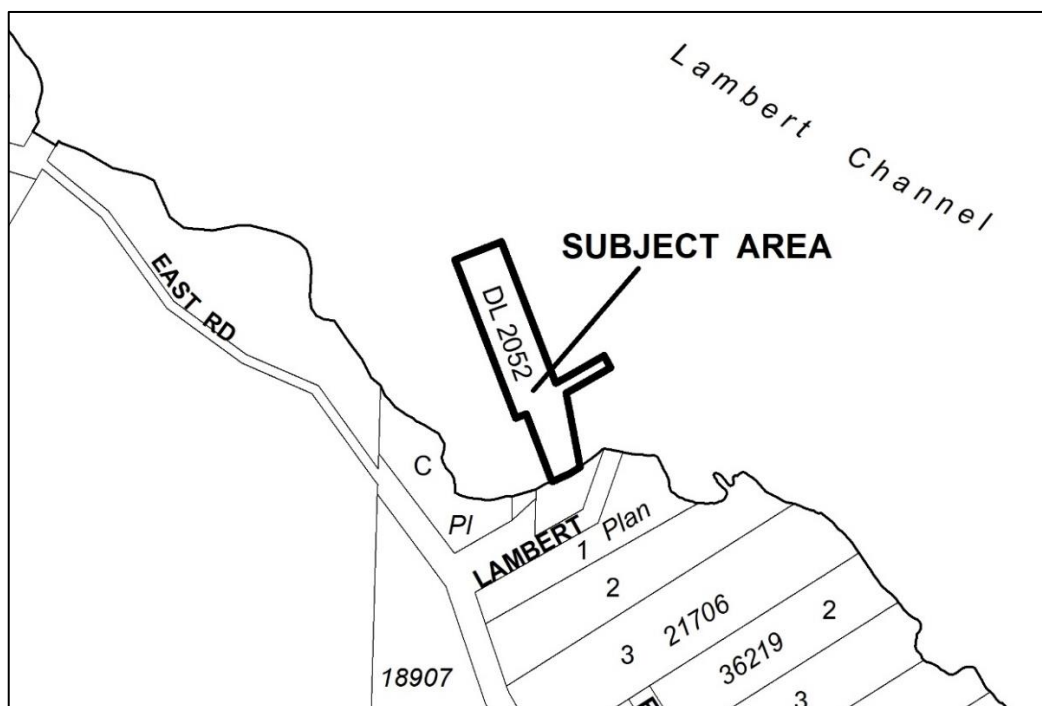
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Denman Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Denman Islands Land Use Bylaw, 2008 by:

- Reducing the minimum setback to the natural boundary of the sea from 15 metres to 0.9, to allow the siting of a fuel oil storage container associated with the permitted ferry terminal use in the W2 – Marine Services zone and located on the existing rip-rap breakwater structure.

The property is legally described as:

DISTRICT LOT 2052 NANAIMO DISTRICT PLAN VIP75383 (PID 025-709-798)

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 30, 2024** and continuing up to and including **February 12, 2024** and is also available on the Islands Trust website here: <https://islandstrust.bc.ca/island-planning/gambier/current-applications/>

Enquiries or comments should be directed to Ian Cox, Planner 2 at (250) 247-2207, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **February 12, 2024**.

The Denman Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **10:00 am, February 13, 2024, located at the Denman Activity Centre, 1111 Northwest Road Denman Island, BC.**

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



File No.: DE-TUP-2023.1
(Ward and Peters)

DATE OF MEETING: February 13, 2024

TO: Denman Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: DE-TUP-2023.1
Applicant: Shirley Ward and William Peters
Location: 2575 Jemima Road
LOT 5, SECTION 13, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26309
PID 002-748-746

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of Temporary Use Permit DE-TUP-2023.1 for a secondary dwelling for a period of three (3) years from the date of issuance, subject to the conditions imposed by the permit.

REPORT SUMMARY

The purpose of this report is to introduce an application for a Temporary Use Permit (TUP) that would allow a new 49 square metres (527 square feet) secondary dwelling on the subject property. The secondary dwelling is a one-bedroom tiny home on wheels for the residential use of a family member, to support the owners aging in place. Without a TUP, a secondary dwelling unit would not otherwise be permitted under Denman Island Land Use Bylaw No.186, 2008.

The application meets all of the guidelines for Area 2 TUP applications as outlined in the Denman Island Land Use Bylaw and as a result, staff are recommending approval of the permit for a period of three years (36 months).

BACKGROUND

Under a TUP, the specified uses may be carried out for a period of up to three years and the permit may be renewed only once for up to three more years. Issuance of a TUP should not necessarily be interpreted as support for a future rezoning application, though the permit may be a good test of the suitability of a use at a given location.

The applicant applied for the TUP for the following reasons: *"Moving a tiny home on wheels onto our 10.45 acre property on Denman Island to provide long-term housing for a family member. The support of a family member will make it easier for the current owners to age in place."*

The location of the subject property is shown in Figure 1 below.

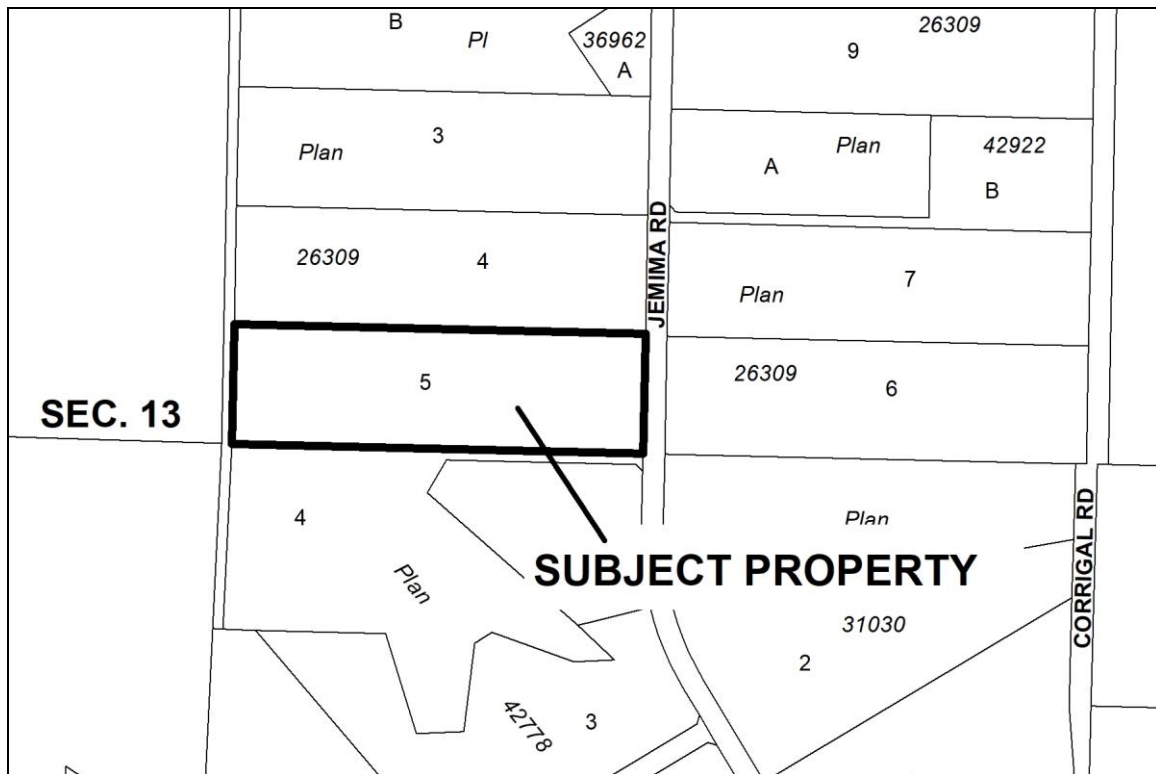


Figure 1: Subject Property

The applicant has been issued a Siting and Use Permit (DE-SUP-2023.11) for the proposed secondary dwelling as it complies with all siting requirements.

ANALYSIS

Policy/Regulatory

Official Community Plan:

The Denman Island Official Community Plan (OCP) contains a Guiding Objective “To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community” and additional housing objectives intended to ensure a range of housing types and options to support community diversity and island seniors, in particular, while being sensitive to overall density and the natural environment.

The OCP also includes three key policies guiding TUP applications for secondary dwellings, including:

- Housing Policy 11: *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;*
- Housing Policy 12: *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 27, 28 and 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; and

- Housing Policy 16: *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.*

The proposed secondary dwelling unit is only the third TUP application for this type of use to be considered by the LTC (previous TUP applications were considered in 2016 and 2020), and as the first application was not approved, it is within the allowable five percent increase stipulated for this purpose as per OCP Housing Policy 12. The purpose of the proposed secondary dwelling unit is to provide housing for a family member to allow the principal residents to age in place, which is consistent with the intent of the housing objectives and policies.

Land Use Bylaw:

For the applicant to obtain a TUP, the property must comply with the Land Use Bylaw (LUB) requirements for the R2 – Rural Residential Zone, in addition to the TUP Guidelines. The proposed temporary use is generally compliant with the TUP guidelines and Secondary Suites and Accessory Dwellings regulations of Part 2, of the LUB, with one exception:

- The applicant is not providing a rainwater catchment and storage system for a capacity of at least 1,000 gallons. The applicant is asking the LTC for an exception to this guideline based on Well Test (Attachment 3) and the Water Plan (Attachment 4) providing sufficient potable water supply for both dwellings.

See attachments 1 and 2 for details on the site context and a review of the TUP guidelines.

A TUP has been drafted with the TUP guidelines (Attachment 8).

Issues and Opportunities

Water

There are concerns related to secondary dwelling units and the increased pressure on water resources that may occur from this use. This application proposes to add a small secondary dwelling with one bathroom. It will minimally increase the number of water fixtures/appliances and increase the number of people who would typically stay on the subject property by one. Currently, there are two people living in the main dwelling and one which will bring the total number of residents on the property to three. The applicant has indicated there are rainwater catchment cisterns on the property which are used to water the garden, but not intended for the residential use.

Section 2.1.7 in the LUB addresses water use for secondary dwelling applications:

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.

Staff consider the applicant has met this requirement by submitting a written Water Plan (Attachment 4) and the well test results from 2023 (Attachment 3). Staff have provided a breakdown of the submitted well test:

<u>Requirement as per Section 2.8 Subdivision Regulations:</u> In Residential and Resource zones, the minimum amount of potable water that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, unless a cistern is provided, in which case the minimum is 1000 litres for each permitted principal residential dwelling unit. *using the subdivision requirements as a guide for a secondary dwelling.	<u>July 14, 2023 Well Test:</u> Minutes per day x litres recharged per minute 1440 x 18.93 = 27,259* L produced on July 14, 2023 *(not including cistern and well storage capacity)
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The data from July 14, 2023 appears to be a sufficient amount based on the requirement for new subdivisions as outlined in Section 2.8.9 of the LUB. Staff are referencing the subdivision regulations as there is no adequate amount of water specified in the TUP guidelines. It is important to note that while the well test provides only a “snapshot” of the current water level at the time of the test, it does reflect the water levels in the month of July when levels are typically lower.

Staff note that the BC *Water Sustainability Act* (WSA) outlines licensing requirements for use of groundwater for non-domestic purposes. It is staff’s understanding that secondary dwelling units are considered a domestic use and not required to apply for a commercial groundwater license.

Septic

In July 2023, the applicant had a new Type 1 pressure distribution sewage disposal system installed by Ken Land, Registered On-site Wastewater Practitioner, of Septic Pro Maintenance (Attachments 5 and 6). The new system replaces their old system and has been designed to accommodate both the principal and the secondary dwelling.

