



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: April 9, 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 | |
| <p>"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."</p> | | |
| 2. APPROVAL OF AGENDA | | |
| 3. REPORTS | 10:05 AM - 10:25 AM | |
| 3.1 Trustee Reports | | |
| 3.2 Chair's Report | | |
| 3.3 Electoral Area Director's Report | | |
| 4. PUBLIC COMMENTS | 10:25 AM - 10:45 AM | |
| 5. DELEGATIONS - none | | |
| 6. MINUTES | 10:45 AM - 10:50 AM | |
| 6.1 Local Trust Committee Minutes dated February 13, 2024 - for adoption | | 3 - 15 |
| 6.2 Section 26 Resolutions-Without-Meeting Report - none | | |
| 6.3 Advisory Planning Commission Minutes - none | | |
| 7. BUSINESS ARISING FROM MINUTES | 10:50 AM - 11:05 AM | |
| 7.1 Follow-up Action List dated April 2, 2024 | | 16 - 20 |
| 8. APPLICATIONS AND REFERRALS - none | | |
| 9. LOCAL TRUST COMMITTEE PROJECTS | 11:05 AM - 11:40 AM | |
| 9.1 Denman Housing Advisory Planning Commission Reporting - verbal update | | |

9.2	Major Project: Denman Housing Review Project - Staff Report	21 - 22
9.3	Local Trust Committee Project Prioritization - Staff Report	23 - 28
10.	CORRESPONDENCE	11:40 AM - 11:45 AM
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
10.1	Email dated March 25 from H. Holm regarding Cross Island Traffic	29 - 32
~ BREAK 11:45 AM - 12:15 PM ~		
11.	NEW BUSINESS	12:15 PM - 12:20 PM
11.1	Intent for C2C Funding Application - verbal update	
12.	STAFF REPORTS	12:20 PM - 1:00 PM
12.1	Short-term Vacation Rental Enforcement Policy Update - Staff Report	33 - 35
12.2	Trust Conservancy Report - none	
12.3	Applications Report dated April 2, 2024	36 - 38
12.4	Trustee and Local Expense Report dated February, 2024	39 - 39
12.5	Adopted Policies and Standing Resolutions	40 - 45
12.6	First Nations Relationship Building Update	
12.7	Local Trust Committee Webpage	
13.	WORK PROGRAM	1:00 PM - 1:15 PM
13.1	Active Projects Report dated April 2, 2024	46 - 46
13.2	Future Projects Report dated April 2, 2024	47 - 48
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for Tuesday, June 4, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
15.	ADJOURNMENT	1:15 PM - 1:15 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: February 13, 2024
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 (attended electronically)
 Narissa Chadwick, Island Planner (attended electronically)
 Sonja Zupanec, Island Planner (attended electronically)
 Ian Cox, Planner 2 (attended electronically)
 Warren Dingman, Bylaw Compliance & Enforcement Manager (attended electronically)
 Marlis McCargar, Island Planner
 Vicky Bockman, Recorder

Others Present: Approximately twenty (20) members of the public
 Daniel Arbour, Director, Comox Valley Regional District Electoral Area A

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 10:02 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He welcomed the public, and introduced himself, Local Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. ELECTORAL AREA DIRECTOR'S REPORT

3.1 Regional Parks and Trails Strategic Plan - verbal update from Director Arbour

Director Arbour provided updates and responded to questions.

General Topics of interest for Denman Island

- The Cross Island Trail work is proceeding with an extension into the downtown area anticipated in the coming year.

- A community member asked about continuation of the Cross Island Trail for the big hill from the ferry terminal which is dangerous for pedestrians and cyclists. Director Arbour responded that the scope and cost of this section has been researched and is beyond the ability of the Comox Valley Regional District (CVRD) or residents to implement. It is hoped that the Province can include funding for this in their capital projects budget.
- Preparation and early design work is in process for building the new Fire Hall next year.
- CVRD approved an increase of the budget for a Housing Service in the Comox Valley which does not include Denman or Hornby Islands; however, a feasibility study regarding a Housing Authority will be conducted and may be of interest to these islands. More information will be provided on this in the future.

Regional Parks and Trails Strategic Plan

- The structure and funding of large park capital projects of this new service were explained.
- Denman and Hornby Islands are included, as are all service participants.
- Feedback into the Regional Parks and Trails Strategic Plan is being sought at this time and input from Denman Conservancy Association or other organizations was encouraged and could benefit Denman Island. He will follow-up to provide information regarding the Plan and submission requirements.

4. COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 228 and 229 - Denman Farming Regulations Review Project

4.1 Planner Presentation

Planner McCargar reported that the purpose of this Community Information Meeting (CIM) is to review with the community all the main elements of the changes to proposed Bylaw Nos. 228 and 229 to provide information needed for community members to be able to speak at the Public Hearing which will follow, and will include a question and answer session.

She provided background information on the process to date and the main engagement activities; and noted that post Public Hearing the Local Trust Committee (LTC) will consider proposed minor changes to the bylaws to correct numbering, small editing errors and rewording of the “produce stand” definition. She summarized the proposed changes to the Official Community Plan (OCP) and Land Use Bylaw (LUB) that are being considered to enhance and protect farming activities on the island.

Summary of changes to Bylaw No. 228 which, if adopted, will amend the OCP by:

- Re-designating all lands within the Agricultural Land Reserve (ALR) to a new “Agriculture” designation; and
- Several new policies supporting agriculture uses consistent with the Agricultural Land Commission (ALC) regulations.

Summary of changes to Bylaw No. 229 which, if adopted, will amend the LUB by:

- Regulating dwellings in the ALR;

- Regulating agri-tourism use and accommodation;
- Updating several agricultural related definitions; and
- Updating setback regulations for associated agriculture buildings.

