



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: November 14, 2023
Time: 10:00 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

	Pages
1. CALL TO ORDER	10:00 AM - 10:05 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
2. APPROVAL OF AGENDA	
3. REPORTS	10:05 AM - 10:25 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 - 10:55 AM
6.1 Local Trust Committee Minutes dated October 3, 2023 - for adoption	4 - 12
6.2 Section 26 Resolutions-Without-Meeting Report - none	
6.3 Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	10:55 AM - 11:10 AM
7.1 Follow-up Action List dated November 6, 2023	13 - 16
8. APPLICATIONS AND REFERRALS - none	
9. LOCAL TRUST COMMITTEE PROJECTS	11:10 AM - 11:40 AM
9.1 Denman Housing Advisory Planning Commission Reporting - Final Report	17 - 130

10.	CORRESPONDENCE	11:40 AM - 11:50 AM	
	(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		131 - 134
11.	REPORTS	11:50 AM - 12:30 PM	
11.1	Trust Conservancy Report - none		
11.2	Applications Report dated November 6, 2023		135 - 137
11.3	Trustee and Local Expense Report dated August, 2023		138 - 138
11.4	Adopted Policies and Standing Resolutions		139 - 143
11.5	Local Trust Committee Webpage		
11.6	Residential Density Bank Update - verbal update		
11.7	Bylaw Enforcement Notice Amendment Bylaw, 2019, Amendment No. 1, 2023 - Staff Report		144 - 149
~ BREAK 12:30 PM - 1:00 PM ~			
12.	CLOSED MEETING	1:00 PM - 1:45 PM	
12.1	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(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.		
12.2	Recall to Order		
13.	NEW BUSINESS	1:45 PM - 2:45 PM	
13.1	Joint Discussion with Hornby Island Local Trust Committee on mutual BC Ferries Concerns		
14.	WORK PROGRAM	2:45 PM - 3:00 PM	
14.1	Active Projects Report dated November 6, 2023		150 - 150

14.2 Future Projects Report dated November 6, 2023

151 - 152

15. UPCOMING MEETINGS

15.1 Next Regular Meeting To Be Decided

16. ADJOURNMENT

3:00 PM - 3:00 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: October 3, 2023
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Members Present: David Maude, Chair
David Graham, Trustee

Regrets: Sam Borthwick, Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
Narissa Chadwick, Island Planner (attended electronically)
Marlis McCargar, Island Planner (attended electronically)
Warren Dingman, Manager Bylaw Compliance & Enforcement (attended electronically)
Vicky Bockman, Recorder

Others Present: There were approximately ten (10) members of the public and no members of the media in attendance.

1. CALL TO ORDER

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

Chair Maude called the meeting to order at 10:02 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He welcomed the public, introduced himself, Trustee Graham, staff, and recorder and noted that Trustee Borthwick is unable to attend this meeting.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Delete item 15 Closed Meeting

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Graham reported that the recent Trust Council meeting included a discussion of the Islands Trust preserve and protect mandate. It was clarified that there are three elements of jurisdiction: Trust Area that includes lands and land under the water to mid-channel; unique amenities that include residents, villages, housing, economics, and recreation; and natural environment - with no element taking priority and decisions to be balanced between them.

3.2 Chair's Report

Chair Maude reported on his attendance at the following:

- The Union of BC Municipalities convention which provides an opportunity to interface with provincial government staff and ministers. One outcome of these discussions was that the Minister of Transportation has agreed to set up a highways task force for the islands to address road priorities and protections.
- Trust Council quarterly meeting in September where discussion included crafting a Vision Statement for Islands Trust, with more work to be done on this.
- North Pender and Mayne Islands Local Trust Committee (LTC) meetings.

3.3 Electoral Area Director's Report - none

4. PUBLIC COMMENTS

- Cross-island ferry travel problems of speeding and congestion across Denman Island are an ongoing and increasing issue. Friends of Denman Forests has organized to oppose the proposed tree cutting for parking expansion at the Gravelly Bay ferry terminal. This is a land-use issue with detrimental effects to human and ecological health; and the LTC was asked to help by advocating for solutions.
- The stated Islands Trust preserve and protect object is to protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area. Unique amenities equals housing. Residents of the Trust area have unique needs for housing.
- Two of the proposed Land Use Bylaw (LUB) No. 186 Contraventions and Penalties listed in Schedule A of the October 3 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. The draft Bylaw No. 247 attached to the Staff Report does not include a new Schedule B as indicated in item 1.c. of the proposed Bylaw.
- Questions for Trustees: what positions were taken on municipal tree cutting bylaw; how is the LTC advocating to adhere to the Official Community Plan (OCP) as it relates to cross-island traffic; is it necessary for another housing study; can opposition to Hornby Island Short-Term Vacation Rentals (STVRs) be conveyed, and are there strong protections against the negative effects of STVRs on Denman Island?

- the municipal tree cutting bylaw was voted against as an educational approach rather than regulation was preferred, and it was clear that the Province would not support it;
- the concept of the cross-island ferry traffic being a land-use issue is something the LTC will be considering;
- STVRs are not a permitted use on Denman Island. B&Bs, where the owner/operator is on premise, are allowed. There is opportunity to comment on how Denman Island is affected by Hornby Island bylaws when they are referred to the Denman Island LTC for comment.
- Cross-island ferry traffic has increased significantly over the years and even includes mid-week traffic now. Residents can no longer safely walk or bike on the ferry traffic roads. LTC consideration of this concern as a land-use issue was supported.
- Multiple agencies, ministries, BC Ferries and the Ferry Advisory Committee (FAC) have been contacted regarding the cross-island ferry traffic and are not taking responsibility or helping. Denman West ferry terminal traffic is also a problem and promised flaggers were not provided in the village where congestion could interfere with emergency responders. Concern was expressed with the lack of FAC communication and the proposed replacing of the cable ferry with a larger vehicle capacity ferry. The LTC was requested to advocate for solutions.
- Bylaw Enforcement Officers should not be given the ability to fine for setbacks as listed in the proposed Schedule A of the draft LUB No. 186 Contraventions and Penalties.

5. DELEGATIONS

5.1 Denman Island's Official Community Plan and Through Traffic - Graham Brazier

Graham Brazier's presentation included background documents provided in the agenda material. Additional submissions for the record included: "The Impact of Through Ferry Traffic on Denman Island, January 1997" by Gerald Hodge, PhD., and an updated document "Presentation to Local Trust Committee (October 3, 2023) by Graham Brazier on behalf of Friends of Denman Forests."

He outlined the violations of OCP policy from the existing cross-island traffic system, noted that the links between Denman and Hornby Islands are well established, and stated that the concern can be satisfied by a direct sailing to Hornby Island from Vancouver Island. He asked the LTC to adopt a motion in support of the recommended solution of a direct sailing between Hornby Island and Vancouver Island as recommended by former Trustees Mandryk and Ludvigsen in 1995.

Trustees supported the proposed initiative, observing an additional concern of the existing speed limit on the primary road utilized by cross-island ferry traffic. They noted the need to gather support from Hornby Islanders to help ensure a successful outcome.

DE-2023-061

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to write a letter signed by the Chair regarding affirming the words of past Trustees Mandryk and Ludvigsen to the Ministry of Transportation and Infrastructure and to the current Chief Executive Officer of BC Ferries and our Regional District Director Arbour, and our MLA to seriously examine the option of supplying a ferry to Hornby Island from Vancouver Island and not across Denman Island.

CARRIED

DE-2023-062

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a joint Hornby Island Local Trust Committee and Denman Island Local Trust Committee meeting regarding ferry transportation to the islands at the earliest time possible.

CARRIED

6. MINUTES

6.1 Local Trust Committee Minutes dated July 25, 2023 - for adoption

By general consent the LTC minutes of July 25, 2023 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes dated July 3, 2023- for receipt

6.4 Advisory Planning Commission Minutes dated July 11, 2023- for receipt

6.5 Advisory Planning Commission Minutes dated July 14, 2023- for receipt

6.6 Advisory Planning Commission Minutes dated July 18, 2023- for receipt

6.7 Advisory Planning Commission Minutes dated July 25, 2023- for receipt

6.8 Advisory Planning Commission Minutes dated August 1, 2023- for receipt

6.9 Advisory Planning Commission Minutes dated August 8, 2023- for receipt

6.10 Advisory Planning Commission Minutes dated August 15, 2023- for receipt

6.11 Advisory Planning Commission Minutes dated August 22, 2023- for receipt

6.12 Advisory Planning Commission Minutes dated August 29, 2023- for receipt

6.13 Advisory Planning Commission Minutes dated September 5, 2023- for receipt

6.14 Advisory Planning Commission Minutes dated September 12, 2023- for receipt

By general consent the LTC received Advisory Planning Commission minutes presented in agenda items 6.3 – 6.14.

Chair Maude thanked the Housing Advisory Planning Commission (HAPC) for their work to date on this referral.

Regional Planning Manager Jamurat advised that corrections to the minutes, as proposed by HAPC Chair da Silva, may be submitted to staff for processing; and advised that all correspondence from the community received by the HAPC will either be attached to the minutes or with the final report for the public record.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated September 26, 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 with completion estimated in the next few weeks. 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 working with this protocol is taking time. She advised that a letter has been distributed to all First Nations identifying major projects in progress, ensuring that K’ómoks First Nation is aware of the Housing Review project.

A Trustee recognized the need to respect the requested protocol and commented that awaiting LTC consultation with First Nations should not delay the HAPC production of the Housing Review project referral report.