Consultation

No community consultation beyond the public notification requirements have been undertaken. A Community Information Meeting is not required for this application.

Statutory Requirements

In accordance with Section 494 of the Local Government Act, neighbouring properties must be notified of the TUP application. Notice of the draft TUP was mailed on January 26, 2024 to all property owners and residents within 100 metres of the subject property (see Attachment 7). No correspondence has been received at the time of preparing this staff report, but may be received before or during the LTC meeting on February 13, 2024. Correspondence should be sent to northinfo@islandstrust.bc.ca.

First Nations

This application does not trigger the requirement for agency or First Nations referrals as there is no ground disturbance; however, the LTC may do so if it determines that any First Nations may have an interest.

Rationale for Recommendation

Staff consider the proposal and information provided to meet the TUP Guidelines for secondary dwellings outlined in the LUB. Therefore, staff recommends that the TUP be issued, subject to the following conditions imposed by the permit:

- the maximum floor area of the secondary dwelling unit shall not be more than 49 square metres (527 square feet);
- the secondary dwelling unit shall not be located more than 60 metres from the principal residence;
- the secondary dwelling unit shall be connected to an approved sewerage system;
- the potable water shall be supplied by the residential well, as shown on Schedule “B” attached to and forming part of this permit;
- the owner must provide parking for a minimum of one vehicle for the secondary dwelling unit; and
- the holder of the Permit will be responsible for any violation of the conditions of this Permit.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request further information prior to making a decision on Temporary Use Permit application DE-TUP-2023.1 [specify required information].

2. Impose additional permit conditions

The LTC may choose to impose additional permit conditions. Recommended wording for the resolution is as follows:

That the following be made a condition of Temporary Use Permit renewal application DE-TUP-2023.1: [insert condition(s)].

3. Deny issuance of the permit

The LTC may deny the application. If this alternative is selected, the LTC must state the reasons for denial. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee deny Temporary Use Permit renewal application DE-TUP-2023.1 for the following reasons: [specify reasons].

NEXT STEPS

Subject to concurrence with the staff recommendation on page 1 of this report, staff will issue the TUP as drafted in Attachment 8.

Submitted By:	Marlis McCargar, Island Planner	January 29, 2024
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Concurrence:	Renée Jamurat, RPP MCIP, RPM	January 30, 2024
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ATTACHMENTS

1. Site Context
2. TUP Guidelines
3. Well Report
4. Water Plan
5. Septic Report
6. Septic Receipt
7. Notice
8. Draft Temporary Use Permit

ATTACHMENT #01 – SITE CONTEXT DE-TUP-2023.1 (WARD AND PETERS)

LOCATION

Legal Description	LOT 5, SECTION 13, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26309
PID	002-748-746
Civic Address	2575 Jemima Rd, Denman Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	The subject property is located at 2575 Jemima Road on Denman Island in the R2 (Rural Residential) zone, and is approximately 4.23 hectares (10.45 acres) in size. There is an open field to the west of the existing buildings which is the proposed site for the secondary dwelling. The existing buildings are located near Jemima Road and consist of a primary dwelling, outbuilding, storage shed, green house and carport. The majority of the property is forested, with a wetland running north-south, near the western property boundary. The neighbouring land use is residential/agriculture

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUP-2023.11	SUP for tiny home on wheels
UN-SUP-1984.31	Unknown

POLICY/REGULATORY

Official Community Plan Designations	Rural - The Rural designation, includes the predominantly larger lots on the Island in which the existing principal use is single family residential. Development Permit Area No. 4: Streams, Lakes and Wetlands A portion of the property (see purple in Figure 1 below) is in DPA 4. However, staff are satisfied that the proposed location of the secondary dwelling outside the DPA.
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Figure 1: DPA

The OCP contains the following objectives and policies related to housing on the island.

Section E.1 – Housing

Guiding Objective

To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community

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

Objective 5 To protect and enhance the supply and quality of rental housing.

Housing Policy 10:

In the Residential designation, unless otherwise permitted by Policy 28, 29 or 30, 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

	Housing Policy 11 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. Housing Policy 12 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 27, 28 and 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; and Housing Policy 16 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. Housing Policy 17 Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.
Land Use Bylaw	The subject property is zoned Rural Residential (R2). For the applicant to obtain a TUP, the property must comply with zoning and the following objective and guidelines apply. This TUP application has been reviewed for adherence with the guidelines. Area 2 The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource). Objective To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan. Guidelines (see Attachment 2 for TUP Guidelines Checklist)

	 Figure 2: Aerial photo of property
Other Regulations	<u>Islands Trust Policy Statement</u> 5.2 Growth and Development <i>Directive Policies</i> 5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans. 5.8 Health and Wellbeing <i>Directive Policies</i> 5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	Not Applicable
Regional Conservation Plan	Area mapped as low in the Important Natural Areas Map
Species at Risk	None mapped
Sensitive Ecosystems	None mapped
Hazard Areas	None mapped
Archaeological Sites	None
Climate Change Adaptation and Mitigation	There are no anticipated significant impacts on greenhouse gas emissions that would result from this TUP application.
Shoreline Classification	Not Applicable

Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2 – TUP GUIDELINES IN THE DENMAN LUB

LUB Section 5 (Area 2)

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource).

Guideline	Complies?	Planner Comments
Upon application, Temporary Use Permits may be considered for all parcels of land zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource) by the Denman Island Land Use Bylaw.	Yes	Subject property is zoned R2.
Compliance with the requirements of the “Secondary Suites and Accessory Dwellings” regulations of Part 2, “General Regulations”, is a condition of approval.		See regulations listed below (Section 2.1.6)
General Regulations “Secondary Suites and Dwelling Units” Section 2.1.6(a) Not have a floor area in excess of 140 square metres;	Yes	Secondary dwelling is 49 square metres.
Section 2.1.6(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	Yes	Located 60m to the west of the primary residence
Section 2.1.6(c) Be connected to an approved sewerage system.	Yes	Applicant recently had a new septic system installed (see Attachments 5 and 6)
Section 2.1.6(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.	No	Applicant is asking for an exception to this regulation. Water will be supplied by existing well (see Attachment 3 and 4 for Well Report and Water Plan)
Section 2.1.7 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.	Yes	(see Attachment 4 for Water Plan)

Guideline	Complies?	Planner Comments
Section 2.1.8 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.	n/a	Water not supplied by community water system.
Section 2.1.9 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.	n/a	Water licence not required for domestic use. See definition of domestic purpose under the Water Sustainability Act (WSA), which includes the “the use of water for household purposes by the occupants of, subject to the regulations, one or more private dwellings, other than multi-family apartment buildings, including, without limitation, hotels and strata titled or cooperative buildings, located on a single parcel.”
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.	No	Application has not been referred to the APC. The LTC may decide to refer this application to the APC.
Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.	n/a	
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	Yes	

Guideline	Complies?	Planner Comments
upon existing common water sources; and d. Other requirements that the Local Trust Committee may consider appropriate.		

McGill's Well Service and Supply Ltd
Cumberland BC
250 338 1661
Email: wellguy@telus.net

On site well testing and quality report.

Site Location: 2575 Jemima road, Denman Island

Date: July 14 2023

The well onsite is a 6" steel drilled well, total depth 47 Ft.

Static water level @ 5 FT from top of casting.

The well was pumped @ 5 GPM, the static water level dropped to 6 FT and held.

This drilled well is producing more than 5 GPM on July 14 2023.

The well head is secure and sealed.

Water very clear, some sulphur smell at dry time of year.

Submersible pump installed in well.

Well location: Front of main house on north side.

Coordinates of well: 49.520456 Deg. -124.761127deg. 49 31'14" N. 124 45' 40"W

Elevation of the drilled well 200 FT.

The water was tested and the water quality was very good with a slightly high manganese level of 70 ug/l, this level of manganese in the water can be treated with filtration.

Ian McGill

Certified well pump Installer.

Certified and bonded electrical contractor.

Member of BC Ground Water Association

Associates degree in Applied Science

January 26, 2024

Water Plan for 2575 Jemima Road

As requested, here is more information about the water supply and septic disposal system for the proposed secondary dwelling on our property.

Water quantity:

We have a 47 ft drilled well, installed in the mid-1980s. This well can be expected to supply both the existing dwelling and the tiny home without the need for a new rainwater cistern, for the following reasons:

- When we had the well tested by Ian McGill in July 2023, the pump was calibrated at 5 GPM and the static water level held at 6 ft. The well almost certainly produces more than the tested 5 GPM. According to the information we were given when we bought the property, the well tested at 12 GPM at the time of installation.
- Neither of the two residences is likely to have higher than average water use. The existing dwelling is a two-bedroom home, occupied by two people. The tiny home will be occupied only by my niece.
- Prior to our purchase, about two acres had been cleared and were used as a garden / small farm, primarily growing potatoes. The irrigation water was supplied from the well.
- We currently have about one acre of garden. For the first few years we watered the garden from the well; during this period we never had a problem with water supply, even in the dry season. Over time we have installed a number of rainwater cisterns and we now use these to water the garden. The total storage capacity of the rainwater cisterns is about 13,000 gallons.
- No new garden area is planned near the tiny home. We plan to restore the disturbed areas by planting more native shrubs and groundcovers--species that won't require watering.

Given this information, we ask that the LTC forgo the requirement for a rainwater catchment and storage system for the tiny home.

Water quality

The well water was tested in July 2023 and showed no problems other than a slightly high manganese level, which is not a health issue. There is no need to install a filtration system unless at some future time our annual water test shows a problem.

The July 14 2023 well testing and quality report is attached to this email.

Septic system

I am also attaching the quotation and the final invoice for the new septic system installed by Septic Pro Maintenance.

I hope that our TUP application can be on the agenda for the Feb 13 LTC meeting. Let me know if you require any further information.

Thank you,

Shirley Ward

0839520 BC LTD
KEN LAND
1166 CUMBERLAND ROAD
COURTENAY, BC V9N 2E6

July 12, 2023

Bill & Shirley
2575 Jemima Road
Denman Island, BC V0R 1T0

Dear Bill & Shirley,

My company 0839520BCLtd. is prepared to design, file, certify, and install a new type 1 pressure distribution sewage disposal system for your home at 2575 Jemima road and the new 1 bedroom tiny home for the fee of \$29,000.00 plus GST. It should be noted that this quote is based on "Dry Season" install, typically Between May and September.

The following items are included within this quotation:

- Supply and installation of all septic system components (not including electrical)
- Top soil cover on septic field portion of system

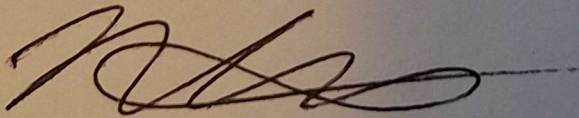
The following items are not included within this quotation:

- Electrical services related to the sewage disposal system.
- Grass seed, sod, and/or hydroseed.
- Fees related to rock drilling, blasting, or hammering
- Filing fees of \$1500 plus GST

Payment schedule

- Quotation valid for 60 days.
- \$1500 plus GST - design/filing fee is due upon acceptance.
- A 50% deposit is due prior to on site works beginning.
- Remaining fees are due once works have been completed

Should you have any questions please do not hesitate to contact me.



ACCEPTANCE SIGNATURE

WILLIAM PETERS

NAME - POSITION

0839520BCLtd.