4.2 Question and Answer Period

- Are pump houses affected by the new setback regulations?
 - There are no changes for pump house regulations being proposed; specific setback regulations for zones currently existing in the bylaw will apply.
- Permanent dwellings on farmland used seasonally for farm workers are under-utilized in the winter. Can these be used for agri-tourism accommodation for off-season? Part-time rentals should be allowed in the winter.
 - ALC agri-tourism accommodation regulation currently does not allow for permanent facilities.
- Does ALR have the same rules as R1 and R2?
 - If the property is zoned residential in the ALR, then the same rules would apply. In the proposed bylaw, lots larger than four hectares residentially zoned in the ALR would be allowed to have agri-tourism accommodation.
- Define proof of water availability – what details are given to which authority?
 - Section 2.8 of the LUB addresses Proof of Water topics. Authorities vary depending on the type of land use being requested. Commercial use of groundwater requires provincial approval through a ground water license.
- If surface or groundwater usage is granted for agricultural irrigation, i.e. license approved, how is it monitored to ensure that the terms of the license are adhered to? How frequently does the licensee have to provide proof of adequate water and does this include testing for contamination?
 - Details of proof of water requirements for subdivision are provided in the LUB section 2.8. Monitoring of the conditions of the groundwater or commercial use license conditions is outside of the Islands Trust's authority.
- The LUB Schedule 1, section 1.3 references agri-tourism accommodation cabin. What is the definition of cabin?
 - A cabin would be a separate building or accessory dwelling.
- Does "adjacent" include across the road?
 - Adjacent is not specifically defined in the LUB; however, is interpreted as being next door and would not apply to across the road. To address the speaker's concern with a vineyard being developed close to their property, it was suggested that they might have a conversation with owners of the Corlan Vineyard to learn of their experience with irrigating and water usage necessary for this type of crop.
- How does the ALC fit into these regulations? Is a special use permit required for agri-tourism and how does the approval process work for secondary dwellings on ALR land?

- If zoned Agriculture on ALR land, a permit is not required to conduct agri-tourism. ALC regulations would govern the permanent structures. For a secondary dwelling on Agriculture land in the ALR land, an application would need to be made to Islands Trust for a Siting and Use Permit to develop the dwelling; a Temporary Use Permit would be necessary if located on Forestry or Resource zoned land. A secondary dwelling on ALR land is a permitted use. If elements are not permitted, an exception from the ALC would be required.

There were no further questions from the public and Chair Maude concluded the Community Information Meeting.

5. PUBLIC HEARING

5.1 Proposed Bylaw Nos. 228 and 229 - Denman Farming Regulations Review Project

5.1.1 Recess for Public Hearing

The meeting recessed at 10:41 am for the Public Hearing.

5.1.2 Recall to Order

The meeting was recalled to order at 11:08 am.

6. MINUTES

6.1 Local Trust Committee Minutes dated November 14, 2023- for adoption

By general consent the LTC minutes dated November 14, 2023 were adopted as presented.

6.2 Section 26 Resolutions-Without-Meeting Report dated February 2, 2024

Received for information.

6.3 Advisory Planning Commission Minutes - none

7. REPORTS

7.1 Trustee Reports

Trustee Borthwick thanked everyone who attended the Public Hearing today, spoke with him or submitted letters about issues relating to the Farming Regulations Review. He commented that the Open House held about this project was well attended and successful; and remarked that he is aware of water concerns that are important to consider.

Trustee Graham reported that the 2024/25 budget was discussed at length at the Trust Council meeting held in December. He explained that efforts are being made to keep tax increases as palatable as possible; and noted that the budget will be finalized at the March Trust Council meeting.

7.2 Chair's Report

Chair Maude commented on the following.

- The budget discussion has been difficult this year. There are many projects being requested across the Trust Area that may be limited due to financial resources.
- Islands Trust Chief Administrative Officer Russ Hotsenpiller will be retiring in June and a Hiring Committee is working on the replacement process.
- He has been busy attending many Islands Trust meetings.

8. PUBLIC COMMENTS

- A pop-up advertisement for Islands Trust came up while viewing the internet. Is this a wise use of budgetary funds and what was the purpose?
 - Islands Trust does various methods of promotional outreach to the public; the specifics are unknown; however, it is unlikely to have been a large budgetary item. Claire Frater, Director of Trust Area Services can be contacted for more information.

9. DELEGATIONS - none

10. CLOSED MEETING

10.1 Motion to Close the Meeting

DE-2024-001

It was MOVED and SECONDED,

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

- (g) litigation or potential litigation affecting the municipality; and that the Recorder and Staff attend the meeting.

CARRIED

The meeting closed to the public at 11:19 am.

10.2 Recall to Order

The meeting recessed at 11:47 am and was recalled to order at 12:30 pm.

By general consent agenda item 11 New Business was moved to after 17.2 Future Projects Report.

12. BUSINESS ARISING FROM MINUTES

12.1 Follow-up Action List dated February 6, 2024

Received for information.

13. APPLICATIONS AND REFERRALS

13.1 DE-DVP-2023.1 (BC Ferries) - Staff Report

Planner Cox presented the Staff Report that asks the LTC to consider approval of Development Variance Permit DE-DVP-2023.1 for upgrades to the existing rip-rap

jetty/breakwater and repositioning of a 10m² steel container within the 15 metre setback to the natural boundary of the sea at the Gravelly Bay Terminal. The application stated that due to site constraints, the location of the storage container within the setback from the natural boundary of the sea is unavoidable. Staff noted that the applicant is available to answer questions if requested.

DE-2024-002

It was MOVED and SECONDED,

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

CARRIED

13.2 DE-TUP-2023.1 (Peters & Ward) - Staff Report

Planner McCargar presented the Staff Report that asks the LTC to consider a Temporary Use Permit for a secondary dwelling for the residential use of a family member to support the owners aging in place. She noted that the applicants are in attendance. Trustees appreciated the thorough application.

DE-2024-003

It was MOVED and SECONDED,

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.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Denman Housing Advisory Planning Commission Reporting - verbal update

Planner Chadwick reported that an Open House was recently held to provide information on the Denman Housing Advisory Planning Commission (HAPC) report. She stated that there is a Special LTC meeting scheduled for February 20 to review and discuss a Staff Report analysis of the HAPC housing report recommendations and will be an opportunity for the LTC to consider next steps.