8. APPLICATIONS AND REFERRALS

8.1 DE-DP-2023.2 (2191 Tristone Road) - Staff Report

The Staff Report asks the LTC to consider a Development Permit (DP) application being sought retroactively for construction of a vehicle culvert crossing that occurred within Development Permit Area 4 – Streams, Lakes and Wetlands. The Qualified Environmental Professional (QEP) retained by the applicants recommends a third culvert to improve the crossing.

It is noted in the Staff Report that, had the applicant enquired about a DP before the works were completed, the works likely would have been exempt under Section 4.4.2(1) of the Denman LUB No. 186 and not required a DP, as Provincial Section 11 and Riparian Areas Protection Regulation assessments and permits do not apply to works that have already occurred.

A Trustee noted that the QEP recommends inspection follow-up and enquired as to how that will be accomplished. Planner McCargar responded that the QEP will complete a

post-construction monitoring report that will be filed with the provincial government and is not a part of this process.

DE-2023-063

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of development permit DE-DP-2023.2.

CARRIED

A Trustee remarked that time and money could have been saved had the applicant discussed the proposed development prior to the work being initiated; and he used this opportunity to remind community members to consult with planners when considering developments.

By general consent the meeting was recessed at 11:56 am and reconvened at 12:31 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Denman Housing Advisory Planning Commission (HAPC) Reporting - verbal update from HAPC Chair

9.1.1 Denman HAPC Progress Report

HAPC Chair da Silva presented the progress report that included a number of requests for the LTC to consider. The Denman Housing APC Terms of Reference – July 25, 2023 was submitted for the record in order to update, publish, and complete the Terms of Reference for the HAPC Housing project referral.

Discussion and responses included the following:

- Staff have not had meetings with community members since July to discuss the project.
- Staff is working on drafting a staff report to address the updated Density Bank numbers and will provide this to the HAPC as soon as possible; HAPC will forward their information on this topic to staff.
- The referral report from HAPC is anticipated to be brought forward at the next LTC meeting. The HAPC was encouraged to prioritize changes to the LUB first, then address possible changes to the OCP, and then consider possible advocacy changes, in that order.
- There is no update on plans to collaborate on services to help with housing and other safety needs throughout the coming winter; however, it was noted that Trustee Borthwick has assisted with this initiative in the past.
- Bylaw Enforcement Compliance & Enforcement Manager Dingman clarified the current Bylaw Enforcement policy regarding investigation, providing notification to property owners, and arranging a mutually agreeable site visit to satisfy provincial requirements and staff safety; and explained the current Standing Resolution that withholds

enforcement against unlawful dwellings with some exceptions. There were no changes to the Bylaw Enforcement protocol at this time.

- There were no changes to Standing Resolution No. 12 regarding the Human Right to Housing at this time.

DE-2023-064

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to update and publish the July 25th version of the Terms of Reference for the Housing Advisory Planning Commission and the Project Charter including the Engagement Plan.

CARRIED

10. CORRESPONDENCE

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

10.1 Request to amend Denman Housing Association Covenant from S. Palmer dated August 21, 2023

The correspondence requests the LTC to consider amending the Covenant on the 1151 Northwest Road (Denman Green) title to remove the requirement for fencing along the north property boundary in order to reduce expenditures and as the adjoining neighbouring property believes it is not necessary.

DE-2023-065

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee authorizes Denman Housing Association to prepare an amendment to the section 219 restrictive covenant on title for 1151 Northwest Road that removes the requirement for a solid fence along the north property boundary and assigns any two members of the Local Trust Committee to sign the amended covenant prior to registration.

CARRIED

10.2 Correspondence dated August 18, 2023 from M. Gang regarding FireSmart vs. the Islands Trust

Trustees agreed with the correspondence that pointed out that FireSmart education and practices are important and that the Transition Salt Spring brochure "How Do Healthy Forests Reduce the Risk of Wildfires," produced in cooperation with Islands Trust, does not reflect the FireSmart recommendations.

DE-2023-066

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to review the Transition Salt Spring brochure “How Do Healthy Forests Reduce the Risk of Wildfires” for content and compliance with provincial FireSmart recommendations.

CARRIED

10.3 Correspondence dated July 29, 2023 from W. Boothroyd regarding Closing Loophole to Reduce Real Estate Profiteering on Gulf Islands

Trustees asked staff to research and confirm whether Hornby, Denman and Thetis Islands are included in the federal prohibition on the purchase of residential property by non-Canadians.

10.4 Correspondence dated September 7, 2023 from CVRD Community Services regarding CVRD Regional Parks and Trails Strategic Plan Update

Trustees considered that more information on the Regional Parks and Trails Strategic Plan would be useful and suggested that Regional District Electoral Area A Director Arbour might be invited to attend a LTC meeting to discuss this planning process.

DE-2023-067

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to invite Comox Valley Regional District Electoral Area A Director Arbour to the January 2024 Local Trust Committee meeting and speak to the Regional Parks and Trails Strategic Plan Update.

CARRIED

11. NEW BUSINESS - none

12. REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated September 26, 2023 – Received.

12.3 Trustee and Local Expense Report dated July, 2023 – Received.

12.4 Adopted Policies and Standing Resolutions – Received.

12.5 Local Trust Committee Webpage

There were no changes or additions requested.

12.6 Denman Advisory Planning Commission Membership Term Expiry – Memorandum

The memorandum was received and no action was taken at this time.

12.7 Census Infographics – Briefing – Received.

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

LTC members considered that this topic might be deferred to the next meeting when all Trustees will be in attendance for a full discussion.

DE-2023-068

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back Staff Report File No.: 4050-03 to the November meeting for consideration.

CARRIED

13. WORK PROGRAM

13.1 Active Projects Report dated September 26, 2023

The process for adding projects such as advocacy to the Minister regarding cross-island ferry traffic was clarified; and the estimated timeline for the Farm Plan Public Hearing was provided.

13.2 Future Projects Report dated September 26, 2023 – Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, November 14, 2023 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

The next regular meeting date, time and location were confirmed.

A Trustee requested that, in communication with LTC members, staff specify whether meetings will occur electronically or in-person for clarity.

15. ADJOURNMENT

By general consent the meeting was adjourned at 1:40 p.m.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

06-Jun-2023

Activity	Responsibility	Dates	Status
1 Staff to forward the "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023" to the Secretary of the Islands Trust for approval by the Executive Committee.	Warren Dingman		In Progress

25-Jul-2023

Activity	Responsibility	Dates	Status
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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. 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	In Progress
2 Staff to schedule a joint Hornby Island LTC and Denman Island LTC meeting (between the 2 LTCs) regarding ferry transportation to the islands at the earliest time possible. <i>Hornby trustees to attend Nov 14 Denman LTC meeting to discuss issue.</i>	Chloe Straw Renee Jamurat Wil Cottingham	Target: 13-Oct-2023	Completed
3 Re: Denman's major project, staff to update and publish on the project webpage: the July 25th version of the Terms of Reference for the Housing Advisory Planning Commission, the Project Charter including the Engagement Plan.	Chloe Straw Narissa Chadwick	Target: 13-Oct-2023	Completed
4 Staff to coordinate with Denman Housing Association to prepare and execute an amendment to the section 219 restrictive covenant on title for 1151 Northwest Road that removes the requirement for a solid fence along the north property boundary. The LTC has assigned any two members of the Local Trust Committee to sign the amended covenant prior to registration.	Nadine Mourao Sonja Zupanec	Target: 03-Nov-2023	In Progress

Follow Up Action Report

Denman Island

03-Oct-2023

Activity	Responsibility	Dates	Status
5 Staff to update the Transition Salt Springbrochure called "How Do Healthy Forests Reduce the Risk of Wildfires", and use the provincial FireSmart information.	Chloe Straw Morgana van Niekerk	Target: 03-Nov-2023	In Progress
6 Staff to invite Comox Valley Regional District Electoral Area A Director Arbour to the January 2024 Local Trust Committee meeting and speak to the Regional Parks and Trails Strategic Plan Update. <i>On hold pending adoption of 2024 meeting schedule.</i>	Wil Cottingham	Target: 20-Oct-2023	In Progress
7 Staff to bring the BEN Amendment Bylaw 2019, Amendment No.1, 2023 - Staff Report File No.: 4050-03 back to the November meeting for LTC consideration.	Nadine Mourao Warren Dingman	Target: 24-Oct-2023	Completed

**Denman Island Housing Advisory Planning Commission
Final Report**

November 3, 2023

Preface

Everyone is welcome at this table as we work to increase the *availability* of *non-precarious affordable* housing on Denman Island where *ecological sustainability* is a shared high value. We have begun every meeting with this:

First of all - We respectfully acknowledge that Denman Island (called Taystay'ich by the K'omox First Nation) is the traditional territory of members of the Coast Salish and Kwakwaka'wakw peoples.

and

In 2019 Canadian law first recognized that the right to adequate housing is a fundamental human right through the passage of the National Housing Strategy Act. The Act recognizes that housing is essential to people's inherent dignity and well-being, and is essential to building sustainable and inclusive communities.

Unkind and prejudiced comments are not conducive to a just and sustainable society. Women, LGBTQIA2S+ folks, people with disabilities including mental illnesses, young parents and other persons are protected under the Human Rights Code and they will not be exposed to discriminatory comments or conduct during these committee meetings.

All community members, businesses, social support groups, Local Trust Committee, the CVRD and provincial and federal partners have an interest in seeing people adequately housed. Every person has a seat at our table. The Denman Island Housing APC is committed to doing our part to find and recommend changes to our Official Community Plan and Land Use Bylaws to support housing.