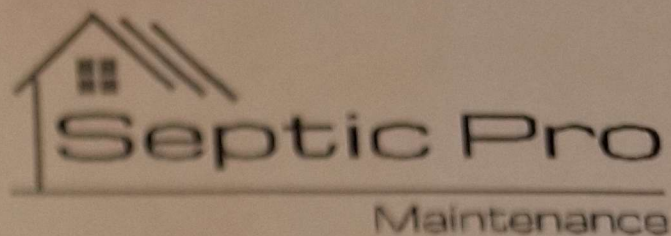
SIGNATURE

NAME - POSITION

July 13 2023

Number: SI-488
Issued: 08/12/2023
Due: 09/11/2023

Deliver To
2575 Jemima Road
Denman Island BC V0R 1T0



Shirley Ward & William Peters
2575 Jemima Road
Denman Island BC V0R 1T0

KEN LAND DBA839520BCLtd.
1166 Cumberland Road
Courtenay BC V9N 2E6
Canada

www.rockytops.ca
778-585-7625

kenland8@gmail.com

GST/HST 832325823 RT 0001
PST - 1014 - 5316

	Sales Tax	Net
Apply, install, and certify a new septic system as per filing # CV 23/112	GST 5.00%	29,000.00
Total Net		29,000.00
GST 5.00%		1,450.00
Invoice Total		30,450.00
Payments Made		\$15,000.00
Total to Pay		\$15,450.00

Please make payable to: 0839520BCLtd

Paid in full
ch# 114

Thanks, Ken

Thanks, Ken

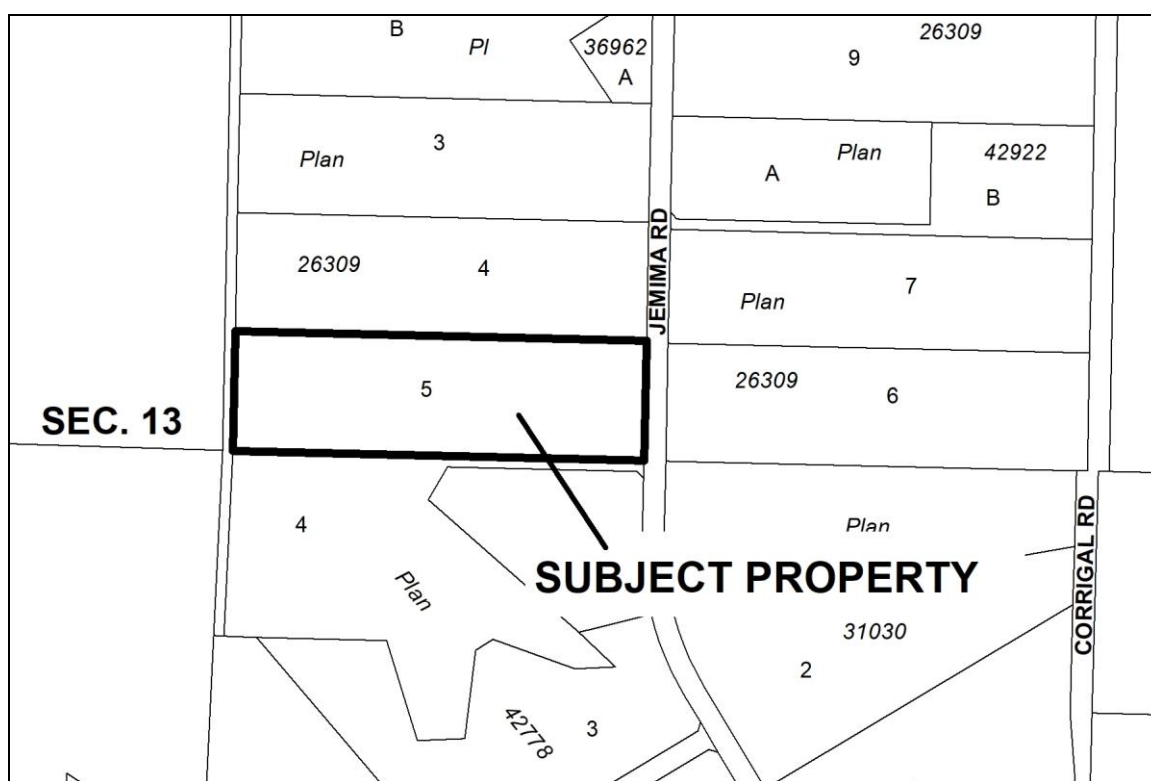
NOTICE
DE-TUP-2023.1
DENMAN ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Denman Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to PID: 002-748-746, LOT 5, SECTION 13, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26309. This property is located at **2575 Jemima Rd, Denman Island, BC.**

The purpose of the proposed permit is to allow a 49m² (527ft²) secondary dwelling on the subject property.

The establishment of this use would be subject to the conditions specified in the attached proposed permit. The permit would be issued for up to three years and the owner may apply to the Denman Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property is shown on the following map:



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/denman/current-applications/> commencing **January 30, 2024** and continuing up to and including **February 12, 2024**.

Enquiries or comments should be directed to Marlis McCargar, Island Planner at (250) 247-2210, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before **4:00 p.m., February 12, 2024**.

The Denman Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting to be held at **10:00 am, February 13, 2024, at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC.**

Written comments made in response to this notice will also be available for public review.

PROPOSED



**DENMAN ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
DE-TUP-2023.1 (Ward & Peters)**

2575 Jemima Road, Denman Island

To: S. Ward and W. Peters

1. This Permit applies to the land described below:

PID 002-748-746

LOT 5, SECTION 13, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26309.

2. This Permit expires on XX, XX, 2027.

3. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting a secondary dwelling on the subject property.

4. The use may be carried out subject to the following conditions:

- 4.1 the maximum floor area of the secondary dwelling unit shall not be more than 49 square metres (527 square feet);
- 4.2 the secondary dwelling unit shall not be located more than 60 metres from the principal residence;
- 4.3 the secondary dwelling unit shall be connected to an approved sewerage system;
- 4.4 the potable water shall be supplied by the residential well, as shown on Schedule "B" attached to and forming part of this permit;
- 4.5 the owner must provide parking for a minimum of one vehicle for the secondary dwelling unit; and
- 4.6 the holder of the Permit will be responsible for any violation of the conditions of this Permit.

5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.

6. All in accordance with Schedules "A" and "B" attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.

7. This is not a Siting and Use Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS __ DAY OF ____, 20__.

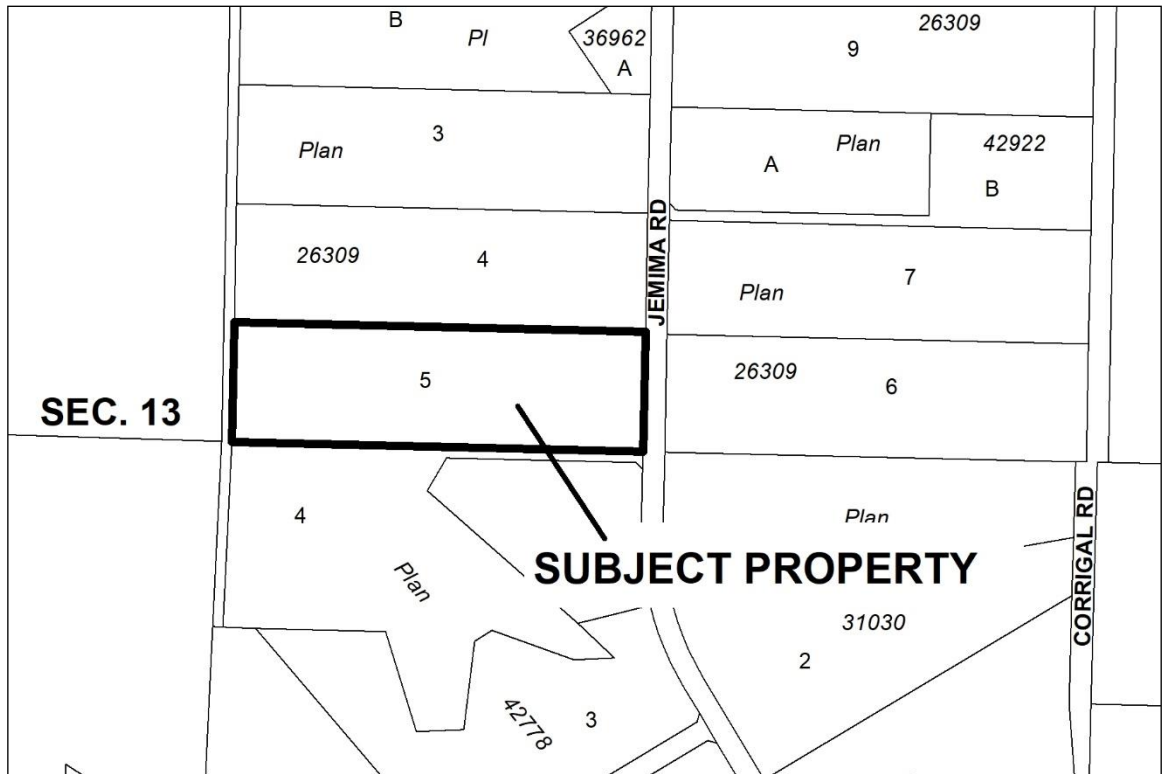
Deputy Secretary, Islands Trust

Date Issued

PROPOSED

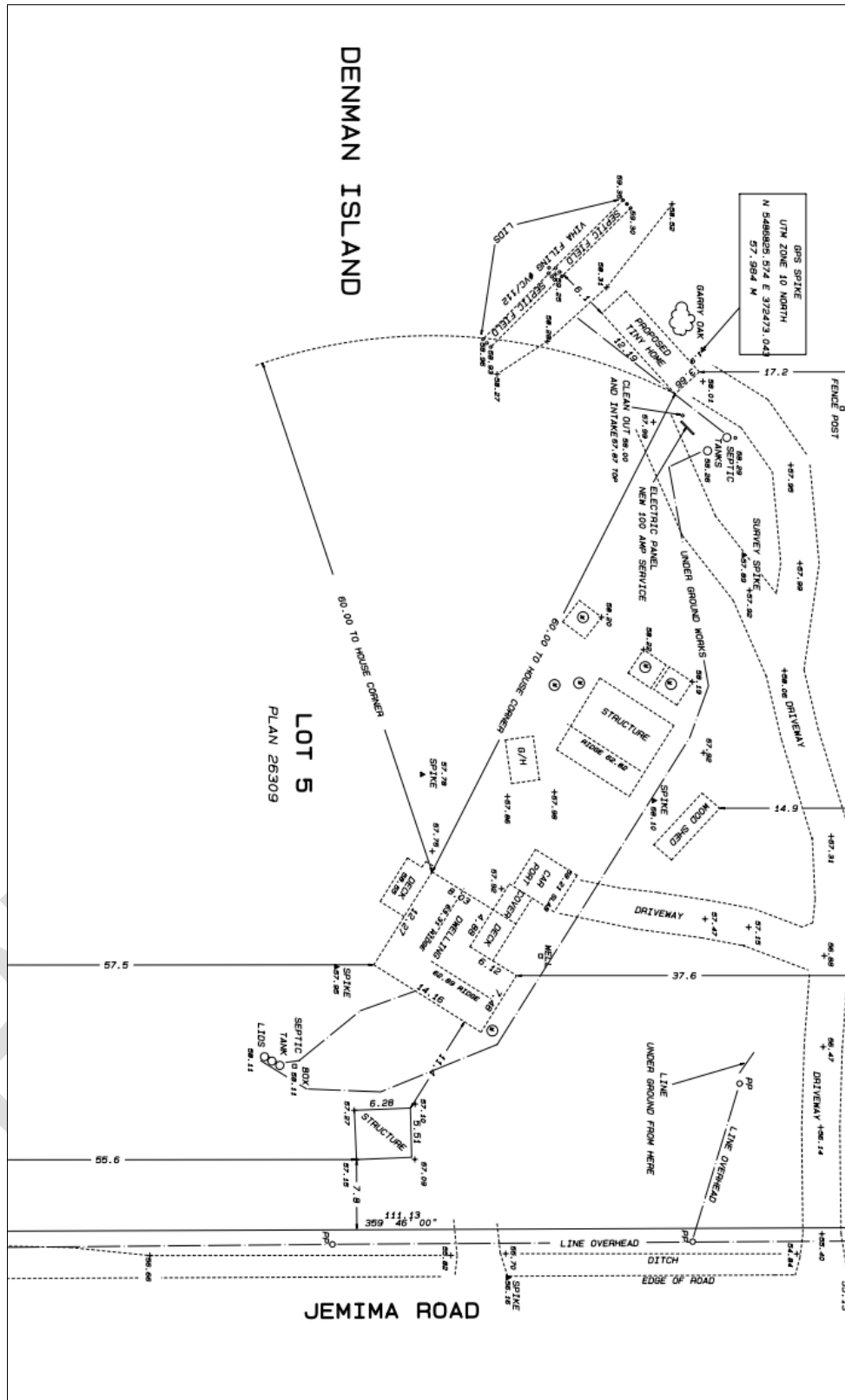
DENMAN ISLAND LOCAL TRUST COMMITTEE DE-TUP-2023.1