14.2 Major Project: Denman Island Housing Project First Nations Engagement - Staff Report

Planner Chadwick presented the Staff Report that provides an update on K'ómoks First Nation engagement activity and asks the LTC to consider entering into a capacity work agreement with K'ómoks First Nation to facilitate their engagement on projects.

Discussion included the following points:

- A meeting was held in January between K'ómoks First Nation officials and Islands Trust staff to discuss projects, process, and the Nation's needs considering their low staffing capacity. Trustees requested that they be included

in any future meetings with K'ómoks First Nation that includes their elected officials.

- Entering into a capacity work agreement with K'ómoks would help facilitate the Nation's ability to fully engage and bring input into the discussion related to the Housing project. This approach has been used effectively elsewhere.
- The funding for the work agreement might be sourced from the unused budget allocation toward engagement and legal review.
- Trustees recognized that these meetings can offer an opportunity for K'ómoks officials to share input on other topics, however, they considered the importance of focusing on the Housing Review Project at this time.

DE-2024-004

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a capacity work agreement between the Local Trust Committee and K'ómoks First Nation for the purpose of engagement with the Nation on the Denman Island Housing Review Project.

CARRIED

DE-2024-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee authorize the release of up to \$16,000 from the Housing Review Project 2023/2024 fiscal projects budget for the purposes of entering into a capacity work agreement with K'ómoks First Nation on the Denman Island Housing Review Project.

CARRIED

During discussion of the motion, a Trustee confirmed that this does not affect the budget requests for 2024/25 and requested that the final amount of cost for this agreement be provided to the Local Trust Committee when available.

14.3 Minor Project: Proposed Bylaw Nos. 228 and 229 - Post Public Hearing Staff Report

Planner McCargar presented the Staff Report that asks the LTC to consider proposed minor changes to Bylaw Nos. 228 and 229 to correct numbering, small editing errors for clarity, and reword the "produce stand" definition post Public Hearing.

Trustees discussed concerns heard during the CIM and Public Hearing regarding consideration of water, mapping inadequacy, and use of existing farm work housing for agri-tourism. The following key points were noted.

- Staff advised that addressing these concerns at this time with the proposed Farming Regulations Review Project would necessitate revision and a change in scope; and suggested that the LTC might consider addressing these as a new project.
- The jurisdiction of regulations relating to water and farming is complex and might require a more lengthy review.
- The proposed amendments under consideration at this time include helpful elements for housing farm workers. Other concerns such as Farm Status without ALR rights might be considered with the Housing Project; freshwater

sustainability might warrant consideration as a separate project as well as utilization of farm dwelling accommodations in the off-season if it is within Islands Trust's authority to regulate.

- LTC suggested they consider options further during the Work Program discussion.

DE-2024-006

It was MOVED and SECONDED,

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

- 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";
- Schedule 1, Section 1.7, replace "4" with "5";
- Schedule 1, Section 1.8a, replace "16" with "17" and replace "17" with "18";
- Schedule 1, Section 1.8c, replace "27" with "28";
- Schedule 1, Section 1.8d, replace "28" with "29"; and
- Schedule 1, Section 1.8, replace "14" with "15" and replace "29" with "30".

CARRIED

DE-2024-007

It was MOVED and SECONDED,

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

CARRIED

DE-2024-008

It was MOVED and SECONDED,

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

CARRIED

DE-2024-009

It was MOVED and SECONDED,

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

- 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.";
- Schedule 1, Section 1.11, delete in its entirety;
- Schedule 1, Section 1.14, replace "6" with "7";
- Schedule 1, Section 1.15, replace "9" with "10" and replace "6" with "11";
- 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.”

CARRIED

DE-2024-010

It was MOVED and SECONDED,

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

CARRIED

DE-2024-011

It was MOVED and SECONDED,

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

CARRIED

DE-2024-012

It was MOVED and SECONDED,

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

CARRIED

DE-2024-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 228, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018” be forwarded to the Minister of Municipal Affairs for approval.

CARRIED

15. CORRESPONDENCE

(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

LTC members expressed disappointment that the LTC's request for a meeting with BC Ferries to discuss establishing a new direct route from Vancouver Island to Hornby Island was not successful.

15.2 Email dated November 15, 2023 from S. Small regarding Untenable Hornby Island Tourist Traffic

Received for information.

15.3 Email dated January 4, 2024 from G. Donaldson regarding Housing

Received for information.

15.4 Email dated January 18, 2024 from D. Ricketts regarding Request for Letter of Support

Trustees and the writer who was in attendance discussed the request from Denman Community Land Trust Association for the LTC to provide a letter of support for limiting the scope of the Phase 2 Environmental Assessment work associated with their affordable housing development for seniors to only the portion of the site that is of interest for development.

Trustees suggested a letter be drafted by staff and signed by the Chair in support of the request.

DE-2024-014

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request a letter of support for the Denman Community Land Trust Association to the Ministry of Environment and Climate Change Strategy in support of limiting the scope of the Phase 2 Environment Assessment to the portion being donated for affordable housing for seniors.

CARRIED

16. REPORTS

16.1 Denman Bylaw No. 247 Final Adoption - Staff Report

Bylaw Compliance and Enforcement Manager Dingman presented the Staff Report. He advised that Executive Committee approved the proposed amendment of Bylaw No. 247 in January and that it is before the LTC at this time for final adoption. The Report also suggests that the LTC review policies relating to enforcement and consider standardizing bylaw enforcement policies and procedures to replace policies set in place by standing resolutions.

DE-2024-015

It was MOVED and SECONDED,

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."

CARRIED

DE-2024-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff prepare a report regarding the current policies for screening officer appointments, powers, duties and procedures.

CARRIED

16.2 First Nations Relationship Building - verbal update

Regional Planning Manager Jamurat noted that this topic was discussed at some length at agenda item 14.2. She confirmed that as conversations with K'ómoks First Nation occur she will update the LTC to keep Trustees informed.