We are grateful to all of the community members who came each week to sit at our table and share their ideas, visions and fears about housing. As long and detailed as it is, this report is for you. We hope that as you read it you find words that may have been yours, and others that shine the light forward, to bring our community safely home.

We most especially want to thank our Island Trustees (now and in the past) who gave us this opportunity to define changes our community so desperately needs. While the nature of invisible housing need can make it easy to ignore, our current Trustees have engaged courageously with trying to find solutions.

We believe we have some (not all) answers in this report and we hope our Trustees are able to bring these seeds to fruition - in the form of bylaws that support health at home in our community on this precious island, during these interesting times.

Housing APC Members: Riane da Silva, Richard Day, Alan Friesen, Virginia Spinney

Table of Contents

Glossary.....	4
Section 1: Executive Summary.....	5
What is the Denman Housing Advisory Planning Commission (HAPC)?.....	5
Shared values we took into account in making our recommendations.....	6
Our Recommendations for Changes to the Denman Land Use Bylaws and Official Community Plan.....	7
Our Recommendations for Bringing Denman Bylaws Into Compliance with Relevant Provincial and Federal Laws.....	9
Section 2: History and Current State of Housing on Denman Island.....	10
Background.....	10
The Commission's Goal and Approach.....	10
Denman Islanders Told Us.....	11
Current State of Denman Island Housing.....	13
Section 3: Review of Existing Reports and Consultation.....	18
Challenges and Barriers to Affordable Housing.....	19
Section 4: Recommendations to Meet our Challenges.....	21
1. Create housing options.....	23
2. Remove red tape slowing down approvals for much needed housing.....	32
3. Minimize the environmental impact of housing.....	37
4. Ensure enforcement is trauma informed and respectful of human rights, while focusing on short-term vacation rentals and environmental issues.....	41
5. Create new zones to facilitate faster development of long-term affordable dwelling units using either a land-sharing or a land-owner/tenant model.....	45
6. Simplify and clarify the Official Community Plan and the Land Use Bylaw	50
7. Our Recommendations for Advocacy on barriers to affordable housing that are outside the scope of the Denman LTC / Islands Trust.....	52
APPENDICES.....	54
Appendix 1: The Imperative of Affordability In Housing Our Community (by R. DaSilva, HAPC Commission Member).....	54
Appendix 2: More detailed discussion of modes of shared ownership (by R. Day, HAPC Commission Member).....	59
Appendix 3: Community Consultation (as assembled by R. DaSilva HAPC Commission Member).....	63
Appendix 4: Summary of Recommendations: Denman Island Housing Review Recommendations Report, March 2023 (by V. Spinney, HAPC Commission Member).....	107
Appendix 5: Twenty Years of Housing Studies about Denman Island (by V. Spinney, Commission member).....	112

Glossary

Bonus Density Zoning is a policy that establishes different density rules for a zone to entitle an owner to a higher density, in exchange for providing affordable or special needs housing (Section 482 of the Local Government Act).

dwelling unit (DU) means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy.

dwelling unit, accessory (ADU) means any type of unit that is an independent living space, self-contained with its own kitchen, living, and sleeping area and is occupied as a home/dwelling. It could include but is not limited to tiny homes on wheels, trailers, renovated school bus, yurt etc.

dwelling unit, primary (PDU) means a building containing one dwelling unit.

dwelling unit, secondary (SDU) means a building, or part of a building, that is a self-contained residential accommodation unit, has cooking, sleeping and living facilities, and is separate from a primary dwelling unit located on the same property.

floor area, combined (CFA) is the total area, on all floors, of PDUs, SDUs, and ADUs on a particular property.

BEN refers to the Bylaw Enforcement Notification system.

HAPC refers to the Denman Housing Advisory Planning Commission.

Housing Agreement refers to a contract that may include terms and conditions agreed to by the local government and the owner regarding the occupancy of the housing units identified in the agreement (Section 483 of the Local Government Act).

IT refers to the Islands Trust.

LTC refers to the Denman Island Local Trust Committee.

pre-zoning refers to a process in which blanket changes are made to the types of housing that are permitted on properties in a given zone without individual property owners needing to ask for a variance or re-zoning. This can be done via changes to the Official Community Plan or in some other way. The intention is to reduce the amount of bureaucracy, and therefore the amount of time, required to get new housing onto the market.

Section 1: Executive Summary

What is the Denman Housing Advisory Planning Commission (HAPC)?

An Advisory Planning Commission (APC) is an entity that can be created to advise a Local Trust Committee on land use planning and community planning applications and projects. The local trust committee establishes the terms of reference, duration, and number of members through an APC Bylaw.

The Denman Island Local Trust Committee established the Housing APC with the following role:

- a) Assist the LTC with engagement to support the Denman Island Housing Project
- b) Conduct a focused review of “Denman Island Land Use Bylaw No. 186 and Official Community Plan No. 185, focusing on housing, with the goal of increasing options for affordable and attainable housing while also minimizing the impacts of housing generally to better protect the environment while supporting equity, diversity and inclusion”
- c) Consider “all things Housing” - including identification of options for the LUB and OCP; staff reports; previous studies; other materials about housing provided by Denman community members. This includes but is not limited to the recommendations from the Denman Island Housing Review and subsequent input.
- d) Review the recommendations coming out of the Denman Island Housing Review and related and additional, public input;
- e) Identify potential options to address housing needs including general locations/zones

The full text of the Terms of Reference for the Commission can be found [here](#).

[https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/denman/current-projects/Denman%20Housing%20Review%20Project-Stage%202%20\(current%20stage\)/1%20-%20About%20the%20Project/2023_10_06_Denman%20HAPC%20Terms%20of%20Refere%20nce%20FINAL.pdf](https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/denman/current-projects/Denman%20Housing%20Review%20Project-Stage%202%20(current%20stage)/1%20-%20About%20the%20Project/2023_10_06_Denman%20HAPC%20Terms%20of%20Refere%20nce%20FINAL.pdf)

Shared values we took into account in making our recommendations

1. The members of the HAPC are close in our alignment on the central goal of our work - to increase the *availability of non-precarious affordable* housing on Denman Island, as much as possible, as soon as possible.
2. We agree that *ecological sustainability* is a high value, while acknowledging that there is a complex balance to be struck between the development of more affordable housing and ecological considerations.
3. We agree that some affordability criteria need to be in place. There is disagreement about how to achieve affordability in specific types of housing.
4. We agree that all housing options should be '*livable*', while acknowledging that people should be free to choose what is 'livable' to them, including living with simple services like an outhouse and a wood stove.
5. We believe the Denman Island community should support self and community reliance.
6. We agree that *relationality* (creating and maintaining good relationships with each other, the land and water, and our non-human neighbours) and *humility* are important values to practice daily as settlers on Indigenous land.
7. The issue of *enforcement* is complex. We agree that enforcement should be limited, more respectful, and more humane.
8. We agree that, to the greatest extent possible, bylaws and their associated processes should be as simple, efficient, and easy to understand as possible.
9. We agree that those who have been subject to enforcement actions may need community support afterwards.

Our Recommendations for Changes to the Denman Land Use Bylaws and Official Community Plan

After several months of weekly meetings; consultation with many community members in person, at our meetings, and through correspondence (See Appendix 3: Community Consultation); and extensive discussion - the Denman Housing Advisory Planning Commission has agreed upon the following recommendations to the Denman Island Local Trust Committee.

Further details and supporting discussion can be found in Section 3 of this Report, in

1. Create housing options

- a. Legalize all existing affordable housing
- b. Encourage landowners to convert existing buildings into affordable housing and allow new builds
- c. Allow Accessory Dwelling Units including tiny homes, yurts, and trailers in all zones except for conservation, park, R4, and the water zones. This could be done through pre-zoning, and/or through Bonus Density Zoning linked to affordability
- d. Allow secondary suites all zones except for conservation, park, R4, and the water zones
- e. Allow room rentals in all zones except for conservation, park, R4, and the water zones
- f. Allow secondary Dwelling Units in all zones except for conservation, park, R4, and the water zones. This could be done through pre-zoning, and/or through Bonus Density Zoning linked to affordability.
- g. Change some of the requirements for Primary Dwelling Units
- h. Ensure affordability
- i. Allow residential options within a vital downtown

2. Remove red tape slowing down approvals for much needed housing

- a. Remove the temporary use permit as a condition for housing
- b. Eliminate the Density Bank
- c. Align Denman residential options on Agriculture Land Reserve (ALR) land with the maximum number of Dwellings allowed under Provincial Agricultural Land Reserve regulations
- d. Support multi-tenant affordable housing projects and advocate for streamlining their approval
- e. Investigate how pre-zoning might help to minimize the amount of time and money that are required to implement new zones and housing options.