SCHEDULE "A" – Subject Property



DENMAN ISLAND LOCAL TRUST COMMITTEE
DE-TUP-2023.1

SCHEDULE “B” – Site Plan





DATE OF MEETING: February 13, 2024

TO: Denman Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner (Regional Planning Team)

COPY: Renée Jamurat, Regional Planning Manager – Northern Team

SUBJECT: Housing Review Major Project – Endorsement and Authorization of project budget for Capacity Work Agreement with K’omoks First Nation

RECOMMENDATION

1. “That the Denman Island Local Trust Committee request staff to prepare a capacity work agreement between the LTC and K’omoks First Nation, for the purpose of engagement with the Nation on the Denman Island Housing Review Project.”
2. “That the Denman Island Local Trust Committee authorize the release of up to \$16,000 from the Housing Review Project 2023/2024 fiscal project budget for the purposes of entering into a capacity work agreement with K’omoks First Nation on the Denman Island Housing Review Project”

REPORT SUMMARY

This report provides the Denman Island Local Trust Committee (LTC) with background on the process that has been initiated with K’omoks First Nation (K’omoks) with respect to Trust Council, Hornby Island and Denman Island projects in order to encourage the release of up to \$16,000 through a capacity work agreement to K’omoks from the Denman Island Housing Review Project budget.

BACKGROUND

At their June 6, 2023 meeting, the LTC endorsed a project charter for the next phase in the Housing Review Project (see Attachment 1). This phase includes:

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

The Denman Island Housing Review Project Charter identifies that First Nations consultation will take place January-June 2024. A total of \$12,000 has been allocated to engagement and communication. \$6,000 has been allocated to legal review that may not be used by March 31st.

Engagement with K’omoks to discuss Islands Trust projects was initiated in September 2023. A meeting was held on January 18, 2024 with Islands Trust staff and K’omoks staff and council. K’omoks First Nation indicated that they are interested in engaging in further conversations on these projects.

Recognizing K’omoks Nation’s staff capacity challenges, staff are currently working on developing a capacity work agreement with K’omoks related to the Hornby OCP review process. Staff recommend the same be done to support the Denman Island’s Housing Review Project. Recent work with Squamish Nation regarding Gambier Island’s OCP process has demonstrated that the provision of capacity funds and support has enabled the Nation to carve out the time needed to provide input to the process.

ANALYSIS

Rationale for Recommendation

There is \$12,000 allocated toward engagement and \$6,000 to legal review. Less than \$1,000 in total has been used to date. It is anticipated that remaining costs associated with community engagement will be less than \$1,000 and there likely won’t be need for legal review until next fiscal. As a result, staff is recommending that up to \$16,000 be provided to K’omoks through a capacity work agreement. If the money is not spent by March 31st it will be placed into Islands Trust general reserve fund and the Denman Island LTC will no longer have direct access to it. By providing capacity funds related to the Housing Review Process, the LTC can help facilitate deeper engagement with the Nation.

Staff note that if Trust Council supports the Denman Island LTC’s business case for the 2024/25 continuation of this project, then additional funding will be available for First Nation engagement.

ALTERNATIVES

1. Request further information

The LTC could choose to request more information. Staff caution that if this is the direction chosen it may not provide enough time for staff to work with K’omoks on a capacity work agreement. This would lead to the loss of the 2023/24 funding . A total of \$15,000 has been requested for the 2024/25 fiscal year to support all funding needs including First Nations engagement.

2. Do not provide capacity support to K’omoks First Nation

If the LTC decides not to authorize capacity funds to support participation by K’omoks First Nation, it may be more challenging for them to engage with the project.

NEXT STEPS

If the recommendation is supported:

- Staff will draft a capacity work agreement to be reviewed by K’omoks First Nation;
- Capacity agreement will be signed by the Denman Island LTC and K’omoks First Nation;
- Capacity amount will be completed before the end of the 2023/24 fiscal year; and
- Staff will initiate engagement on the housing project as appropriate.

Submitted By:	Narissa Chadwick, RPP MCIP, Island Planner	February 1, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	February 5, 2024

ATTACHMENTS

1. Project Charter - updated

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

Denman Island Local Trust Committee (LTC)

Date: July 30, 2023 (update)

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

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

Objectives

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

In Scope

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

Out of Scope

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

Workplan Overview

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

Project Team

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

Budget

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



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

DATE OF MEETING: February 13, 2024
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 – Bylaw Nos. 228 (OCP) and No. 229 (LUB) – Post Public Hearing

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 follows:
 - a. Schedule 1, Section 1.6, delete in its entirety and replace with: "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";
 - b. Schedule 1, Section 1.7, replace "4" with "5";
 - c. Schedule 1, Section 1.8a, replace "16" with "17" and replace "17" with "18";
 - d. Schedule 1, Section 1.8c, replace "27" with "28"; and
 - e. Schedule 1, Section 1.8d, replace "28" with "29".
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. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', be read a third time.
4. 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. Schedule 1, Section 1.3, replace produce stand definition with "Produce stand means a structure used for the sale of agricultural products where the products being offered for sale have been grown or reared on Denman Island.";
 - b. Schedule 1, Section 1.11, delete in its entirety;

- c. Schedule 1, Section 1.14, replace “6” with “7”;
 - d. Schedule 1, Section 1.15, replace “9” with “10 and replace “6” with “11”;
 - e. Schedule 1, Section 1.17, Table 1 – Permitted Uses, delete “10” in its entirety and start sequential numbering at 11;
 - f. Schedule 1, Section 1.17, Table 2 – Permitted Buildings and Structures, insert “One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) gross floor area” after “12”;
 - g. Schedule 1, Section 1.18, replace “6” with “2”;
 - h. Schedule 1, Section 1.20, replace “7” with “9” after “Table” and insert “agri-tourism accommodation or” before “dwelling is connected”;
 - i. Schedule 1, Section 1.23, insert “renumbering accordingly and” before “deleting in its entirety”;
 - j. Schedule 1, Section 1.23, Table 1 – Permitted Buildings and Structures, insert “must be” before “classified under the BC Assessment” and delete in its entirety “Should farm tax classification discontinue, agri-tourism is no longer a permitted accessory use on the lot”;
 - k. Schedule 1, Section 1.29, Table 5 – Setbacks, insert “Minimum setback from any lot line for a produce stand with a gross floor area no greater than 10m²” and insert 0m in the A, F and RE columns; and
 - l. Schedule 1, Section 1.30, insert “agri-tourism accommodation or” before “dwelling is connected”.
5. 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
 6. 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 third time.
 7. That the Denman Island Local Trust Committee proposed Bylaw No. 228, cited as ‘Denman Island Official Community Plan, 2008, Amendment No. 1, 2018’ and proposed Bylaw No. 229 cited as ‘Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018’, be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
 8. That the Denman Island Local Trust Committee proposed Bylaw No. 228, cited as ‘Denman Island Official Community Plan, 2008, Amendment No. 1, 2018’ be forwarded to the Minister of Municipal Affairs for approval.

REPORT SUMMARY

This is a post public hearing report supporting next steps for proposed Bylaws No. 228 (OCP amendment) and Bylaw No.229 (LUB Amendment). These bylaws seek to enhance and preserve farming activities on the island.

Staff are recommending the LTC amend Proposed Bylaw Nos. 228 and 229 to correct numbering, small editing errors and reword the “produce stand” definition.

The recommendations above are supported as:

- All statutory requirements have been completed including the required notification and holding of a public hearing consistent with the *Local Government Act*;
- There have been no public, government agency or First Nation concerns raised with the proposed bylaws; and,
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption.

BACKGROUND

The Denman Island Local Trust Committee (LTC) is considering Bylaw Nos. 228 and 229 that would amend the Official Community Plan (OCP) and Land Use Bylaw (LUB).

Bylaw 228 (OCP Amendment) - amending the OCP to re-designate all lands within the Agricultural Land Reserve (ALR) to a new 'Agriculture' designation and adding several new policies supporting agriculture uses consistent with the Agricultural Land Commission regulations and policies.

Bylaw 229 (Land Use Bylaw Amendment) – amending the LUB to regulate dwellings in the ALR, agritourism use and agritourism accommodation, and to update several definitions and setback regulations.

Both Bylaw Nos. 228 (OCP) and 229 (LUB) were 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 Nos. 228 and 229, in order to align with the provincial requirements and recent community feedback.

Community engagement including a mail out, a Community Information meetings (April 2022 and July 2022), APC meetings and a community questionnaire were conducted with the help of Upland Consulting. At the September 27, 2022 Regular LTC Meeting, due to the amount of time that had passed since 1st reading was given and for clarity, 1st reading was rescinded on both Bylaw Nos. 228 and 229. The bylaws received 1st reading on October 6, 2022.

Re-referrals were sent out to agencies and First Nations in November 2022 and the deadline for referral feedback was set for February 2023. The LTC considered the referral feedback in June 2023 and made some minor amendments based on the responses. Both Bylaw Nos. 228 and 229 received 2nd reading on June 6, 2023.

A Public Hearing date was set for November 2023; however, due to an error in referring to one of the First Nations, it was postponed. The Public Hearing has been rescheduled for February 13, 2024. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading, as amended (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaws to Executive Committee for approval.
4. Forwarding OCP amendment to Ministry of Municipal Affairs for approval.
5. Final LTC consideration and adoption.

Following the close of the public hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing. A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

SUGGESTED AMENDMENTS TO BYLAW NO. 228 (OCP)

Staff are proposing minor edits to correct an error in referencing the OCP policy numbers and a typographical error that are a result of amendments to the OCP since Bylaw 228 was originally drafted.

SUGGESTED AMENDMENTS TO BYLAW NO. 229 (LUB)

Staff are proposing minor edits to Proposed Bylaw No. 229 to correct numbering errors as well as edits to correct errors in the text and for clarity.

The edit to the "produce stand" definition is being suggested based on community concern that the definition was too restrictive and would limit the ability for farmers to share a produce stand. Staff are proposing the definition to read: "Produce stand means a structure used for the sale of agricultural products where the products being offered for sale have been grown or reared on Denman Island."

A General Setback Regulation for produce stands, in Section 1.11, has been deleted for clarity. The regulation regarding produce stands has been added specifically to the zones it applies to.

ALTERNATIVES

1. Amend the Bylaw(s)

That the Denman Island Local Trust Committee proposed Bylaw No. 228, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2018" be amended as follows:...

That the Denman Island Local Trust Committee proposed Bylaw No. 229, cited as ‘Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008’ be amended as follows:....