Trustees expressed their continued interest in engaging with K'ómoks First Nation officials to advance their desire to build a relationship. They suggested that a meeting location of the Nation's preference would be supported.

DE-2024-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to coordinate an introduction meeting between the Local Trust Committee and K'ómoks First Nation Chief and Council, and that the Denman Island Local Trust Committee use of up to \$1,000 for arrangements to host a meeting.

CARRIED

16.3 Trust Conservancy Report - none

16.4 Applications Report dated February 2, 2024

Received for information.

16.5 Trustee and Local Expense Report dated December, 2023

Received for information.

16.6 Adopted Policies and Standing Resolutions

Received for information.

16.7 Local Trust Committee Webpage

No changes were requested.

17. WORK PROGRAM

17.1 Active Projects Report dated February 2, 2024

LTC members noted that the Farming Regulations Review Project is nearing completion and discussed the opportunity to advance another Active Project. They considered that review of information relating to mapping and the Freshwater Sustainability Strategy might inform a decision on next steps.

DE-2024-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide information regarding Development Permit Area No. 4: Streams, Lakes and Wetlands including evaluation of accuracy and completion of mapping on Denman Island with regard to surface water on Denman Island.

CARRIED

DE-2024-019

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request an update from staff regarding the status of the Freshwater Sustainability Strategy with regards to the Denman Island Local Trust Area.

CARRIED

17.2 Future Projects Report dated February 2, 2024

Trustees reviewed the Future Projects Report to consider changes that might be made.

- Future Project No. 1 LUB Amendments sections 1 and 2 relate to Short Term Vacation Rentals and Guest Accommodations and might be considered within the Housing Review Project.
- Future Project currently listed as No. 3 relates to Farm Plan Map Amendment and can be moved to the No. 2 position as it is part of the completion of the Farm Plan Regulations Review.
- Trustees indicated that advancing the Future Project currently listed as No. 2 regarding Development Approval Information Bylaw is not a priority.
- It was unknown how the changes to Provincial Housing legislation would affect Future Projects No. 4.

11. NEW BUSINESS

11.1 Review of the New Provincial Short Term Rental Accommodation Act for the Denman Island Local Trust Area - Memorandum

Planner Zupanec provided context and clarification of housing statute changes to BC legislation with preliminary analysis for LTC consideration of possible next steps and how to align with Provincial legislation. The presentation included an overview of new legislation affecting short term rental accommodation and housing statutes, potential challenges, opportunities, and implications for existing Denman Island regulations.

She reported that 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 and that staff are suggesting that the LTC may wish to consider reviewing the Denman Island LUB home-based guest accommodation regulations as part of the major housing project.

Trustees discussed options, process and next steps with the following noted.

- Clarification is still being sought by staff on whether Bed and Breakfasts are required to register with the Provincial Registry.

- The opt-in option is an annual opportunity; the community might be interested to see a more comprehensive analysis and a decision can be made considering all the facts and issues.
- Including a comprehensive review and update of home-based guest accommodation regulations within the Denman Housing Review Project scope was not supported. Consideration as a separate, likely minor project was preferred.

DE-2024-020

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide a comprehensive review of the state of home based guest accommodation and regulations on Denman Island and add as a Minor Project.

CARRIED

11.2 Housing Statute Changes to British Columbia Legislation - Memorandum

Received for information.

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

Received for information.

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

A Special Meeting has been scheduled for Tuesday, February 20, 2024 at 2:00 pm to be held electronically.

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:25 p.m.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder

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

13-Feb-2024

Activity	Responsibility	Dates	Status
1 Bylaw Manager to compile a report on the impacts and options of rescinding the standing resolution related to the 45 day limit for visitor accommodation.	Warren Dingman	Target: 09-Apr-2024	Completed
2 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. Authorized the release of up to \$16,000 from the Housing Review Project 2023/2024 fiscal project budget for the purposes of capacity work agreement.	Narissa Chadwick		Completed
3 Bylaw Nos. 228 and 229 given second reading (as amended) and third reading. Send both bylaws to EC. Forward bylaw 228 to Ministry. <i>Approved by EC on Feb 28. Bylaw 228 sent to Ministry on March 7.</i>	Marlis McCargar Nadine Mourao		Completed
4 Request staff draft a letter of support from Chair Maude to Denman Community Land Trust Association (DCLTA) in support of limiting the scope of phase 2 environmental assessment to the portion being donated to affordable housing for seniors at 3661 Piercy Road. Send the draft letter to DCLTA chair for review. <i>Sent March 5/24</i>	Marlis McCargar Mike Richards Wil Cottingham		Completed
5 Request staff to coordinate an introduction meeting between the LTC and K'omoks First Nation Chief and Council and that DE LTC use up to \$1,000 for arrangements of meeting.	Renee Jamurat		In Progress



Follow Up Action Report

Denman Island

13-Feb-2024

Activity	Responsibility	Dates	Status
6 Prepare a staff report regarding DPA No.4 including evaluation of DPA, gaps. Consider the accuracy and completion of surface mapping on Denman. <i>Staff determined this is a minor project. LTC to decide if this is the next project (see project prioritization report on Apr 9 agenda)</i>	Marlis McCargar		Completed
7 Request a status update, at the April 9 LTC meeting, from freshwater specialist, William Shulba, regarding status of freshwater sustainability strategy with regards to the Denman LTA - SFWS to provide a memo on April 9, 2024	William Shulba	Target: 09-Apr-2024	Completed
8 Add to minor projects list as top priority: a comprehensive review of the state of home-based guest accommodation and regulations.	Marlis McCargar		Completed
9 Request staff prepare a report regarding the current policies for screening officer appointments, powers, duties and procedures. <i>Report anticipated for June 4 agenda</i>	Warren Dingman		In Progress

20-Feb-2024

Activity	Responsibility	Dates	Status
1 Complete suitable land analysis draft. Schedule meeting with Trustees RE: suitable land analysis.	Narissa Chadwick Wil Cottingham	Target: 15-Apr-2024	In Progress

Follow Up Action Report

Denman Island

20-Feb-2024

Activity	Responsibility	Dates	Status
2 - Draft Housing Action Plan - Draft Bylaw language for review	Narissa Chadwick		In Progress

DATE OF MEETING: April 9, 2024

TO: Denman Island Local Trust Committee

FROM: Narissa Chadwick
Local Planning Services

COPY: Marlis McCargar, Island Planner
Renee Jamurat, Regional Planning Manager

SUBJECT: Housing Review Project - Special Meeting Recommendation

RECOMMENDATION

1. That the Denman Island Local Trust Committee direct staff to schedule a special meeting in May via zoom to review a draft Denman Island Housing Action Plan and process options related to the drafting of bylaws to support the Denman Islands Housing Review Project.