3. Minimize the environmental impact of housing.

- a. Require a maximum Combined Floor Area to minimize housing impacts
- b. Require rainwater catchment to preserve ground water
- c. Encourage re/use of existing buildings, and alternative forms of housing
- d. Encourage the use of natural building materials and “off-grid” systems

- e. Encourage and promote conservation-focused innovation in new affordable housing developments
 - f. Preserve and enhance public walkways and cycle paths
 - g. Allow as many safe and affordable ways of dealing with human waste as possible
- 4. Ensure enforcement is trauma informed and respectful of human rights, while focusing on short-term vacation rentals and environmental issues**
- a. Require minimum 24 hours notice before any site visits by a Bylaw Enforcement Officer
 - b. Require all Bylaw Enforcement Officers to undergo Trauma Informed Practice training (e.g. through the Justice Institute)
 - c. Investigate alternative bylaw complaint processes that are based on principles of restorative and community justice
 - d. Priorities about bylaw enforcement (content and penalties) are to be decided and changed by Denman Islanders
 - e. Enforcement actions must not be taken against a person's housing - regardless of what type of housing
 - f. All bylaw complaints must originate from an island resident and must be accompanied by the complainants full name and contact information. Anonymous complaints will not be accepted or processed
 - g. Ensure bylaw enforcement officers do not have more power than police officers in attending properties
 - h. Denman Local Trust Committee should form a commission to review and make recommendations about bylaw enforcement practices
- 5. Create new zones to facilitate faster development of long-term affordable dwelling units using either a land-sharing or a landlord tenant model. The proposed new zones include:**
- a. 'ECO' Zone
 - b. Tiny House Zone
 - c. Medium Density Multi-Family Zone
 - d. Home Based Assisted Living Zone
- 6. Simplify and clarify the Official Community Plan and the Land Use Bylaw**
- a. Update and amend the Official Community Plan and Land Use Bylaw
 - b. Increase community engagement around housing-related issues
- 7. Our Recommendations for Advocacy on barriers to affordable housing that are outside the scope of the Denman LTC / Islands Trust**

Our Recommendations for Bringing Denman Bylaws Into Compliance with Relevant Provincial and Federal Laws

Local governments in British Columbia have a critical obligation to uphold the human right to housing, as enshrined in international, federal and provincial human rights instruments. This obligation encompasses various responsibilities, including zoning and land-use planning that promotes affordable and inclusive housing, preventing discriminatory practices in housing, supporting the development of social housing, and ensuring that homelessness is addressed through adequate shelter and support services. Local governments must work collaboratively with other levels of government and stakeholders to create policies and initiatives that foster access to safe, secure, and affordable housing for all residents, while actively combating homelessness and housing inequality.

Section 473 of the Local Government Act states that:

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

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

Our recommendations above can be used all or in part to form the basis of Denman Island's housing action plan.

Section 2: History and Current State of Housing on Denman Island

Background

In March of 2021, 541 residents petitioned the Local Trust Committee to “put a moratorium on the enforcement of land use bylaws, that would result in eviction, until an OCP review was completed; a review of housing regulations completed; and craft relevant and community centered Land Use Bylaws (LUB) that support and prioritize affordable housing options, sustainable and environmentally sensitive approaches to any development, and reflect the needs of a healthy and diverse community.” This was followed by a second petition in 2022 signed by 601 residents asking “that the land use bylaw and OCP be aligned with the Provincial Agriculture Land Reserve regulations allowing secondary dwellings on all ALR Lands.”

A housing review was commissioned to look at what was needed to implement the recommendations of the *Housing Needs Assessment: Northern Region of Islands Trust (final June 21, 2018)* report and what should be done to the Denman Island Official Community Plan (OCP) to meet the requirements of Section 473 of the Local Government Act. The Denman Island Housing Review Recommendations Report was presented to the Local Trust Committee by the Vancouver Island University (VIU) Mount Arrowsmith Biosphere Region Research Institution (MABRRI) in April of 2023.

The Local Trust Committee formed a community based Advisory Planning Commission on Housing, which began meeting in July of 2023. The LTC asked the Commission to conduct a focused review of “Denman Island Land Use Bylaw No. 186 and Official Community Plan No. 185, focusing on housing, with the goal of increasing options for affordable and attainable housing while also minimizing the impacts of housing generally to better protect the environment while supporting equity, diversity and inclusion”

The Commission’s Goal and Approach

The Commission's goal was to look for key Official Community Plan and Land Use Bylaw level solutions to the growing affordable housing challenges that we are facing on Denman Island. This involved a structured and interactive public consultation.

Over the summer, we held weekly round table public meetings focused on specific topics that we adjusted as we went. These meetings were announced in community papers and on the facebook community bulletin boards. Most weeks we had 1-6 people attend and participate in our meetings. There was room at our table for every member of our community to come and share what they had to say about housing, and to witness and participate in our discussions about various aspects of Denman Housing.

We specifically invited the Denman Housing Association; Denman Community Land Trust Association; Denman Housing Action Group; CoHo and; the Denman Conservancy Association to participate. Quite a few members of the housing groups

attended our weekly meetings. Their participation and experience were invaluable. We also encouraged Denman Island people to attend Local Trust Committee meetings and explain their concerns directly to the Trustees and staff.

We carefully reviewed:

- Official Community Plan and Land Use Bylaw documents;
- Denman census data to identify our current status and housing needs;
- 20 years of housing studies, including the recent MABRRI report of 2023; and
- Islands Trust identified options from the draft Islands Trust Housing Options Toolkit June 2023.

From this, we identified key topics that have formed our strategy, researched them, identified options and from the options formed our recommendations.

Denman Islanders Told Us

The experts about the challenges we are facing as a community are the people who live here. Here are some of the highlights of what people have said - both to us and directly to the Local Trust Committee.

1. We have a Serious Problem with Housing on Denman

“With the system set up right now, it is punishing the most vulnerable members of our community and the people who are trying to help. It's unacceptable. What we need is an overhaul of all the housing related bylaws and barriers and all barriers to people's human rights to housing need to be abolished.” July 25, 2023 LTC

“I was born on Denman 27 years ago... I'm lucky enough to have semi stable housing... I came here to raise my daughter in the place where I was born. I look around and I see a beautiful island with enough space to comfortably house everyone who wants to live here, and everybody who has lived here for decades. And I also look around and I see seniors living in their cars. People living in places with no plumbing and no electricity. Struggling to stay warm. And as people have lived here for 30 years and they have worked on Denman for 30 years. And I see people moving here from Vancouver, buying \$1,000,000 homes. And it's not right.” LTC April 4, 2023

“We need to change what we're doing on Denman. We've become a very insular, rich separated community and I feel actually, through my work at the school, how things have changed, and the young people aren't being supported and it's a really difficult place to have a family. It's a difficult place to have housing. It's a difficult place to access resources and basically everyone has the right to affordable housing ... Right now we have the power to change that and I'd like to help the way I can.” HAPC Sept. 5, 2023

“I've done Denman for 30 years now and I've seen all sorts of manner of housing in that time, whether it was places I was living in, friends living in or whatever. And I have

unfortunately watched a lot of people move off this island because they couldn't have housing. There's just been an incredible amount, mostly younger people but older people as well. It's just there's no housing, so... Well not affordable housing anyway." HAPC Sept. 5, 2023

2. This has an Impact on our Children and Elders

"Trust documentation says preserving and protecting island communities. You're not doing it. You're missing the mark. You're not here in the community. These are our children. These are our elders. There's so many elders living in housing insecurity right now. These are our community. We care. If your reports do not reflect us, they are invalid. You are engaging in systemic oppression. Please look at the fact that these are human beings. These are our children, our US, our elders. Too long. It's too long. These things take time. 20 years is too long." LTC July 25, 2023.

"I am here for the social and emotional wellness of the people of this community because I see things happening with the children. They are living in circumstances where there's love and there's connection. There's all of those good things. But there's also an overload of stress on the parents and the single parents that are trying their damndest to provide a house for their children and then their children are coming to school. They're failing. So this is what I'm seeing."

- HAPC Aug 22 2023

"Our seniors who have come here to live out their dream life and they need support. So if we do not have housing for those people who are providing that support, we do not have the infrastructure to support the elders who live with us and among us. Not even talking about people who are also under additional barriers of mental health issues that are created by the system" – HAPC Aug 22, 2023

3. This has an Impact on Working People

"And then I ended up living in a school bus. My kids and friends ... liked that ... but they're not allowed to do that now. ...I worked at the store for 11 1/2 years. Before that, I worked at restaurants. Volunteering. ... They don't know people that can work at the store anymore because there's no housing. Nobody can work. No housing. Nobody can work in the cafes because there's no housing. ... our kids want to live here ... but they can't. So ... we need to change. We've been saying this for the whole time I've been living here, over and over and over again. Do something." LTC July 25, 2023

I find myself in a position now where I can't find housing...I have done supporting people while they're dying. I have worked in the Guest House. I have volunteered. I've got children that I love. I retrained to be a paramedic and work at the ambulance station or drive the school bus. And having a motorhome that's 40 years old, I've got no choice... It feels like it's like you're fighting this battle. It's exhausting." ... I don't shower at my house. I've got a hose... I go to places to do laundry. I have to conserve my water. I can't grow a garden because it's not enough water at my place ...Where's my choice, right? I've contributed my entire life. ... I don't know. I don't know what the

solution is.” LTC April 4, 2023

4. We want to be part of the Solution

“In my opinion, the quickest and easiest way is to ... remove restrictions on secondary housing on whatever zoning you decide. At least everything 2 acres and up should automatically be allowed secondary housing. And just doing that would enable landowners to do what we want to do --- to provide housing for people. ... Even if you didn't do anything else, you know it would make a huge difference.” LTC July 25, 2023

“We have land, we have water. We want more people on our land with us. ... So, if we can find a way to get there, that's less than 10 or 12 years from now ... we want to do it. We have building skills. We have lumber. We have trees. ... We got enough land. We're lucky enough. We're very fortunate. ... Not everyone's going to want to do it. So this fear that, oh my god, we're going to turn into this -- everyone's going to grow like Salt Spring or something. It ain't gonna happen because the vast majority ... But yes, help people finance those kind of improvements. Yes. Look at innovating. ... We're off the grid, so we provide our own power. Let us do it. Just let us do it and actually give us a hand to do it and encourage us to do it... “LTC July 25, 2023

“...we live on what I consider a large lot, 50 acres, and we would like to be able to share it with other people and single family. You know the rezoning ... I just don't think it's necessary. I think it's appropriate and I think we should be able to allow people to live reasonably with composting toilets and, you know, low water use and all that sort of stuff. There's lots of ways to do those things. So I would like to be able to offer other people the luxury that I have.” HAPC Aug 22, 2023

“I would like to ask what the procedure would be to implement the referendum to ask the residents ... If there's a group we would be willing to collectively fund a land acquisition fund to strictly be used and sole purpose to purchase property for affordable housing similar to what was charged with City West. ... I would like to be asked if we were okay with doing it to help our friends and neighbors who desperately need both and I think it would help possibly remove for profit land development which when the density gets locked. ... We see the \$1,000,000 homes get built. We don't see affordable housing get built. So we're gonna need to do something else.” LTC July 25, 2023

Current State of Denman Island Housing

The data backs up what people have to say. This is what we look like in numbers.