2. Defer third reading to a future LTC Meeting

The Denman Island Local Trust Committee may choose to defer consideration of third reading to a future LTC meeting. If the LTC chooses this option, no resolution is needed and Bylaw Nos. 228 and 229 will be brought forward at a subsequent meeting.

3. Proceed no further

That the Denman Island Local Trust Committee proceed no further with Bylaw Nos. 228 and 229.

NEXT STEPS

If the recommendations are supported:

- Bylaw Nos. 228 and 229 will be forwarded to the Islands Trust Executive Committee for approvals;
- Bylaw 228 (OCP Amendment) will be forwarded to the Minister of Municipal Affairs for approval; and
- Bylaw Nos. 228 and 229 will be returned to the LTC for final adoption.

Submitted By:	Marlis McCargar, Island Planner	January 31, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	February 1, 2024

ATTACHMENTS

1. Bylaw 228 (OCP) - track changes copy
2. Bylaw 228 (OCP) – clean copy
3. Bylaw 229 (LUB) – track changes copy
4. Bylaw 229 (LUB) – clean copy

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 JUNE , 2023

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 ~~3-4~~ is amended by adding the words “~~in the~~ Agriculture designation and in the” before the word “Sustainable” ~~the size of new lots for agricultural~~”.

- 1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy ~~4-5~~ 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 ~~16-17~~ and Policy ~~17~~18.

- 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~~28: 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~~29: 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.

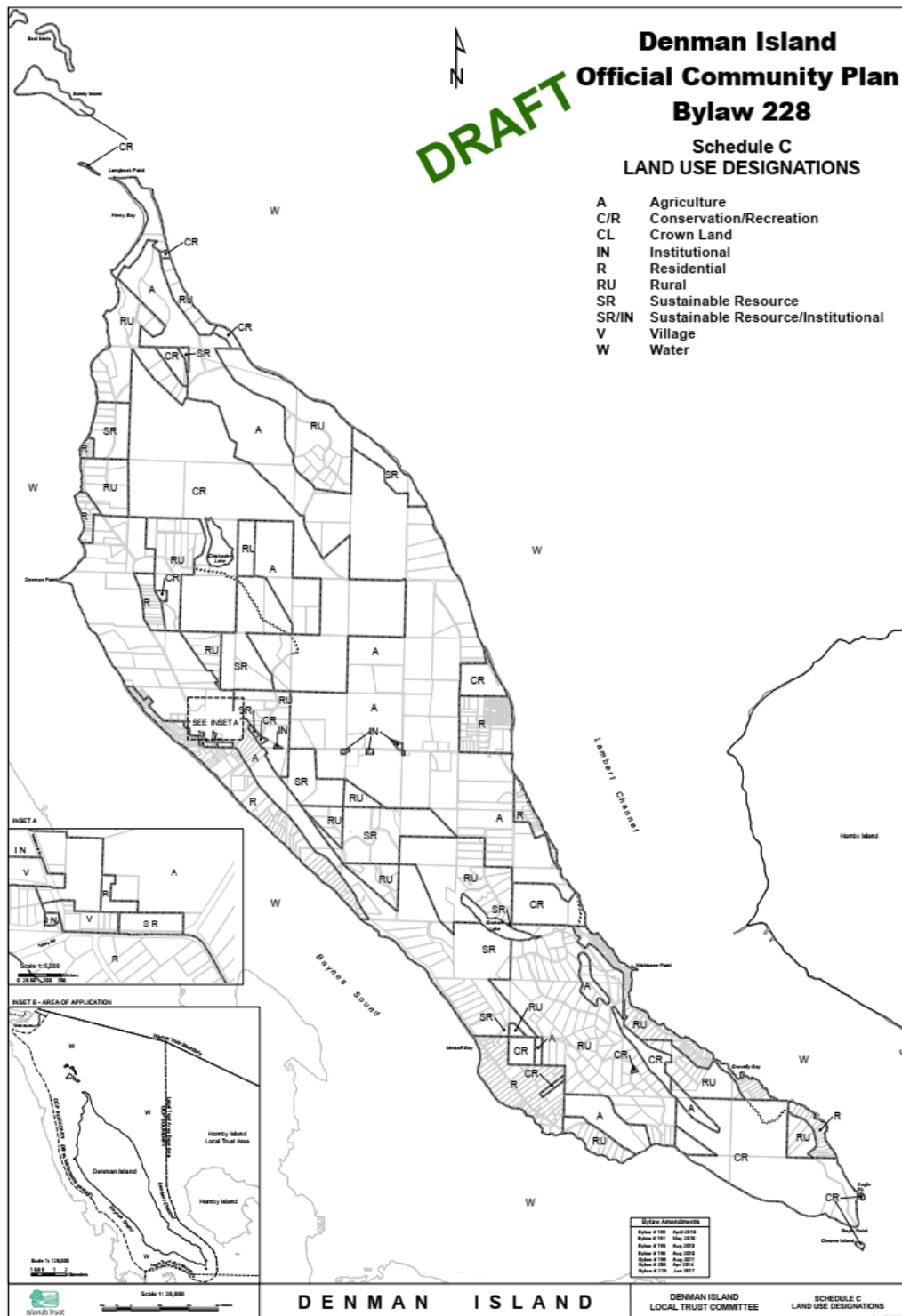
The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”

- 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 JUNE , 2023

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 4 is amended by adding the words “Agriculture designation and in the” before the word “Sustainable”.

- 1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 5 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 17 and Policy 18.
- 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 28: 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 29: 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.

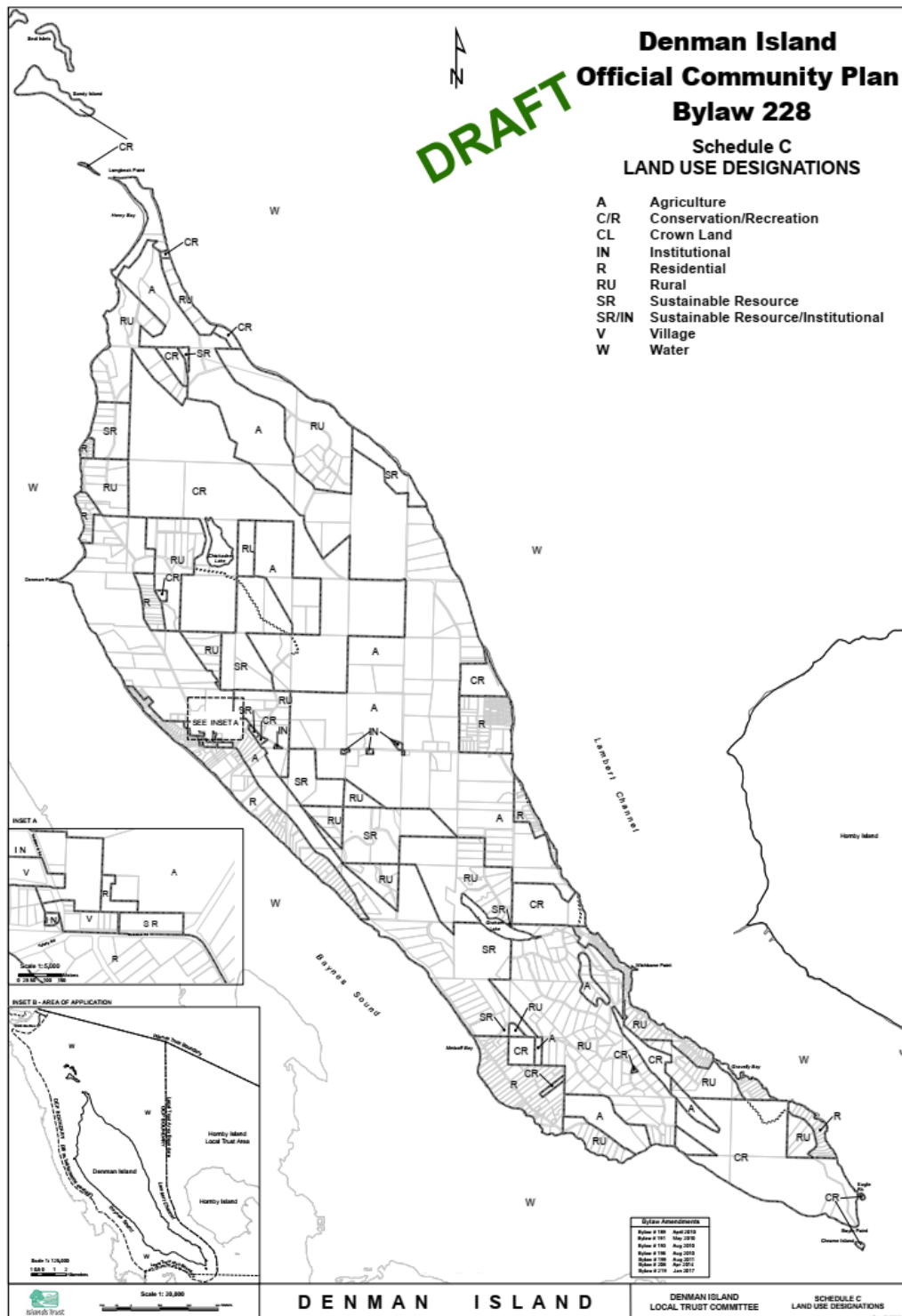
The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”

- 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 JUNE, 2023

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~~ where the products being offered for sale have been grown or reared on Denman Island.

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~~ 1.11 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~~ 1.12 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~~ 1.13 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by replacing item ~~6-7~~ with:

7. Horticulture and agriculture, accessory to a principal residential use

~~1.15~~ 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number ~~9~~10:

11. Intensive agriculture on lots greater than 2.0 hectares.

~~1.16~~ 1.15 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~~ 1.16 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		✓	✓	✓
“12 <u>11</u>	Agri-tourism use on a lot classified as a farm under the BC Assessment Act”	✓	✓	✓

13 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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1.17 Part 3 –ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 2 – Permitted Buildings and Structures

<u>Table 2 – Permitted Buildings and Structures</u>		<u>R1</u>	<u>R2</u>	<u>R3</u>
<u>13</u>	<u>One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) gross floor area</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>

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:

2. 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~~9 Conditions of Use, is added as follows:

Table 9 – Conditions of Use		R1	R2	R3
1.	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 <u>agri-tourism accommodation or dwelling</u> 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>	✓	✓	✓

- 4617 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 renumbering accordingly and 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 <u>must be</u> 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-tourim 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 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”
8.	<u>Minimum setback from any lot line for a produce stand with a gross floor area no greater than 10m²</u>	<u>0m</u>	<u>0m</u>	<u>0m</u>

- 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
1. 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 <u>agri-tourism accommodation or dwelling</u> 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 | <p>The general conditions for issuing a Temporary Use Permit are as follows:</p> <ul style="list-style-type: none"> 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 | <p>The accommodation should be sited and designed to address:</p> <ul style="list-style-type: none"> • 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 JUNE, 2023

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 where the products being offered for sale have been grown or reared on Denman Island.

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 2.7 – 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.
- 1.12 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”.
- 1.13 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by replacing item 7 with:
7. Horticulture and agriculture, accessory to a principal residential use
- 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number 10:
11. Intensive agriculture on lots greater than 2.0 hectares.
- 1.15 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)

- 1.16 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
“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	✓	✓	✓

- 1.17 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 2 – Permitted Buildings and Structures

Table 2 – Permitted Buildings and Structures		R1	R2	R3
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13	One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) gross floor area	✓	✓	✓
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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:

2. 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 9 Conditions of Use, is added as follows:

Table 9 – Conditions of Use		R1	R2	R3
1.	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 agri-tourism accommodation or 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 <i>Assessment Act</i> and consistent with the <i>Agricultural Land Reserve Use Regulation</i>	✓	✓	✓
17	Agri-tourism accommodation on a lot classified as a farm under the BC <i>Assessment Act</i> (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 renumbering accordingly and 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 must be classified under the BC Assessment Act as “Farm”. ”	✓		

- 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 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”
8.	Minimum setback from any lot line for a produce stand with a gross floor area no greater than 10m ²	0m	0m	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
1. 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 agri-tourism accommodation or 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.”