REPORT SUMMARY

The purpose of this report is to provide rationale for the scheduling of a special meeting in May via zoom to review a draft Denman Island Housing Action Plan and discuss process options related to the drafting of related bylaws.

BACKGROUND

November 14, 2023 - the Denman Island LTC received the “Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023” as well as the guide to the report and requested staff schedule a special meeting to provide an analysis and recommendations.

February 20, 2024 – A special meeting was scheduled to discuss staff analysis of the “Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023”. The following resolutions were passed.

DE-2024-021

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

DE-2024-022

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

DE-2024-023

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

As staff identified at the February 20th, 2024 special meeting, given the timing of other LTC major projects it would be challenging to produce a Housing Action Plan and detailed report by the April meeting. As anticipated, this has been the case. Staff are now beginning work on a draft Housing Action Plan and process options related to the Denman Housing Review project. Consideration of the development and review of the suitable land analysis for Denman, and the engagement process that has begun with the K’omoks Nation in this project will influence the project process and timing.

Rationale for Recommendation

There is no Denman Island LTC regular meeting scheduled for May 2024. Scheduling a special meeting in May to focus on the Housing Review project will enable staff to receive project direction from the LTC earlier than June and provide the opportunity to focus on the project outside of a regular LTC meeting.

ALTERNATIVES

1. Do not schedule a special meeting

If the LTC chooses not to schedule a special meeting, the Housing Review project will be on the June regular meeting agenda. This may delay the project by a month.

2. Choose to have an in person special meeting

If the LTC chooses to have an in person meeting it will involve staff overtime.

NEXT STEPS

If the staff recommendation is supported, staff will schedule a Housing Review project special meeting via zoom for May.

Submitted By:	Narissa Chadwick RPP, Island Planner	March 26, 2024
Concurrence:	Renee Jamurat, Regional Planning Manager	March 26, 2024

File No.: 6500-02
(Project Planning)

DATE OF MEETING: April 9, 2024
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Local Trust Committee Project Prioritization

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to prepare a project charter for the selected minor project for the 2024/2025 fiscal year, with scope and objectives as defined by the Local Trust Committee.

REPORT SUMMARY

This report outlines the seven projects the LTC has on its 'Work Program' as possible minor projects. The LTC can select any of these projects, or another project from the LTC's "Future Projects" list could become a minor project for the 2024-2025 fiscal year, through LTC resolution.

The Local Trust Committee is being asked to review these potential projects and confirm the one minor project priority for the 2024/2025 fiscal year, as well as clarify the scope and objectives of the project.

BACKGROUND

During the February 13, 2024 regular business meeting the LTC reviewed its 'Work Program' and was asked to provide direction for any changes to the Active and Future Projects. During the discussion, the LTC noted that its current minor project is nearing completion and there is an opportunity to advance a project on the 'Future Project' list or identify alternate project priorities.

The LTC discussed the importance of Development Permit Area No. 4: Streams, Lakes and Wetlands and considered whether it needs to be reviewed. The LTC passed the following resolution at their meeting on February 13, 2024:

DE-2024-018

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

that the Denman Island Local Trust Committee request staff to provide information regarding Development Permit Area No. 4: Streams, Lakes and Wetlands including evaluation of accuracy and completion of mapping on Denman Island with regard to surface water on Denman Island.

CARRIED

After staff review, the above request appears more suitable as a minor project. An assessment and review of Development Permit Area No. 4 guidelines will require a significant amount of staff time that is more in line with

a minor project. As a minor project, the LTC will have the ability to provide the scope and objectives of the projects as well as clear deliverables.

Potential Projects

By Trust Council policy, an LTC can have one active minor project at a time, approved by LTC resolution, in addition to an active Major Project funded through a business case approved by Trust Council. Denman currently has one active Major Project (Housing Review Project) and no active minor project as the Denman Farm Regulations Review Project is in the final stages of completion.

Project	Summary	Major/Minor Status	Budget	Timeline
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	Subdivision Regulations Review Project: Review subdivision requirements for lot line (boundary) adjustments with the goal of simplifying the process and requirements where no new density is created.	Minor *will be considered within Housing Review Project	Potential Budget Items: Consultation, Legal Review, Implementation Approx. \$2000-3000	Estimated time for project completion is 6-12 months from adoption of project charter.
Administrative Policy Amendment	DAI Bylaw Review Project: Staff to prepare updates to Development Approval Information BL 149, 2013 and return to LTC for consideration.	Minor	Potential Budget Items: Consultation, Legal Review, Implementation Approx. \$2000-3000	Ideal timing for a DAI bylaw review is post Housing Review Project as there may be changes needed to the DAI bylaw related to that project. Estimated time for project completion is 6-12 months from adoption of project charter.
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	Land Use Bylaw Map Amendment Project: Staff to prepare map amendments to the Denman Island LUB to align with the Denman Island OCP land use designations, as related to the Farm	Minor	Potential Budget Items: Consultation, Implementation Approx. \$1000-2000	Estimated time for project completion is 6 months from adoption of project charter.