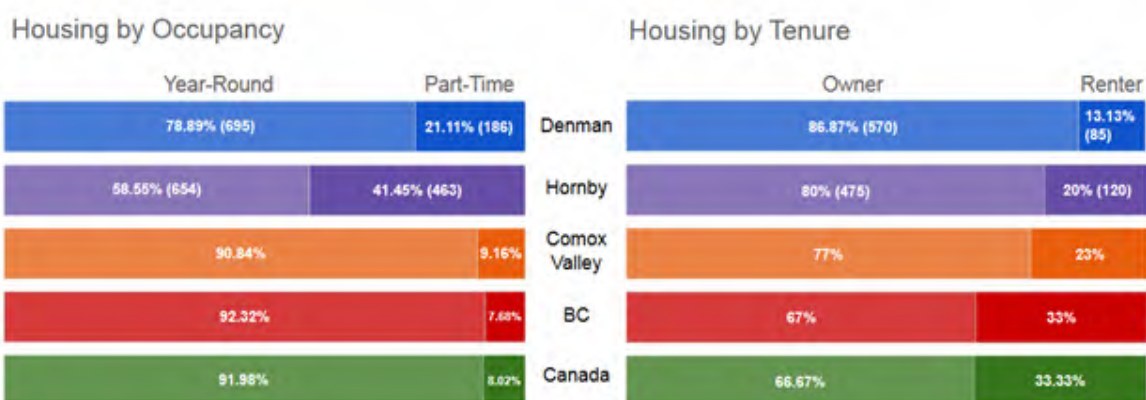
Denman Housing Profile

There are a total of 881 houses on Denman Island, according to the 2021 Census. *(Please note: most of this data is from the 2021 census. Census data historically undercounts people who do not have a legal fixed address.)*

Owners represent 87% of those housed and renters represent 13%. The percentage of rentals on Denman is much less than that in either the Comox Valley or in BC in general.

96% of Denman's occupied dwellings are single-detached houses. This is not typical. In the Comox Valley, 67% of homes were single detached homes and 42% in BC. The census of 2021 reported 5 semi-detached houses and 15 moveable dwellings on Denman. Moveables and semis only made-up 2 percent of Denman's occupied dwellings.

80% of people on Denman Island live alone or with one other person. The average household size is 2 people. 79% of homes are occupied year-round with 21% occupied part-time.



Source: Angeleah Hoepfner, *Denman Island 2023*.

Denman's housing stock is aging and 14.4% has been identified as needing major repairs.

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

Source: Peter Spurr. *Basic Housing Information Denman Island*, Denman Island January 28, 2022.

Housing Need

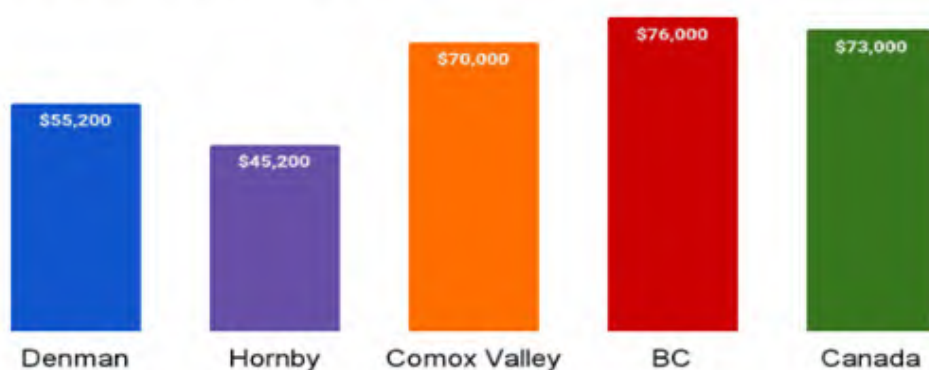
When basic housing is not readily available at a price people can afford, housing needs are not being met. The factors that are used to determine the level of housing need in a community include: income levels, population growth, housing availability and cost.

The 2021 Census found 16.7% of Denman Island's households were in core housing need. This means households were paying over 30% of income on shelter, their housing required major repairs and/or housing was deemed unsuitable for reasons of size etc. This is a higher proportion than the 11 percent on Hornby, 9 percent in the Comox Valley, and 13 percent in British Columbia. When we take a closer look at rental homes - 33% percent of tenant households are in core housing need with 28% spending 30% or more on housing. There is anecdotal evidence of “hidden homelessness” on Denman at this time (“hidden homelessness” describes people living at friend’s homes, in a vehicle, or other temporary housing arrangements)

Denman Income levels

21.6% of the Denman population is counted by StatsCan as low income compared to 10.3% in the Comox Valley and 10.8% in BC. Our median household after tax income is significantly lower than that of the Region or Province. 28% of renters and 13.6% of owners were paying over 30% of their income on shelter.

Median After-Tax Income of Household (2020)



Source: Angeleah Hoeppner, *Denman Island 2023*.

Population Growth

Denman Island's population was 1,391 according to the 2021 census. This represents a 19.4% increase over 1,165 people in 2016. Projecting population growth accurately can be complicated. The last of the baby boom is hitting retirement age. However, assuming

Denman's population continues to grow at the same rate, our population would be 1661 in 2026. With an average of 2 people per household this number is still well within Denman's zoning baseline.

The median age of Demanites is 62.8 compared to 50.8 in the Comox valley and 41.9 for BC. However, the biggest growth in age groups from 2016 to 2021 was a 47% increase in children aged from 0 to 14 years old. This was followed by a 25% increase in seniors.

Housing Availability and Price

Price to Buy on Denman

BC Assessment data reveals that in 2022 the average price of housing that sold on Denman was \$1,003,859. Averages are easily influenced by a few outlying transactions. The chart below shows a point in time for Denman listings.

Denman Island Real Estate Listings		Dec 21 2022
Address	Listing Price	Listing Price2
2201 tristone	1,550,000.00	1,550,000.00
2191 tristone	564,000.00	564,000.00
5415 thomas	989,000.00	989,000.00
6167 lacon	499,900.00	499,900.00
5825 northwest	1,228,000.00	1,228,000.00
4131 pinecrest	939,000.00	939,000.00
1220 swan	569,000.00	569,000.00
10801 greenhill		4,875,000.00
4791 east	825,000.00	825,000.00
2598 lacon	924,000.00	924,000.00
average	808,790.00	1,296,290.00

Source: Denman Island Housing Action Group, *Adequate Housing on Denman* February 7, 2023

In 2022, 10 sales involved lots that were less than 1.0 hectare. Their average sale price was \$902,000 with 3 of the sales over \$1.2 M and 5 sales at less than \$700,001. The most affordable sales were the 5 properties which were smaller than one hectare and priced below \$700,000.

"It is useful to observe the "affordability" of these houses. A \$700,000 house would require at least a \$45,000 down payment and an insured mortgage of over \$681,000. With current variable mortgage rates around 6.5% this would require monthly payments around \$4,500, with an annual PIT (principal, interest, and taxes) around \$58,000. 5 sales were priced above \$1.0 M. Three of these were on lots below 0.4 hectares in size." Information from BC Assessment data is taken from Peter Spurr. *Basic Housing*

Information Denman Island, Denman Island January 28, 2022.

The median after tax income for households on Denman was \$55,200.

Price to Rent on Denman

According to 2021 Census data the median monthly shelter cost for rented dwellings on Denman was \$670. Rent costs have soared across the Comox Valley in the last couple of years - following the trend in the real estate market. Recent offerings have been listed at significantly higher prices

Subsidized Housing

There are no government subsidized housing buildings on Denman. Some residents likely receive rent assistance based on age and/or income level. Denman Housing Association has been able to acquire land in the downtown core that will contain affordable rental units in the future. Denman Community Land Trust Association has recently announced that it is also able to acquire land to build a small seniors complex. Both organizations face many hurdles in what they know to be long, difficult and perhaps unnecessarily complicated processes. The challenges are well documented in Stephanie Slater's *The Challenges of Developing Affordable Housing*, Denman Community Land Trust Association, January 17, 2023 submission which is included in Appendix 3 - Community Consultation.

Current and Projected Housing Need

The 2008 Housing Needs on Hornby and Denman Island (Hornby Island Economic Enhancement Corporation, December 2008) identified a total housing need of 68 units for renters and seniors.

Housing Needs Assessment of Northern Region of Islands Trust (Dillon Consulting, June 21, 2018) identified a housing need of 80 affordable housing units based on an estimate of population growth which has now been exceeded.

The 2021 Census found 16.7 % of Denman households to be in core housing need. 16.7% of Denmans Island's 881 households - is equal to 147 households in core need in 2021.