David Maude
Chair, Denman Island Local Trust Committee
Governance and Structure Branch
PO BOX 9839 STN PROV GOVT
Victoria, BC V8W 9T1

January 25, 2024

RE: Request for meeting about impacts of Hornby Island bound ferry traffic to Denman Island community

Dear Mr. Maude,

I appreciate your request to meet and discuss the concerns laid out in your letter. These are important issues, and as you are likely aware, we have received significant feedback from the community on these same issues during our engagement with the Denman and Hornby Island communities last summer.

While I understand the Islands Trust's interest in establishing a new direct route from Vancouver Island to Hornby Island, this is not within the scope of Performance Term 6 which sets the contractual service agreements between the Province and BC Ferries.

With that said, we are currently planning follow-up communications and engagement on enhanced summer service and the Denman East Terminal Project. When the details of these efforts are finalized, we look forward to speaking with both Denman and Hornby Island Local Trust Committees in advance of the public. The project team will reach out with a meeting invitation once timing is confirmed.

In the meantime, the *Denman and Hornby Island Engagement: Summary Report*, which is available on the Denman Island Community Page (bcferriesprojects.ca/denman-island) and our most recent Ferry Advisory Committee meeting summaries (bcferries.com/in-the-community/ferry-advisory-committees), are valuable sources of information on what we have heard and our commitments.

Thank you again for your correspondence. The Islands Trust is a critical interest holder and we appreciate your help in hearing and understanding the communities' concerns and aspirations as we work to address these complex challenges. We look forward to working with you to find solutions which balance the needs of all parties.

Sincerely,



Nicolas Jimenez
President and CEO, BC Ferries

From: Wil Cottingham on behalf of northinfo
Sent: Wednesday, November 15, 2023 2:31 PM
To: Denman Island Local Trust Committee; Marlis McCargar
Cc: Nadine Mourao
Subject: FW: Untenable Hornby Island tourist traffic correlated with escalating and unregulated STVRs
Attachments: HILTC letter for DI TIG & Flagstone.docx

FYI.

Wil Cottingham

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

From: Sharon Small <[REDACTED]>
Sent: Wednesday, November 15, 2023 12:08 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Untenable Hornby Island tourist traffic correlated with escalating and unregulated STVRs

Dear Trustees,

Please make sure that the attached gets the attention it deserves to preserve and protect Denman Island as a tranquil rural environment that has been violated by tens of thousands of tourist related cars crossing the island to and from Hornby. This unregulated tourist industry has a dire affect on Denman, islanders, emotionally, physically, and financially.

The attached letter written to the Hornby island LTC correlates the dramatic increase in the number of tourist related vehicles crossing and often backed up at the two ferry terminals. that increase every year.

Respectfully,
Sharon Small
Denman Island Resident

The following letter is a response to the Hornby Island LTC's review of its bylaw on short-term rentals in which I correlate the continuing increase in tourist related vehicle volume on Route 22 with the proliferation of short-term rentals. Given that the HI Economic Enhancement and HI short-term rental groups are campaigning for more short-term rentals throughout the remaining months of the year, and a larger ferry to accommodate more tourists, this is the time for Denman islanders to communicate their views to the HI LTC.

The Hornby Economic Enhancement group's (HICEEC) resolve to keep the short-term rental bylaw unchanged and expand into the remaining months of the year would significantly impact an already overburdened infrastructure— Denman terminal-to-terminal roads and the Baynes Sound Connector. Thus, most Denman residents would support the Advisory Planning Commission's recommendations to reduce the months of operation from the current five to the original three and to require Temporary Use Permits [https://img1.wsimg.com/blobby/go/62d19009-a4bd-42a8-babd-df4a4bea3a00/downloads/APC-recommendations March22.pdf?ver=1682978303774](https://img1.wsimg.com/blobby/go/62d19009-a4bd-42a8-babd-df4a4bea3a00/downloads/APC-recommendations%20March22.pdf?ver=1682978303774). These changes would could control and balance the number of economically valued short-term rentals with our shared preserve and protect mandate and Denman's OCP transportation bylaw on minimizing negative traffic impacts.

The following rebuttal to the HICEEC Vice Chair's claims illuminates the profound influence the present volume of Hornby tourist traffic has on the infrastructure.

The HICEEC Vice-Chair recommends keeping the OCP Bylaw on short-term rentals unchanged because self-regulation works.

Fact: The number of short-term rentals since the 2014 bylaw was approved has increased from 14 to estimates of between 80 and 160, with many others operating illegally throughout the year and without oversight. In response to a concern that more short-term rentals would affect affordable housing numbers, the Vice-Chair (and Consultant Patricia Mulroney) claim there's no data linking short-term rentals with the affordable housing crisis. In fact, published university and B.C government research and recent B.C. Legislation on short- term rentals strongly contradict this view.

FACT: In 2019 Dr. David Wachsmuth, Canada Research Chair of Urban Governance at McGill University, contributed to the first comprehensive study correlating the rapid growth of short-term rentals to the decline in affordable housing. His research, which focused on Tofino and a number of other B.C. communities, concluded that **too many short-term rentals are not licensed (one half, according to an Airbnb study); that they drive up rent; and that they are responsible for removing 19.1% housing rentals from the market (Sept. 21. 2023 Bloomberg).** In addition to documenting the trend towards commercial operations, his data concluded that short-term rentals are increasing 17.8% each year and are responsible for renters paying 20% more for rent. In June of this year, he found that of 28,510 active listings, 16,810 were taken off the long-term rental market ([CTVnews.ca](https://www.ctvnews.ca) September 21, 2023).

The Joint Union of B.C. Municipalities and the Province of B.C. Advisory Group on Short-Term Rentals Report concludes that **short-term rentals have a “staggering” impact on affordable housing**. This report confirms that short-term rentals removed more than 16,000 B.C. homes from the residential rental pool (UBCM.ca June 30, 2021). Cortes Island, with a population similar to Hornby’s, conducted a study that also directly links the decline in affordable housing and increases in rental instability to the growth of short-term rentals (CBC News, August 14, 2023). **Anecdotal and circumstantial evidence on Hornby support these conclusions.**

FACT: Given the dramatic effect short-term rentals have on the current housing crisis, the B.C. Minister of Housing recently introduced strong legislation implementing the Joint Advisory Group’s recommendations. However, since Trust islands are exempt, The Islands Trust can opt in.

FACT: BCF vehicle statistics for Route 22 strongly argue that dramatic increases are connected to increases in legal and illegal short-term rentals on Hornby. The BCF Annual Report to March 2023 states that of the short routes, only Routes 21 and 22 showed a significant revenue increase. Route 22 increases from 2022 follow:

May: 13,100 vehicles represent a 17.88% increase;
June: 15,114 vehicles represent a 9.34% increase;
July: 20,856 vehicles represent a 13.06% increase;
August: 22,746 vehicles represent a 15% increase.

FACT: Unless you live on the Denman speedway between the ferry terminals, you cannot imagine the assault such an untenable volume of vehicles have on our formerly tranquil community. Also, too many drivers engaged in reckless driving to get ahead of the ferry line even when the two ferries at Denman West were running last summer. Also, vehicles that cannot manage the Denman Road hill and many racing Hornby drivers render the alternative multi-use Lacon/McFarland route treacherous for local drivers, walkers, and cyclists year round.

FACT: The problem Hornby traffic is creating for Denman is recorded on the BCF Denman Community Page. The major concern of the 170 residents who attended the May 26 BCF facilitated roundtable event and the over 400 who submitted surveys is **safety and quality of life**. Islanders shared their anguish and fear about encounters with terminal-to-terminal recklessness and frustration that escalating tourist cross traffic volume violates our preserve and protect mandate and OCP bylaw on transportation to mitigate traffic issues.

THE HICEEC Vice-Chair questions whether short-term rentals have an effect on ferry space.

FACT: To date, Hornby has not surveyed the number of illegal and legal short-term rentals that are currently operating. What is known, however, is that too many tourist vehicles towing trailers and RVs and tourist industry service vehicles take up from two to

even four ferry spaces and that the wait times are excessive. Residents moved to Denman because of a desire to live in a tranquil, rural environment with easy ferry access to off island jobs, schools, services, and hospitals. However, residents who live on the speedway to Hornby no longer enjoy a tranquil environment and Islanders no longer have assured ferry boarding at Buckley Bay or at Denman West without excessive wait times.

FACT: The backed up traffic forces many residents to avoid ferry travel when Hornby tourist traffic is expected to be high. Particularly frustrated, are off island workers and families with children going to school or participating in off island activities. Also, despite years of complaints to BCF and the Ministry of Transportation and Infrastructure, backed up traffic at both Denman ferry terminals creates peril for our ambulance and fire truck drivers, local drivers, and cyclists who are often forced to use one narrow lane without adequate shoulders.

FACT: Businesses and artisans complain that long wait times at either Buckley Bay or Denman West have a strong negative effect on revenue. They are paying directly for increases in delivery and service costs and indirectly for wait times that cut into work time when making trips off island to pick up or deliver supplies. Excessive ferry wait time is also reducing day visitor revenue. Not so many years ago, large groups of senior cyclists regularly visited Denman in the high season to circumnavigate the island, visit craft studios, shop and eat. Most now avoid Denman in the high season, as do many day visitors from the Comox Valley and Parksville area.

FACT: Since the round table meeting, BCF has made changes to mitigate the impact of Hornby tourist traffic on the infrastructure. They hired extra flaggers at the Denman West Terminal and often, but not consistently, monitor the flow of traffic so that it does not back up at both Denman terminals to gridlock major intersections. Although the two ferry system improved service during the week, islanders are united in complaining that it did not alter the untenable traffic volume problems. BCF has assured Denman that it will discuss the Gravelly Bay terminal expansion and the summer schedule when face-to-face community engagement resumes.

The Friends of Denman Forests, the small but mighty group that galvanized community support around the traffic volume issue last winter, emphasize that changes to the Gravelly Bay Terminal cannot be made until the infrastructure issue is managed. They support, along with those who attended the May roundtable event, the need for a direct ferry to Hornby as the only long-term option for Denman (see the BCF Denman Community Page). In the meantime, both islands are saddled with a dysfunctional and inadequate cable ferry until the next budget cycle in four years.

Pulitzer Prize winner Wallace Stegner writes, “All sins are sins of excess.” Denman is suffering from an excess of Hornby tourist traffic. Approval of Hornby Island’s Advisory Planning Commission’s recommendations, therefore, should result in fewer short-term rentals and a significant reduction of traffic volume. Also, by enforcing licensing, eliminating commercial operations and controlling numbers, Hornby would be in compliance with other Trust islands, communities and cities across Canada, and B.C. Ministry of Housing legislation on short-term rentals.

Until there is strong oversight and regulation of Hornby short-term rentals, Denman's preserve and protect mandate and OCP remain compromised and the infrastructure dramatically overburdened.

Respectfully,

Sharon Small,
Denman Resident

From: Geoffrey Donaldson <[REDACTED]>
Sent: January 4, 2024 9:05 AM
To: David Graham
Subject: Housing

Greetings for 2024, hopefully the year we Islanders can amend the bylaw prohibiting secondary dwellings and allow them generally on all properties, regardless land-use zoning, and of course with important restrictions.