Project	Summary	Major/Minor Status	Budget	Timeline
	Regulations Review Project. Refer to the Staff Report on the LUB Amendment Bylaw dated June 6, 2023.			
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	Development Permit Area No. 4 Review Project: A review of DPA 4, including evaluation of DPA and any gaps. Evaluate the accuracy and completion of surface mapping on Denman.	Minor	Potential Budget Items: Consultation, Legal Review, Implementation Approx. \$4000-5000	Estimated time for project completion is one year from adoption of project charter. Example timeline: LTC Consideration of draft project charter – Summer 2024 Staff Report on issues and options – Fall 2024 Bylaw Drafting and legal review complete – Fall 2024 Consultation – early 2025 Report to LTC on results of consultation, potential readings, referral to EC – Spring 2025 Adoption/ Implementation – Summer 2025
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	TUPs for STVRs: To support the establishment of Temporary Use Permits for short-term vacation rentals and other uses. Review STVR regulations and policies and provide options for potential STVR	Minor *outside scope of Housing Review Project	Potential Budget Items: Consultation, Legal Review, Implementation Approx. \$2000-3000	Estimated time for project completion is 6-12 months from adoption of project charter.

Project	Summary	Major/Minor Status	Budget	Timeline
	regulation and policy changes.			
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	Guest Accommodation Review Project: Review zoning policies and regulations regarding guest accommodations in the LUB.	Minor *may be considered within Housing Review Project		

Potential Project – Staff Suggestion

Project	Summary	Major/Minor Status	Budget	Timeline
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	Housing-Related TUP Review Project Review TUP regulations related to secondary dwelling units. Consider option to combine this with the TUP project above regarding STVRs.	Minor	Potential Budget Items: Consultation, Legal Review, Implementation Approx. \$4000-5000	Estimated time for project completion is one year from adoption of project charter. Example timeline: LTC Consideration of draft project charter – Summer 2024 Staff Report on issues and options – Fall 2024 Bylaw Drafting and legal review complete – Fall 2024 Consultation – early 2025 Report to LTC on results of consultation, potential readings, referral to EC – Spring 2025 Adoption/ Implementation – Summer 2025

Staff Rationale for Housing-Related TUP Review Project

The Vancouver Island University (VIU) report and Housing Advisory Committee (HAPC) both recommended that TUP regulations related to secondary dwelling units be reviewed. TUPs are temporary and do not provide long-term housing solutions. The temporary nature of TUPs and the onerous application process may discourage property owners from developing secondary housing, where the zoning allows for it.

Working in conjunction with the Project Lead for the major Housing Review Project, there is an opportunity to advance a small and important piece of the work ahead of the major project.

PROJECT CHARTERS FOR MINOR PROJECTS

By [Trust Council policy 5.9.1](#), an LTC can have one active minor project at a time. Minor projects are any LTC projects that can be completed within one year and anticipated to require a budget under \$5,000 in any given fiscal year. To initiate a minor project, the LTC must endorse a Project Charter and request access to the funds, as outlined in the Project Charter budget.

Staff recommends that the Development Permit Area No. 4 Review Project be the next minor project of the 2024/2025 fiscal. If it is completed earlier than scheduled, the LTC can move on to a next minor project before the end of the fiscal (pending timing, funding availability, and resources).

Development Permit Area (DPA) No. 4 Review Project

The LTC requested that staff provide an analysis of the DPA No. 4 guidelines and mapping to help the LTC better understand the issues. While this is beyond the scope of a Follow-Up Action List (FUAL) item, it is suited to a minor project.

Development Permit Area No. 4: Streams, Lakes and Wetlands requires that prior to undertaking any development, subdivision or land alteration, an owner of property within the Streams, Lakes and Wetlands development permit area must apply to the LTC for a development permit (DP). The DPA was amended and adopted in May 2016 due to a need to implement the provincial Riparian Areas Protection Regulation (RAPR).

There are a number of exemptions associated with DPA No. 4. As discussed at the previous LTC meeting, farm operations and farm uses are exempt from needing a DP. The RAPR does not apply to agricultural land use and farming activities. However agricultural uses are required to follow the Code of Practice for Agricultural Environmental Management (AEM). The AEM establishes the setback requirements from riparian areas for structures and buildings associated with agricultural buildings and facilities.

If the LTC would like a thorough review of the exemptions and guidelines related to DPA No. 4, it would be necessary to clarify the scope and objectives of the project.

Rationale for Recommendation

The Work Program identifies active and future LTC projects. At the close of a project, the LTC should consider whether to proceed with the existing active projects and should also identify future priorities.

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. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request that staff provide [specify requested information].

2. Select an alternative minor project

The LTC may identify alternate project priorities for the current and upcoming fiscal years.

NEXT STEPS

If the LTC passes the resolution as recommended and provides the scope and objectives for a priority minor project for the 2024/2025 fiscal, staff will draft a Project Charter for consideration at the next LTC meeting.

Submitted By:	Marlis McCargar, Island Planner	March 20, 2024
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	March 26, 2024

From: HHolm [REDACTED]
Sent: March 25, 2024 2:56 PM
To: Denman Island Local Trust Committee; Hornby Island Local Trust Committee
Cc: Allan Danks; Cynthia Minden
Subject: Mar. 25-24 Cross-Island Traffic

Local Trust Committees for Denman and Hornby Island:

I have attached an article published in the March edition of The Flagstone, Denman Island's monthly newspaper.

My article focuses on one of too many aspects of cross-island traffic's damage to Denman Island: environmental impacts that are yearly intensified as a consequence of climate change, Hornby Island's escalating desire to accommodate massive numbers of part-time residents and tourists, and BC Ferries' Provincially mandated directive to move vehicles.

As far as I can determine, neither LTC is actively and vigorously seeking a solution(s) regarding the resulting damage to the environment and the disruption of the social fabric of these two small islands. Is this the case? If so, why?

Have you raised the issue and called for action at Trust Council? Without your advocacy, the Trust Council may remain content with ignoring the situation and, without the voice of those charged with carrying out the Trust mandate, the Provincial government will continue to dictate expansion of vehicular access.

I would appreciate a response to my questions. Trustees are in the best position to advocate. The Ferry Advisory Committee is by its terms of reference severely limited and by its composition dysfunctional even within its narrow margins.