Section 3: Review of Existing Reports and Consultation

Denman Island Housing Review Recommendations Report, March 2023 Vancouver Island University (VIU) Mount Arrowsmith Biosphere Region Research Institution (MABRRI)

The Denman Island Housing Review Recommendations Report considered strategies needed to implement the recommendations of the *Housing Needs Assessment: Northern Region of Islands Trust (final June 21, 2018)* report and the requirements of Section 473 of the Local Government Act to modify every OCP to include a local housing strategy. MABRRI completed a launch event, written community survey, and an invitational group with 9 community representatives. The language and design of the survey made it inaccessible to many islanders.

A listing of the detailed recommendations from the report is included in Appendix 4. We carefully reviewed MABRRI's recommendations and supplemented them with further research and local knowledge.

Twenty Years of Reports and Studies

Denman Island's housing needs have been well studied and documented. Since 2002, taxpayers have funded 10 separate public reviews and consultations involving housing. By and large the consultation results have been consistent. Whenever and however asked, most people on Denman wanted to see adequate affordable housing options for islanders that are environmentally sustainable. We want to live in an environmentally focused, rural place. We want to live in a diverse community. (see Appendix 5: Twenty Years of Housing Studies about Denman Island)

The 10 studies are listed below:

Four data reviews to identify growing community housing needs:

- **2008** Housing Needs on Hornby and Denman: Final Report;
- **2013** Affordable and Convenient Housing Needs on Denman: report by John M Roberts Management Consulting for the Denman Housing Association;
- **2014** Affordable Housing for Seniors on Denman Island by Stephanie Slater for DCLTA; and
- **2018** Housing Needs Assessment: Northern Region of Islands Trust (final June 21, 2018); Dillon Consulting for Islands Trust

Two studies address the need for farm worker and secondary housing on ALR land:

- **2013** Rural Affordable Project Final Report; Ecofocus Environmental Consultants for The Rural Affordable Project of the Denman Community Land Trust Association

- **2022** Denman Island Farm Regulations Review: Engagement Summary and Key Directions by Upland Agricultural Consulting and the Investment Agricultural Foundation

Four advisory studies to assess Denman community support for housing options:

- **2002-03:** Accessory Dwelling Advisory Committee: Recommendations to the Island Trustees January 23, 2003;
- **2013** Denman Housing Needs Summary Report of August 25th Community Information Meeting (*aka Cooking Up Housing Consultation*);
- **2018** Denman Community Design Charrette: Vancouver Island University Community Planning for Denman Local Trust Committee commissioned ; and
- **2023** Denman Island Housing Review Recommendations Report, Mount Arrowsmith Biosphere Region Research Institution (MABRRI)

Challenges and Barriers to Affordable Housing

“Housing health means having a home to start with. Your home is clean and dry, pest and mold free, it is an appropriate size for the number of people in your family. It has access to clean potable water and light after dark. It is warm in the winter and is affordable.” Angeleah Hoepfner *Denman Island Profile 2023*

On Denman we are challenged to meet this basic standard of community health for a significant portion of our population.

We can't depend on the government to meet our housing needs. Housing programs in the CVRD (Comox Valley Regional District) are blocked from implementation on Denman Island, due to the jurisdictional overlap with the Islands Trust. Currently, the responsibility for financing and implementing appropriate solutions to our well-known and long studied dire housing crisis appears to fall through the cracks.

However, Section 473 of the Local Government Act requires us to have a plan to meet our housing needs over the next 5 years, that plan needs to be part of our Official Community Plan, and it must be updated every 5 years. So here we are.

Some of the challenges that we are facing are driven by a wave of gentrification that has sent housing prices up and the supply of housing - that Denman community members can afford - down. The demand for rental housing is high. The price to buy is out of range for most people on Denman. We have an inadequate supply of safe, stable affordable rentals. It is more profitable to sell than to use a property as a rental. Lack of secure tenancy can lead to homelessness, particularly for women, single parents and gender diverse people. A lack of affordable housing means workers leave the island and it is increasingly challenging for employers to find staff. Once someone is unhoused it becomes increasingly difficult to access housing.

Housing costs have increased, so for many in our community, food budgets are

reduced. Unstable housing means a lack of access to land for growing food. We do not have any community gardens. Our food bank is stressed to meet the needs and has to make hard decisions about what it can provide. Food is expensive on island. To travel off island for food is expensive and time consuming. Housing and food cost inflation is pushing more working people into poverty decisions. This in turn affects human health and the protection of our environment.

Many homes do not have access to safe potable water. Most islanders are not served by a community water system. Both owners and renters may be unable to afford a cistern and water collection and treatment system.

While the enforcement of “illegal” housing is currently on hold, the threat is always hanging over people’s heads. The Denman Island Local Trust Committee directed (through Standing Resolution DE-056-19 - and every year since) Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless: 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

However, site inspections for the purpose of gathering information and communication with property owners can continue. People, who house others on their land and those who are housed this way, can continue to be subject to surprise visits and feeling intimidated at their homes. Islands Trust bylaws and enforcement practices unintentionally reinforce economic inequity in our community. The Bylaw Enforcement Notification (BEN - fine of \$500-750/month of infraction) disproportionately affects those with lower and fixed incomes.

People who opt to live hidden away to avoid being harassed are deprived of access to community support and services critical for their physical and mental well-being. This makes it more likely for people to fall through the cracks and for their health to decline..

There is no public housing on Denman. Our median age is 62.8 – there is no seniors housing or assisted living facilities. After decades of countless hours by dedicated community volunteers to put affordable and accessible housing in place, there are few homes built. We would be hard pressed to find a resident of Denman who has not contributed to the dream of safe housing for our elders and community at large. In spite of all obstacles, the work continues.

Existing housing bylaws block individual community members from- compassionately dealing with the challenges we are facing as a community. We Denman Islanders are the stewards of a beautiful island whose ecology we all want to protect, and a diverse community who holds together time and again. We have the capacity to meet these challenges.

Section 4: Recommendations to Meet our Challenges

Our recommendations to meet these challenges were included in the Executive Summary. Here we repeat and expand upon those recommendations and provide further discussion. Many of our recommendations are supported by Tool #3 of the Islands Trust DRAFT Housing Toolkit). Tables from Tool #3 are identified and included after detailed relevant recommendations.

1. Create housing options

- a. Legalize all existing affordable housing
- b. Encourage landowners to convert existing buildings into affordable housing and allow new builds.
- c. Allow Accessory Dwelling Units including tiny homes, yurts, and trailers in all zones except for conservation, park, R4, and the water zones. This could be done through pre-zoning, and/or through a Bonus Density for affordability
- d. Allow secondary suites in all zones except for conservation, park, R4, and the water zones.
- e. Allow room rentals in all zones except for conservation, park, R4, and the water zones
- f. Allow secondary Dwelling Units in all zones except for conservation, park, R4, and the water zones. This could be done through pre-zoning, and/or through a Bonus Density for affordability
- g. Change some of the requirements for Primary Dwelling Units.
- h. Allow residential options within a vital downtown
- i. Ensure affordability

2. Remove red tape slowing down approvals for much needed housing

- a. Remove the temporary use permit as a condition for housing
- b. Eliminate the Density Bank
- c. Align Denman residential options on Agriculture Land Reserve (ALR) land with the maximum number of Dwellings allowed under Provincial Agricultural Land Reserve regulations
- d. Support multi-tenant affordable housing projects and advocate for streamlining their approval
- e. Investigate how pre-zoning might help to minimize the amount of time and money that are required to implement new zones and housing options.

3. Minimize the environmental impact of housing.

- a. Require a maximum Combined Floor Area to minimize housing impacts
- b. Require rainwater catchment to preserve ground water
- c. Encourage re/use of existing buildings, and alternative forms of housing
- d. Encourage the use of natural building materials and “off-grid” systems

- e. Encourage and promote conservation-focused innovation in new affordable housing developments
 - f. Preserve and enhance public walkways and cycle paths
 - g. Allow as many safe and affordable ways of dealing with human waste as possible
- 4. Ensure enforcement is trauma informed and respectful of human rights, while focusing on short-term vacation rentals and environmental issues**
- a. Require minimum 24 hours notice before any site visits by a Bylaw Enforcement Officer.
 - b. Require all Bylaw Enforcement Officers to undergo Trauma Informed Practice training (e.g. through the Justice Institute).
 - c. Investigate alternative bylaw complaint processes that are based on principles of restorative and community justice.
 - d. Priorities about bylaw enforcement (content and penalties) are to be decided and changed by Denman Islanders
 - e. Enforcement actions must not be taken against a person's housing - regardless of what type of housing.
 - f. All bylaw complaints must originate from an island resident and must be accompanied by the complainants full name and contact information. Anonymous complaints will not be accepted or processed
 - g. Ensure bylaw enforcement officers do not have more power than police officers in attending properties.
 - h. Denman LTC should form a commission to review and make recommendations about bylaw enforcement practices.
- 5. Create new zones to facilitate faster development of long-term affordable dwelling units using either a land-sharing or a landlord tenant model. The proposed new zones include:**
- a. 'ECO' Zone
 - b. Tiny House Zone
 - c. Medium Density Multi-Family Zone
 - d. Home Based Assisted Living Zone
- 6. Simplify and clarify the Official Community Plan and the Land Use Bylaw**
- a. Update and amend the Official Community Plan and Land Use Bylaw
 - b. Increase community engagement around housing-related issues
- 7. Our Recommendations for Advocacy on barriers to affordable housing that are outside the scope of the Denman LTC / Islands Trust**

1. Create housing options

We recommend redefining how Dwelling Units are understood and referred to, in order to support inter-generational living, shared land ownership and access to affordable housing for more people than is currently provided by the 'Single Family Dwelling'. This is in keeping with how we actually live on Denman Island.