The governments of Canada and British Columbia recognize and are addressing rental housing shortages here and across the country, acute from their points of view but, as you know, chronic from Denman Islanders' perspective, ever since the Islands Trust Act (ITA) was imposed on private property owners and legal provision of secondary dwellings was denied them. It's time to consider whether the Local Trust Committee (LTC) needs help from these governments in amending bylaws to allow auxiliary dwellings hitherto prohibited, amendments appropriate to our Island's special status by way of cooperation between the LTC, the Regional District, and members of our community—that is, without the provincial government's help.

It's my opinion—and many others' as well—that the LTC has the authority, all by itself, to amend the one-dwelling-per-lot bylaw to allow a single secondary dwelling for full-time residency on each lot, and that the reason it hasn't so far addressed both the chronic shortage of rental housing and resulting proliferation of illegal secondary dwellings is due to misinterpretation of the trust's mandate and entrenchment of a prohibitory attitude based on an exaggerated, misguided, overweening —and possibly ulteriorly motivated—appeal to environmental protection. Whatever is impeding obviously needed bylaw reform, it either needs to make an exception in the circumstance or be set aside entirely. For example, if so-called “densities” impede the proposal, either make an exception in order to allow secondary dwellings or get rid of densities.

Remind: IT is a trust and therefore has a mandate and three principals: a benefactor, one or more beneficiaries, and one or more trustees to execute the mandate which, in the IT's case, is to preserve and protect the Island's “special amenities” — primarily for the benefit of residents and, secondarily, the citizens of BC. “Environment” is neither specified nor given priority: it is an amenity, for sure, but so is the human community which *is* specified and *is* given priority listing of beneficiaries.

It is neither fair, appropriate nor workable to sandbag action in the name of environmentalism when a secondary-dwelling proposal presents no credible threat to the environment or its ecosystems on our Island: property owners on the Big Island —which has identical ecosystems to ours—do not bear the restrictions we do and, in any case, the real environmental threat we do share is global climate change—not secondary dwellings.

If the LTC's interpretation is that it has no choice but to maintain a prohibitory attitude for the benefit of the environment at the expense of the human right to shelter and a healthy community, then our Island's only recourse is to appeal to the creator and benefactor of the trust, the provincial government, and ask it to intervene with the same housing contingencies it is currently applying to municipalities and the Agricultural Land Commission to meet BC's housing challenges. The initial responses of these authorities was also to resist such intervention; underline "*was*".

In communication with our Member of the Legislative Assembly, Josie Osborne—who at the time was also minister responsible for the ITA—I was told the IT operates at arm's length from government and that she had no authority to intervene. I believe the Honourable MLA was (she has since changed cabinet portfolio) mistaken—or perhaps meant to say that the government prefers the LTC assumes full responsibility of its mandate and that it was given enough authoritative latitude by design to do exactly that, owing to the greater complexity of land-use planning and bylaw enforcement than, say, the execution of a trust created in a last will and testament. Ms Osborne was correct that the IT *can* operate independently from the provincial government, but incorrect that the government *may not* intervene: in fact, as benefactor the government is the *only* principal that may intervene and/or amend the trust's mandate. (Nota bene: the proposal requires amending local bylaws—something the LTC can do by itself—not the IT mandate.)

In appeal to the IT's benefactor, the first question would be whether the LTC's interpretation of the mandate is correct in fact and, presumably, to advise the LTC otherwise if it is not. Once the can of worms is opened, however, the province would inquire as to what is impeding amendment of LTC housing bylaws—even if the LTC acknowledges it has authority to amend by itself. Of course the government would prefer its new policies to address the housing crisis be applied fairly to all communities in the province, presumably respecting special cases like the ITA—that is, judging whether rationales for foot-dragging or outright rejection of providing more rentals are reasonable or not. I should think both province and IT would rather the LTC appropriately address this matter on its own, but that the current government is determined to act to ameliorate rental housing shortages and will intervene if needs, as it has with other supposedly "arm's-length" authorities like the ALC and municipalities in order to achieve its housing policies.

I commend the LTC's commitment to address rental shortages on Denman Island but remain concerned that old habits and attitudes will continue to hinder the immediate progress we badly need. My advice is to keep it simple, be bold and move ahead smartly. The cluster proposals are fine—except they are inadequate for the size of the problem and take anywhere from a decade to infinity to complete. Stop worrying about the plethora of Chicken Littles, Casandras and naysayers we always hear from: the general allowance of secondary dwellings is simply not a threat to privacy or the environment but rather consists of bringing the hundred-or-more existing illegal dwellings into conformity and, hopefully, encouraging enough property owners to provide the relatively few additional rentals we will probably ever need.

I've proposed a simple formula: small lots, say, under a hectare, may have a rental suite under the same roof as the primary dwelling, but not a detached dwelling; medium size lots, say, one to five hectares, may have a detached secondary dwelling (or rental suite in the primary dwelling, but not both), say 400 sqft with setbacks somewhat greater than the primary dwelling; large lots over five hectares may have a detached secondary dwelling, say, 600 sqft (or a rental suite in the primary dwelling, but not both) and the greatest set backs. Something like that would allow secondary dwellings on virtually every lot on the Island. The LTC could focus its attention on these details rather than on ways to impede or limit the proposal by rote. For example, once secondary dwellings have been permitted, some existing ones might be discovered that are too big under the new bylaw: the LTC would need to figure out protocols — variance, demolition, whatever—to apply to these transition cases. There will be plenty to do no matter how simple the proposal is kept, so its best to ***keep it simple, sunshine!***

Remember, surveys show that only 10% of property owners would even consider, let alone build a secondary dwelling which, built to code, are very expensive. As well, many small lots are in community water districts which have legitimate supply concerns and are capable of prohibiting secondary dwellings under their own authority. The highways authority may restrict the number of accesses to a property, compelling the secondary dwelling to share access with the primary dwelling (and other infrastructure parallel to it like utility drops), effectively minimizing environmental impact. The health authority may deem the primary-dwelling septic system inadequate to bear additional load from a secondary dwelling, requiring it to have its own system. The LTC might require secondary dwellings to have rainwater collection and storage systems built-in. The LTC should be limited to disqualifications that occur because of some physically prohibitive peculiarity of a particular lot, not because of its zoning—remember, the goal is to allow secondary dwellings on all lots possible. There are plenty of limiting factors available without precluding the general allowance of secondary dwellings. And general allowance does ***not*** mean a doubling of the Island's population, as some naysaying fear-mongers try to convince.

One last thing: the system of “detente” we've had for fifty years (so many of us know someone who lives in an illegal dwelling, or someone which provides such, or lives in one themselves that reporting them is simply impolitic); it has housed such a significant number of Islanders in illegal dwellings that strict enforcement of the one-dwelling rule would incite (and has) considerable unrest in the community and loud appeal to courts of law and public opinion, and to politicians of local and provincial responsible governments. In short, “detente” has made it almost impossible to enforce the prohibitive bylaw and more possible to add to the number of infractions. What a mess! The LTC needs to think hard about a little-acknowledged benefit of allowing secondary dwellings generally everywhere: when they are broadly permitted, bylaw enforcement may proceed unhindered by charges of unfairness or favouritism, by community opprobrium or the tricky politics of “detente”. And, ***very importantly for calming opposition: bylaw enforcement officers will be free to invigilate the rule that secondary dwellings, one per lot, are strictly for full-time residency, not short-term rentals.*** Because the secondary-dwelling prohibition was and remains an inappropriate, unworkable and unfair regulation, repealing it

will result in pragmatically increased effectiveness of development limitation which all Islanders actually want. Such is irony in this respect.

Think about that hard enough and you'll realize there really is no better solution than to allow secondary dwellings on all properties—with important restrictions that don't disqualify any but the rarest, most unusual peculiarities. To do any less will simply prolong the suffering. The mantra is: ***make it work and stop trying to stop it.***

Go ahead. Do it. The sky won't fall. The Islands Trust should trust the wisdom of our community. We all want the same thing. We can and should do this.

***Sincerely,
Scotty Donaldson, longtime Denman property owner and resident***

From: Dave Ricketts
Sent: Thursday, January 18, 2024 8:54 AM
To: Marlis McCargar <mmccargar@islandstrust.bc.ca>
Cc: Stephanie Slater <[REDACTED]>
Subject: Request for Letter of Support - Denman Island Local Trust Committee

Hi Marlis,

I'm following up on our recent discussions regarding the potential development of affordable housing for seniors on the Denman Island Works Yard site. Stephanie is away currently and has asked me to get back to you with the necessary documents for the upcoming LTC meeting.

I have attached three documents. The first is a letter to the LTC requesting a letter of support for limiting the scope of the Phase 2 Environmental Assessment work that we would like to undertake. The second is a schematic site plan, provided to give some context for our request. Note that the site layout is just a placeholder at this point; we have not undertaken any design work for the site. The final document is an update on the due diligence work that we are undertaking before we commit to obtaining the property from Emcon.

I hope that this is all that you need. Please don't hesitate to contact us if you have questions or require additional information.

Regards,
Dave

Dave Ricketts | M.Sc., P.Eng. (retired), FEC
[REDACTED]



Works Yard Due Diligence Committee Progress Report: 2024 01 18

2024 WORK PLAN

The following outlines the progress of due diligence tasks associated with the evaluation of the works yard site to 2024/01/18:

Islands Trust Process

Stephanie Slater, Pablo Beauchemin and Dave Ricketts met with the Islands Trust planners, Marlis McCargar (planner for Denman Island) and Renee Jamurat (Regional Planning Manager) on December 14th. The planners indicated conceptual support for the potential project, noting that there are many steps in the approval process.

In particular, we discussed the idea of a Phase 2 environmental site assessment to be undertaken for only the portion of the site that is of interest to us for development. It was agreed that we would submit a request for a letter of support from the Local Trust Committee that would assist us in our request to the Ministry of the Environment and Climate Change Strategy (MoE) regarding the proposed limited scope of the Phase 2 environmental assessment.

We will start the Phase 2 assessment only if the MoE approves our proposal.

Environmental Assessment

We have asked for proposals from consultants to undertake a Phase 2 environmental site assessment (ESA) on the portion of interest. We have not yet received the proposals.

Wetland Assessment

Preliminary comments (no report) from the Phase 1 ESA was that the wetland should not impact the development on our site. We will need to confirm this in writing at some point possibly as part of Phase 2 ESA work.

Potable Water Source

Many alternate sources have been investigated with the only optimistic well water source looking like the existing Emcon well. This well is currently being assessed by our Hydrogeologist Allan Dakin FEC, P.Eng, with pump testing and monitoring through December. The preliminary monitoring data is encouraging and we will receive a report in late January.

It is worth noting that rainwater collection and storage is always a viable primary or back-up water source that we can consider. Also, the current Emcon well assessment work is preliminary, and a repeat of the assessment work and monitoring will have to be completed at a dry time of the year in order for us to obtain a water licence.

DCLTA

Wastewater

A raised bed septic system, similar to the Health Centre adjacent to the works yard site has been recommended by a wastewater consultant (MSR) as well as Steve Carballeira. No further work required on this task currently.

Conceptual Site Plan

A schematic site plan has been prepared (attached) for the purposes of indicating the general context for the proposed development. It is not representative of our proposed design concept at this stage. It will be used to further the discussion regarding the Phase 2 environmental assessment and to further preliminary discussions with Islands Trust.

Property Boundaries

No work has been completed on this task other than the inclusion of possible boundaries on the schematic site plan.



Denman Island – Local Trust Committee
c/o Marlis McCargar
Island Planner
Islands Trust Northern Office
700 North Rd.
Gabriola Island, BC
V0R 1X3

January 18, 2024

Re: Letter of Support

Dear Trustees:

The Denman Community Land Trust Association (DCLTA) seeks a letter of support from the local trust committee (LTC) relating to a proposed affordable housing development on the western portion of the property at 3661 Piercy Road, Denman Island. We ask your support that environmental investigations be limited to just this portion of the site rather than include the whole property.