Please include this email and attachment in the package for your next LTC meeting. I assume that Trust staff is in receipt of this email.

Thank you for responding.

Harlene Holm
[REDACTED] Denman Island

March 25, 2024

BC Ferries Cross-Island Traffic

The stunning increase in cross-island traffic for July and August 2023, over the same months in 2022, is the clearest indication that expanding ferry capacity significantly increases cross-island traffic. Below are the recorded vehicle counts:

2022	2023
July -8970	July -10291
Aug. -10,076	Aug. -11,499

In response to a Denman Island Residents Association (DIRA) request to the Minister of Transportation, Minister Fleming wrote, “The contract for performance term 6, starting April 1, 2024, includes an additional 996 annual round trips as core service for Route 21 (Buckley Bay to Denman Island) and 308 annual round trips as core service for Route 22 (Denman Island to Hornby Island).” Thus the 2023 July/August “performance” will be entrenched April this year as a “core service.”

The Minister was responding to a DIRA September 11/23 motion that read: “In 1995, Denman’s Trustees —Roxanna Mandryk and Rolf Ludvigsen— made the following public statement: ‘We believe that a direct sailing between Hornby Island and Vancouver Island is the only long-term permanent solution which satisfies Trust policies as well as the interests of the Community’...DIRA supports and forwards the above 1995 statement to the Minister of Transportation & Infrastructure and Premier Eby and requests that a direct sailing between Hornby Island and Vancouver Island be investigated as a priority.”

Minister Fleming’s entire misreading of the DIRA request is tone deaf at best.

BC Ferries’ sole focus on “providing efficient travel” supports Hornby Island Community Economic Enhancement Corporation’s active campaign to expand tourism to the “shoulder months” and the Hornby Island Short Term Rental Association’s lobbying for fewer restrictions.

In addition, Ferries’ monthly statistics do not reflect the type of vehicle despite higher fares charged for vehicle lengths over 6.10m and for vehicles over 5,500kg registered GVW. Most Denman residents will attest to the increasing number and volume of oversize and/or overweight vehicles.

Drivers, pedestrians and cyclists on Denman must “share” rural roads with through traffic that would be strictly limited within rural/residential areas elsewhere in BC.

1996 to 2024

In January 1997, Gerald Hodge completed a report titled Disturbing Trends: The Impact of Through Ferry Traffic on Denman Island for the Denman Island Local Trust Committee and the Denman Island Through Traffic Committee.

A report section — Natural Environmental Impacts— reads:

- a) Air Pollution — the 123,000 vehicles driving from ferry to ferry (approx. 13km) in 1996 emitted a total of 0.5 tonnes of hydrocarbons, 3.5 tonnes of carbon dioxide, and 1 tonne of nitrous oxide into the air of Denman Island.
- b) Vehicle Noise — generated by fast moving traffic on an hourly basis (or oftener) along 24km of roads.
- c) Gas/Oil Runoff — liquid effluents from vehicles that drain onto beaches and shellfish habitats on roads bordering the water (e.g. Lacon).
- d) Bank Erosion — additional traffic increases the tendency toward erosion on Lacon and East Roads.
- e) Visual Pollution — through traffic speed and volumes require many more traffic signs.
- f) Litter — greatly increased along “ferry roads”.
- g) Road Kill — greatly increased due to through traffic.

Consider point a) and the 1996 123,000 vehicles.

In order to formulate a current year-long baseline regarding traffic travelling across Denman Island to and from Hornby Island, I used the BC Ferries monthly statistics from October 2022 to September 2023 (last posting) to obtain the following: 70,217 round trips to Hornby Island which equal 140,434 vehicle crossings over 12 months. [NB these stats do not fall within the pandemic ‘footprint’.]

In the intervening 27 years, cross-island traffic has entirely obliterated Denmaners’ efforts to reduce their carbon footprint by dropping 13.5 tonnes of hydrocarbons, 94.5 tonnes of carbon dioxide and 27 tonnes of nitrous oxide. [using 1996 numbers without factoring in the cross traffic increase to 2023 of 14%]

Points b to g remain relevant. However, in the intervening years, climate change is intensifying the destructive impact of cross-island traffic.

Vehicles (dragging metal/chains, engine/exhaust heat, poorly maintained tire pressure and/or brakes) and their occupants’ matches and smoking materials can and do start fires. The more vehicles the greater the threat.

With extended extreme temperatures and drought conditions, a wild fire is a disaster in waiting. This threat, alone, should carry the case against cross-island traffic.

Scientists have identified more pollutants. Yale School of Environment states, “Researchers are only beginning to uncover the toxic cocktail of chemicals, microplastics, and heavy metals hidden in car and truck tires. But experts say these tire emissions are a significant source of air and water pollution and may be affecting humans as well as wildlife.” Studies show that long-term exposure to diesel exhaust particles poses the highest cancer risk of any toxic air contaminant. Volatile organic compounds, carbon monoxide and sulphur dioxide are also on the list of pollutants from vehicles.

2024

What can be done to convince Minister Fleming to change his math. Instead of adding more round trips, he needs to find a way to stop using Denman Island as a bridge for cross-island traffic. Do we take the downsizing discussion to the legislature and the press? Or do we continue to attend BC Ferries ‘consultation opportunities’ that let the corporation check off the box and continue to “provide efficient travel” with the blessing of the Provincial government?