We recommend that each of these types of housing be treated in a slightly different way. The following table comes from the Islands Trust Housing Toolkit, and is presented here to provide some context for our recommendations.

Accommodate Aging in Place	Introduce sufficiently flexible residential zoning provisions so that elderly people can stay on their properties longer. The mechanisms to do this are largely addressed elsewhere in this options document in secondary suites, ADUs, SDUs and flexible housing/zoning.	LUB Zoning - Seniors housing
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Recommendation 1a: Legalize all existing affordable housing

There are many nonconforming homes on Denman that are in use today as rentals. Our recommendations below on accessory dwelling units, secondary suites, rooms and secondary dwelling units should allow them to remain in place legally. However, there may be exceptions that do not fit our definitions. We do not want existing built affordable housing that is being used today to be disallowed under new bylaws.

There is a precedent in the existing bylaw that was written to avoid properties falling into the restrictions for legal nonconforming status. It deals with undersized lots which existed prior to the minimum lot size being established.

Where a lot exists prior to the effective date of this bylaw and the area of such a lot does not conform to the minimum lot area established in Part 3 relating to subdivision control, such a lot may be used for any of the uses permitted in the zone in which the lot is situated, subject to all of the other regulations for that zone and provided the provisions of the Health Act and attendant regulations have been met. (2.1) 16

We recommend that a bylaw is drafted using this precedent to ensure existing affordable rentals are allowed.

Recommendation 1b: Encourage landowners to convert existing buildings into affordable housing and allow new builds

Preserving existing structures, with their cultural and historical significance, adds to our island's character, enhancing its appeal to visitors and residents alike. This strategy promotes local economic development by creating jobs in construction and related industries, while also accommodating the needs of a growing or changing population. By expanding the supply of affordable housing options, this approach ensures that islanders, including essential workers, can live and thrive in our community, fostering a more sustainable and resilient island economy and way of life.

Recommendation 1c: Allow Accessory Dwelling Units including tiny homes, yurts, and trailers.

This could be done through pre-zoning, and/or through a Bonus Density for affordability.

Allow accessory dwelling units in all zones except for conservation, park, R4, and the water zones, either through pre-zoning or through Bonus Density Zoning for affordability

In order to qualify for an accessory dwelling unit, all of the following must apply:

1. All properties in all zones (except for conservation, park, R4, and the water zones) qualify;
2. All requirements of the Tenancy Act apply;
3. Space occupied by the accessory dwelling unit is a maximum of 37m² (400 ft²);
4. The accessory dwelling unit must have a dedicated cistern of 13,000 litres for rainwater catchment;
5. Affordability measure: if using Density Bonus Zoning accessory dwelling units must be rented at an “affordable rate”, as determined by formula (example in Appendix 1: The Imperative of Affordability In Housing Our Community) at initiation of tenancy;
6. Or be used to house family members;
7. If tenant supplies their own accessory dwelling units (ie. Tiny Home, yurt, etc) then “pad space” can be rented up to x% of “affordable rate” as determined by formula (example in Appendix 1: The Imperative of Affordability In Housing Our Community) at initiation of tenancy;
8. Or be used to house family members.

The following tables come from the Islands Trust Housing Toolkit, and are presented here, with some modifications, to provide context for our recommendations.

Accessory (Alternative) Dwelling Units (ADUs)	Permit Accessory (Alternative) dwelling units that do not presently comply with BC Building Code, such as tiny homes on wheels, yurts, and recreational vehicles, as either principal or accessory dwelling units. (This	LUB Zoning Form/Use
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	recommendation has been modified to reflect our use of the term Accessory Dwelling Unit in this report. All other details remain the same.) LTCs should be aware that regional districts with building permitting authority are unlikely to be supportive of such a policy change and that Islands Trust has a mandate to work in cooperation with regional districts and other agencies.	
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Recommendation 1d: Allow secondary suites in all zones except for conservation, park, R4, and the water zones.

Replace current definition of Secondary Suite with: Secondary suite means an accessory, self-contained dwelling unit, located within a building that is a single real estate entity which otherwise contains a primary dwelling unit;

1. Secondary suites should be permitted in all zones except for conservation, park, R4, and the water zones;
 - a. Short term vacation rentals are not allowed as per existing bylaws. However, bed and breakfasts are allowed as per current bylaws.
2. Remove the following requirements from the bylaw
 - a. There is a maximum of one secondary suite permitted per lot;
 - b. The secondary suite shall have an external access only which is separate from that of the principal dwelling;
 - c. The floor area permitted for a secondary suite is no more than 40% of the floor area of the dwelling unit to a maximum of 90 square metres;
 - d. One off-street parking space is provided for the exclusive use of the secondary suite (Replace with "Sufficient off-street parking for all residents be provided.")
 - e. Also remove residential parking requirements under 2.5 (16) and replace with the above.
3. Retain (amend) the following requirements from the current bylaw:
 - a. Either the dwelling unit or secondary suite is the full-time residence of the owner of the dwelling unit; or the dwelling unit or the secondary suite is the full-time residence of a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbors arising from the occupancy of the property;
 - b. The secondary suite is contained within the walls of a permitted dwelling unit;
 - c. The secondary suite is not subdivided from the principal dwelling unit under the Land Title Act or the Strata Property Act."
 - d. 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 and that a hook up to the water system is to be granted.

Recommendation 1e: Allow room rentals in all zones except for conservation, park, R4, and the water zones

Add the following requirements:

1. Either the dwelling unit is in the full-time residence of the owner; or the dwelling unit or a room is the full-time residence of a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbors arising from the occupancy of the property;
2. The room is contained within the walls of a permitted dwelling unit;
3. The room is not subdivided from the principal dwelling unit under the Land Title Act or the Strata Property Act.
4. Sufficient off-street parking for all residents is provided.

Recommendation 1f: Allow secondary dwelling units in all zones except for conservation, park, R4, and the water zones.

This could be done through pre-zoning, and/or through a Bonus Density for affordability.

Replace the current definition with: *dwelling unit; secondary* means a dwelling that has an engineered foundation and is separate from a primary dwelling unit on the same property and has cooking, sleeping and living facilities;

In order to qualify for a Secondary Dwelling Unit (SDU) all of the following must apply:

1. Property must be .4 hectares or larger;
2. Allowed in all zones except for conservation, park, R4, and the water zones;
3. Either the primary or secondary dwelling unit must be occupied as a full-time residence by the owner or a person other than the owner who has responsibility for managing the property, including dealing with complaints from neighbors arising from the occupancy;
4. Must fit within the Combined Floor Area for the property;
5. The SDU must have a dedicated cistern of minimum 13,000 litres for rainwater catchment as per table (in Environment section 3a); *This requirement is encouraged, but waived if a property is already serviced by a community water system, or if the operator of the community water system has provided written confirmation that a hook up to the water system is forthcoming.*
6. All requirements of the Tenancy Act apply;
7. Eliminate the requirement that the secondary dwelling is within 60 meters of the principal dwelling.
8. **Affordability measure:** if using Density Bonus Zoning SDU's must be rented at a "fair market rate", as determined by formula (example in Appendix 1: The Imperative of Affordability In Housing Our Community) at initiation of tenancy;
9. Or be used to house family members;

Recommendation 1g: Change some of the requirements for Primary Dwelling Units.

Replace '**Single Family**' Dwelling with '**primary**' Dwelling in LUB
replace current definition with: *dwelling unit, primary* means a building containing one dwelling unit;

Our recommendations:

1. Allow a Primary Dwelling Unit in ALL zones except for conservation, park, R4, and the water zones
2. All newly built or newly placed Primary Dwelling Units (and any new residence on Denman Island) are required to have a minimum of 13,000L of rainwater catchment. Size of catchment graduates with size of house as per table in "Environment". This requirement is encouraged, but waived if a property is already serviced by a community water system, or if the operator of the community water system has provided written confirmation that a hook up to the water system is forthcoming.
3. Maximum size of a Primary Dwelling Unit is determined by maximum combined floor area based on lot size, as per table in "Environment".

The following tables come from the Islands Trust Housing Toolkit, and are presented here, with some modifications, to provide context for our recommendations.

Permit principal residential use of currently non-residential lots	Permit under-used or unviable commercial or other-zoned properties to be used as principal residential.	LUB Zoning Form/Use
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Permit principal residential use of currently non-residential lots	Introduction of zoning that permits commercial zoned lots to be used for principal residential use should not contravene, and ideally be supported by, OCP policy.	OCP Zoning Form/Use
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Single-Family Primary Dwelling Variations	Introduction of zoning that permit SFD-like forms should not contravene, and ideally be supported by, OCP policy. Such policy could be brief and simple ("The LTC may introduce zoning to permit [insert desired housing form here] in the following land use designations") or more detailed to address specific community concerns that arise during the community planning process or identify the land use designations where the use could be permitted.	OCP Zoning Form/Use
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Recommendation 1h: Allow residential options within a vital downtown.

We recommend that:

1. The downtown Denman sections of the OCP and LUB be redrafted with a view to encourage a vibrant community centre that includes a mix of uses:
 - to build community connections and bring people together
 - to celebrate community events
 - to encourage artistic expression
 - to continue to develop the local economy
 - to provide needed homes and local services
 - and reduce dependency on off island services and businesses.
2. Residential uses to be encouraged as part of building a vital community centre. This includes residential buildings as well as suites and rooms that are a part of the downtown zoning mix of residential, commercial and institutional buildings.
3. Lot size and setback requirements be revised to balance the downtown nature and our rural community.
4. Advocate for IT and CVRD to work together to provide for water and sewage services to downtown.
5. All references to The Village in the OCP and LUB to be changed to Downtown Denman to reflect what people actually call the area and out of respect for the Indigenous people of this island who had a seasonal home at “Village Point” since time immemorial.