Background

The Denman Community Land Trust Association (DCLTA) is a registered charity founded in 2008 with a mission to create secure, long-term affordable housing on Denman Island, B.C.

Emcon Services Inc. is one of the largest highway, road and bridge maintenance contractors in Canada. Its operations include British Columbia, where the company was founded in 1988. Emcon owns Lot 1, Section 18 Denman Island, Nanaimo District Plan 33612, Parcel Identification No. 000-252-069 at 3661 Piercy Road. It is zoned Institutional and used as a highways works yard. Emcon has agreed (via a memorandum of understanding with the DCLTA) to donate the western portion of the site to the DCLTA if the Islands Trust approves subdividing the property and re-zoning the western lot for affordable housing. The size of the subdivided property is expected to be approximately 3,000 square metres. This portion of the site is not currently used by tenant Mainroad Services, consequently their ongoing works yard operations would not be affected by the proposed project.

The DCLTA has started work to prepare a subdivision and re-zoning proposal to the Islands Trust.

This work includes a preliminary environmental assessment. Environmental consultants advise us that the B.C. Ministry of the Environment is usually reluctant to see an environmental assessment conducted on only a portion of a property. However, conducting a detailed environmental site assessment of the entire property does not appear reasonable as the original property will continue to be used as an operating works yard – a use appropriate for its

DCLTA

Institutional zoning. These operations include activities such as storing salt for road work, which would likely trigger the need for investigation under the BC Contaminated Sites Regulation (CSR).

The owner of Emcon Services is not willing to have an assessment conducted of the entire property if it would require carrying out remediation work that is unnecessary for the continued operation of the works yard.

Action Planned

The DCLTA plans to ask the Ministry of the Environment to approve the DCLTA's proposal to carry out a Phase Two Environmental Site Assessment only on the portion of the site intended for subdivision and re-zoning.

We ask that the LTC provide a letter of support for this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Ricketts', with a stylized flourish at the end.

Dave Ricketts, M.Sc., P.Eng. (retired), FEC
Director, DCLTA

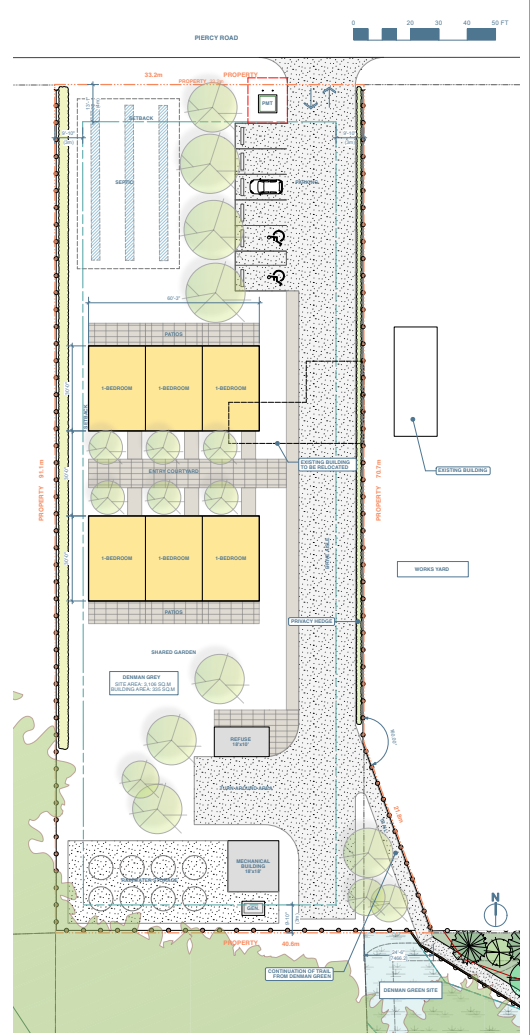
cc: Pablo Beauchemin, DCLTA Co-Chair
Stephanie Slater, DCLTA Co-Chair

Attachments:

- Project schematic site plan
- Due diligence progress report



1. CONTEXT PLAN | SCALE: 1/32"= 1'-0"



2. SITE PLAN | SCALE: 1/16"= 1'-0"



DENMAN GREY SENIORS HOUSING

Denman Grey
Seniors Housing
Denman Island, BC

1:16"= 1'-0"

1:32"= 1'-0"

SCHEMATIC SITE PLAN

A1.00



STAFF REPORT

Date of Meeting: February 13, 2024

File No.: 3900-03; 4050-03

To: Denmand Island Local Trust Committee

From: Warren Dingman
Bylaw Compliance & Enforcement Manager

Re: **Final Adoption of Amendment Bylaw No 247**

RECOMMENDATION:

1. That the Denman Island Local Trust Committee adopt Bylaw No. 247 the “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023”
2. That the Denman Island Local Trust Committee request staff prepare a report regarding the current policies for screening officer appointments, powers, duties and procedures.

STAFF COMMENTS:

On November 14, 2023 the Denman Island Local Trust Committee gave third reading to the attached Bylaw No. 247 and referred it to the Executive Committee for approval. The approval was given on January 17, 2024. As this is an administrative Bylaw it does not require the approval of the Minister. The Denman Island Local Trust Committee may now adopt the Bylaw.

There are adopted policies regarding the appointment of screening officers, along with policies that determine the scope of their power and duties, and it is recommends that these policies be reviewed by the Local Trust Committee and updated if appropriate. The Local Trust Committee may also wish to consider standardized bylaw enforcement policies and procedures that would replace the policies set in place by standing resolutions.

Submitted By:	Warren Dingman, Bylaw Compliance & Enforcement Manager	February 02, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	February 05, 2024

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 the reference to the new siting and use permit bylaw number:

(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, contraventions and penalties, attached to and forming part of this bylaw.
 - c. By deleting Schedule B in its entirety and replacing it with a new Schedule B, contraventions and penalties, 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 6TH DAY OF JUNE , 2023

READ A SECOND TIME THIS 6TH DAY OF JUNE , 2023

READ A THIRD TIME THIS 14TH DAY OF NOVEMBER , 2023

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

17TH DAY OF JANUARY , 2024

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%
2.3.1	Building within setback of Cliff	\$500.00	\$375.00	\$525.00	Yes	100%
2.3.2	Encroachment into Setback from Natural Boundary of Stream/Lake/Wetland	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.3	Encroachment into Setback from Natural Boundary of the Sea	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.4	Exceed Minimum Difference in Elevation of Building/Structure and Natural Boundary of the Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 1	Non Permitted Use in Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 2	Non Permitted Building/Structure in Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 5	Non Permitted use of vehicles or machinery on the Foreshore	\$500.00	\$375.00	\$750.00	No	N/A

DRAFT

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%



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2023.1	BC Ferries	03-Oct-2023	PID: 025-709-798 variance to conduct shoreline stabilization work, installation of a new concrete foundation slab and relocating an existing power shed at Gravelly Bay Terminal on Denman Island.

Planner: Ian Cox

Planning Status

Status Date: 05-Dec-2023

Target February 13th LTC agenda.

Status Date: 04-Oct-2023

Under review by staff.

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2024.1	Nielsen & Pilgaard, Henning & Bente	05-Jan-2024	PID: 004-172-337 variance for fence that is over height allowance, retaining wall that is over side yard setback at 3223 Lacon Rd on Denman Island.

Planner: Marlis McCargar

Planning Status

Status Date:



Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC

Planner: Stephen Baugh

Planning Status

Status Date: 05-Sep-2023

File reassigned from SB to IC - no change in status.

Status Date: 04-Oct-2022

Applicant seeking permit from Arch Branch

Status Date: 21-Sep-2022

Update requested from applicant within 30 days.

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

Planner: Margot Thomaidis

Planning Status

Status Date: 26-Jul-2022

Followed up with applicant. No response received.

Status Date: 15-Jun-2022

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

Status Date: 14-Jun-2022

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

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
DE-TUP-2023.1	Ward & Peters, Shirley & William	12-Oct-2023	PID:002-748-746 seeking a TUP to move a tiny home on wheels onto the property as a secondary dwelling at 2575 Jemima Rd on Denman Island.
Planner: Marlis McCargar			
Planning Status			
<u>Status Date:</u> 16-Nov-2023 Planner reviewing application.			
<u>Status Date:</u> 12-Oct-2023 Application fee received.			

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

615 Denman	Invoices posted to Month ending December 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	199.00	51.20	147.80
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	1,410.00	2,484.26	-1,074.26
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	2,153.88	-1,754.88
65220-615	LTC - Local Exp - Communications	250.00	671.77	-421.77
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>2,335.00</u>	<u>5,309.91</u>	<u>-2,974.91</u>
Projects				
73001-615-4025	Denman Housing Review	18,000.00	363.32	17,636.68
73001-615-4127	Denman Farming Regulations Review	2,000.00	465.84	1,534.16
TOTAL Project Expenses		<u>20,000.00</u>	<u>829.16</u>	<u>19,170.84</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.			
13.	November 14, 2023	DE-2023-073	Available Residential Densities	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 Island Official Community Plan “Residential Density Bank” in Appendix D has last added or transferred to the bank on February 7, 2023 and has a cumulative total of residential densities of 7;			

				b. The Denman Island Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately 5 percent 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
14.	November 14, 2023	DE-2023-080	Bylaw Enforcement Give Minimum 24 Hours' Notice for Site Visits	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt a Standing Resolution that Bylaw Enforcement personnel give a minimum of 24 hours notice before conducting a site visit and that they schedule a time with the property owner.

Active Projects Report

Denman Island

1. Major Project - Denman Housing Review Project - Stage 2

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.

Update July 20, 2023 - Stage 2 of the project involves:

Phase 1- Public engagement with a focus on identifying and prioritizing options for OCP and LUB amendments.

Phase 2 - Writing, review and adoption of OCP and LUB amendments.

Responsible

Chloe Straw
Narissa Chadwick
Renee Jamurat

Dates

Rec'd: 19-Jan-2021

2. Minor Project - Farming Regulations Review Project

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

Responsible

Marlis McCargar

Dates

Future Projects Report

Denman Island

1. *LUB Amendments - List of items*

Responsible

Date Received

1. July 19, 2022: TUPs for STVRs: To support the development of Temporary Use Permits for short-term vacation rentals and other uses. Review subdivision requirements for lot line (boundary) adjustments with the goal of simplifying the process and requirements where no new density is created.

19-Jul-2022

2. April 4, 2023: Review zoning policies and regulations regarding guest accommodations in the LUB.

2. *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

3. *Land Use Bylaw Map Amendments - "Farm Plan map amendment"*

Responsible

Date Received

Regarding Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008', make map amendments to the Denman Island Land Use Bylaw to align with the Denman Island OCP land use designations. Refer to the Staff Report on the LUB Amendment Bylaw dated June 6, 2023.

06-Jun-2023

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

Responsible

Date Received

Future Projects Report

Denman Island

**Future Major Project.*

1.July 19, 2022: *Protected Area Network: Undertake planning for a Protected Area Network on Denman Island*

2.July 19, 2022: Climate Change: Consider climate change adaptation and mitigation measures.

3.July 19, 2022: Regional Conservation Plan: Incorporate the Regional Conservation Plan into land use.

4.July 19, 2022: Shoreline Protection: Implement recommendations from the 2022 Model Bylaw Report.

5.July 19, 2022: 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.

6.July 19, 2022: Freshwater: consider Islands Trust freshwater strategy recommendations.

7.July 19, 2022: Denman Downtown Village Neighbourhood Plan.