*The
Flagstone
March 2024
submitted by
Harlene Holm*

DATE OF MEETING: April 9, 2024
TO: Denman Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance & Enforcement Manager
Northern Team
SUBJECT: Short-term vacation rental enforcement policy update

RECOMMENDATION

1. That the Denman Island Local Trust Committee rescind standing resolutions DE-2018-056, DE-2018-100, and DE-IC-2021.007.
2. That the Denman Island Local Trust Committee adopted the following policy as a standing resolution:

That the Denman Island Local Trust Committee direct staff to use the following policy in dealing with unlawful short-term vacation rentals (STVRs), or other forms of commercial vacation rentals:

1. There will be proactive monitoring, investigation, and reporting to the Local Trust Committee regarding STVRs on Denman Island.
2. Bylaw Officers will prioritize the investigation of STVRs in the following manner:
 - a. there are issues related to health and safety on the property;
 - b. there are written complaints regarding nuisance issues such as noise or parking congestion related to STVR operation;
 - c. there are operations by persons who have not established a residential use on the same property as the STVRs; and
 - d. accessory buildings or structures are being used as part of an STVR operation.
3. It is understood that home-based guest accommodation home occupations complying with section 2.4 of the Denman Island Land Use Bylaw No. 186 are not interpreted to be short-term vacation rentals, or commercial vacation rentals, and that those home-based guest accommodations may be operated year round.

REPORT SUMMARY

The purpose of this report is to provide an update on the current number of short-term vacation rentals and to recommend updates to current enforcement policies.

BACKGROUND

There are six open files for short-term vacation rentals on Denman Island and the policies currently in place state that there will be proactive enforcement against those operations. This means that advertising platforms such as Airbnb and VRBO are regularly monitored for non-permitted commercial vacation rentals. If there are concerns that a non-permitted operation is being conducted, a bylaw compliance and enforcement file is opened and there will be a full investigation and reporting to the Local Trust Committee.

The Denman Island Land Use Bylaw No. 186 has the following regulations regarding vacation rentals:

2 GENERAL REGULATIONS

2.1 Uses, Buildings and Structures

Principal Dwelling Units

2 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.

In order to facilitate the enforcement on non-permitted short-term vacation rentals the Local Trust Committee has adopted the following enforcement policies since 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".

DE-2018-100 Bylaw enforcement on unlawful STVRs

It was MOVED and SECONDED, Updated: October 6, 2022 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*

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.

Home-based guest accommodations operating under s. 2.4 18-21 are permitted when the use is accessory to an active residential use and a residential appearance is maintained on the premises. This means that there must be an operator living on the property while guests are present. Short-term vacation rentals involve the whole house rental of a residence or dwelling, where no residential use has been established by the operator.

In February of this year, the Local Trust Committee requested a review and report regarding the current policies on the STVR enforcement from the Bylaw Compliance and Enforcement Manager. After review, the recommendation is that the three current adopted resolutions be adopted into one cohesive policy.

RATIONALE FOR RECOMMENDATION

An update for STVR is recommended so that the three adopted standing resolutions can be placed into one policy for staff, and to ensure that there is a distinction made between short-term vacation rentals and home-based guest accommodation uses.

ALTERNATIVES

- 1. That the Denman Island Local Trust Committee receive this report for information.
- 2. That the Denman Island Local Trust Committee direct staff to close all the current STVR files.

Submitted By:	Warren Dingman, Bylaw Compliance and Enforcement Manager	March 21, 2024
Submitted To:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	March 21, 2024



Applications

Development Variance Permit

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: 15-Mar-2024 Planner reviewing file.			
Status Date: 15-Mar-2024 Notification letter sent to Komoks First Nation.			
Status Date: 10-Jan-2024 Planner McCargar assigned file and opening letter sent.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2023.1	Komas Ranch Ltd	01-Jan-2023	to rezone to replace existing land use contract, which expires soon.
Planner: Margot Thomaidis			
Planning Status			
Status Date: 22-Mar-2024 Site visit with applicants, staff, and K'omoks First Nation			
Status Date: 05-Jan-2024 Planners reviewing file.			



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2024.1	Triple Rock Land Cooperative Planner: Marlis McCargar	03-Jan-2024	Rezone from 15 to 19 units and allow secondary suites in all main dwellings.
Planning Status			
<u>Status Date:</u> 22-Mar-2024 Planner conducted site visit.			
<u>Status Date:</u> 18-Jan-2024 Planner assigned.			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth Planner: Stephen Baugh	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Planning Status			
<u>Status Date:</u> 05-Sep-2023 File reassigned from SB to IC - no change in status.			
<u>Status Date:</u> 04-Oct-2022 Applicant seeking permit from Arch Branch			
<u>Status Date:</u> 21-Sep-2022 Update requested from applicant within 30 days.			



Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.2	Cleveland & Tetlow, Randy & Carole Planner: Margot Thomaidis	03-Mar-2022	PID: 001-095-871 Two story addition. Civic address: 3031 Nelson Crescent, Denman Island, BC.
Planning Status			
Status Date: 26-Jul-2022 Followed up with applicant. No response received.			
Status Date: 15-Jun-2022 Applicant followed up. Reaching out to BC Arch Branch and KFN.			
Status Date: 14-Jun-2022 Planner left message with applicant regarding checking in on Arch Branch process. No response received.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2024.1	PANDESIGN INC., BC533170 Planner: Marlis McCargar	11-Jan-2024	Subdivision of 2 lots into 5 parcels at 6800 and 6900 Danes Road, Denman Island.
Planning Status			
Status Date: 28-Mar-2024 Review complete. Referral response sent to MOTI.			
Status Date: 29-Feb-2024 Planner reviewing file.			
Status Date: 06-Feb-2024 File open and assigned. Fees received.			

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending February 2024

615 Denman	Invoices posted to Month ending February 2024	<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	3,243.20	-1,833.20
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	2,153.88	-1,754.88
65220-615	LTC - Local Exp - Communications	250.00	821.77	-571.77
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>2,335.00</u>	<u>6,218.85</u>	<u>-3,883.85</u>
Projects				
73001-615-4025	Denman Housing Review	18,000.00	421.55	17,578.45
73001-615-4127	Denman Farming Regulations Review	2,000.00	931.68	1,068.32
TOTAL Project Expenses		<u>20,000.00</u>	<u>1,353.23</u>	<u>18,646.77</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 19th 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)			
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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

Responsible

Dates

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

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.

Chloe Straw

Rec'd: 19-Jan-2021

Narissa Chadwick

Renee Jamurat

2. Minor Project - Farming Regulations Review Project

Responsible

Dates

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

Marlis McCargar

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.

19-Jul-2022

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

3. 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.