Downtown Denman is the social and commercial heart of Denman Island’s community. It includes community gathering spaces, services, shops, the school, as well as the museum and arts centre. It is centred around the Commercial zone and surrounded by community services zoned Institutional. Land rezoned R4 for Denman Green and Pepper Lane also forms part of this area. It is also a separate development permit area entitled: Development Permit area No. 5: The Village.

Downtown residents are within walking distance of the ferry, shops, and entertainment venues, making it an ideal location for those without private transportation and or mobility challenges of all kinds. Including residential use in downtown areas has been shown to increase safety and community cohesion.

Restrictions on the size of lots (not less than one hectare) and setbacks are not congruent with the stated objectives for small scale economic development as well as objectives under services, education and culture of the Official Community Plan.

Both water and sewage management capacity continue to be a challenge for downtown Denman. For this reason we are asking the Denman Island Local Trust Committee and the Comox Valley Regional District to work together to provide for water and sewage services to downtown.

Because this area spans so many sections in the OCP and Land Use Bylaws, making these changes becomes complicated. See discussion under section 6 point for specific OCP Changes suggested to do this.

The following table comes from the Islands Trust Housing Toolkit, and is presented here, to provide context for our recommendations.

ADUs/SDUs/ Secondary Suites permitted in non-residential zones	Permit non-residential zones to have some accessory housing where it is not currently permitted, or increase the number of units where it is already allowed. Educational, institutional, health care, commercial, industrial, even some park zones, could all accommodate housing. Consider removing the requirement in current bylaws that accessory dwellings may only be occupied by owners or employees of that associated business.	LUB Zoning - Density
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Recommendation 1i (a or b): Ensure affordability

How to ensure affordability and availability was the single most difficult issue for our Commission to come to terms with. At meeting after meeting, the results of further research were presented, options on how best to do this were explored and discussed. The members of the HAPC are close in our alignment on the central goal of our work - to increase the availability of non-precarious affordable housing on Denman Island, as much as possible, as soon as possible. However we were divided equally on how best to accomplish this. Our conclusion was to present these two options. Both options present risks. Risk management strategies can be developed and implemented. In the end our community needs to decide on a way forward.

Option 1h(a) - Affordability measures are an imperative (preferred by 2 of 4 members of the Commission)

The Commission was specifically asked to “focus on housing with the goal of increasing options for affordable and attainable housing”. Section 473 of the Local Government Act states that “(2) An Official Community Plan must include housing policies of the local government respecting affordable housing, rental housing and special needs housing.”

At least 16.7% of the households on Denman live in core housing need. There is an acute shortage of rental housing, and that which is available is not “affordable” by most

definitions. Real estate prices are beyond the reach of most Denman residents. Rental costs follow this market trend. Denman's housing emergency is getting worse. Affordability measures are not an option – they are an imperative for every level of government.

Our commission has explored a number of different ways communities can ensure affordability. We have looked at tactics from housing agreements to rental rate caps and from government incentives to legal penalties. In the end we recommend the following.

The Government of BC provides tools to assist local governments in meeting their affordable housing obligations. One such tool is Section 482 - **Density Bonus Zoning**. This “amenity zoning” allows additional density on a property in exchange for providing a 'community amenity' like affordable housing.

The BC government considers housing affordable if it costs no more than 30% of household income before taxes. This is a standard and widely accepted definition. Typically the formula to determine “affordability” uses census and/or other income data to determine the **Area Median Income** and multiplies that by 30%. (CMHC table, and formula details, can be found in Appendix 1: The Imperative of Affordability In Housing Our Community)

Rates are based on the size of a dwelling unit in geographic areas. Rates are set annually by CMHC (Canada Mortgage and Housing Corporation) They are used by provinces to determine affordable and fair market rental rates.

In brief, we recommend that:

1. Using Density Bonus Zoning - All properties (above .2ha in size) in: R1, R2, R3, A, F, RE, C, L, IN be permitted one (or more) “affordable” accessory dwellings ADU; and “fair market rent” secondary dwellings SDU, as per the allowable maximum Combined Floor Amount introduced in recommendation 3.1 of this report.
2. *Clauses* identified as “**affordability measure**” in this document, and formula in *Appendix 1 – The Imperative of Affordability In Housing Our Community* be used to provide more detail on how to apply Density Bonus Zoning.
3. The LTC ask Islands Trust to advocate to include Denman Island in any and all incentive funding the BC government has available now and in the future, to assist homeowners and non-profits with creating and maintaining affordable housing.
4. The LTC advocate to the Province for inclusion of Denman Island in any and all rebates, tax redistribution, revenue allocation, or other programs the BC government has available now and in the future to assist with building and maintaining affordable housing.

Risks of ensuring affordability

1. The high cost of building materials may result in fewer dwellings being built.

LTC can mitigate this by encouraging local builders and other knowledge keepers, and sponsoring education about sustainable and cost-effective building practices (cob houses, diy, earthbag, cordwood); renovated buildings and non-building housing options (barns, buses, shipping containers, trailers, etc); collection and repurposing of salvaged materials (old doors, windows, wood and fixtures) which can significantly reduce construction costs while adding character; innovation and efficiency in housing construction (hempcrete, 3d printing); new methods and technologies to reduce costs (prefab tiny home, kit houses).

2. Existing housing options may be taken out of rental supply for fear of profit/income loss due to rent limits.

Mitigate by encouraging and educating about government incentives and subsidies for affordable housing projects. These incentives can help offset the initial investment and ensure a reasonable return on investment while contributing to community well-being. Investing in affordable housing can make our community more stable and productive, which, in the long term, can be more profitable. Affordable housing supports a cross-section of people in a community - island workers, children, elders, artists, disabled and other valued residents. While the returns on affordable housing investments might be modest in the short term, as a sustainable and enduring income stream, they can be steady and reliable over the long term.

The following tables come from the Islands Trust Housing Toolkit, and are presented here to provide context for our recommendations.

Multi-Family Density Bonus	In suitable areas the LTC could introduce density bonus regulations that establish a base permitted density, as well as a provision for additional density in exchange for a contribution of affordable housing.	LUB Zoning - Density
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Multi-Family Density Bonus	If LTCs plan to proactively rezone specific Island areas to allow multi-family zoning with a provision for additional unit density contingent on a specified provision of affordable housing, the OCP should have supportive policies that establish the criteria by which suitable land will be identified and guidance regarding the market/non-market unit mix and affordability expectations.	OCP Zoning Density
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Option 1h(b) Affordability is a complex and nuanced topic with multiple tradeoffs (preferred by 2 of 4 members of the Commission):

This option is preferred by those members of the Commission who believe that the density bonus scheme suggested in Option 1 is unlikely to be seen as an adequate incentive to create new housing by landowners, especially in the context of rent controls. With little to no new housing on the market, it is quite possible that there will be fewer, rather than more, affordable places for people to live.

These members are also concerned that land owners may be unable or unwilling to retain existing housing in the context of rent controls, strict requirements for water catchment, and upgrading dwellings. Instead, they may simply take an existing “unlawful” rental unit off the market. This could result in people losing their homes. That outcome is not in keeping with the intention of the HAPC to find ways to create more affordable, non-precarious housing on Denman Island.

While acknowledging the complexity of making economic predictions, particularly in the context of ‘imperfect’ markets like those on Gulf Islands, these Commission members feel that increasing the supply of rental housing is the only way to produce more affordable housing in the long term.

The risk of this option is that more housing will be created, but it will not be seen as ‘affordable’ under some understandings of that term. This highlights the importance of a shared definition of affordability, since if there is no such shared definition, it will be impossible to agree that the housing that has been created is in fact ‘affordable’.

The Commission members who support Option 1h(b) believe that what is at stake here, in terms of what happens on the ground, is who gets what kind of housing - how is any new housing split amongst tiers of the Denman income demographic? This seems to us like a political question much more than an economic one.

2. Remove red tape slowing down approvals for much needed housing

Recommendation 2a: Remove the temporary use permit as a condition for housing

Temporary Use Permits were originally meant to help meet the demand for affordable housing options on Denman. Temporary Use Permits did not perform as hoped, as it is unlikely that anyone is going to make a significant investment in building new housing in a situation that will be uncertain in 3 years. The MABRII report also recommended that we “Abolish Temporary Use Permits as a tool to regulate housing. (2.7)”

We therefore recommend that TUPs not be used for housing

Recommendation 2b: Eliminate the density bank

The goal of the Density Bank was to control the amount of development on Denman and still allow for the building of affordable housing. In reality, it created an extra layer of approvals to the already overburdened system. The density bank approval process did not look at the environmental impact of the building – this was reviewed elsewhere in the process. What people call the density bank is made up of 3 parts:

1. A baseline number. The baseline number was made up of the total of all the houses that were legally zoned and those that could be built under the zoning in October 2010. These were called densities. Densities were attached to each parcel of land. Existing secondary houses were not counted because they were not legally zoned. (826 legally zoned houses + 128 additional subdividable = 994 densities)
2. An additional 5% of those densities were set aside for affordable housing (49)
3. Any densities that were attached to land donated for conservation purposes were to be added to the bank for affordable housing. (This would mean that no one could then build on the donated land so there would be no impact on total number) We are currently awaiting Islands Trust info of any above the 13 cited in the OCP.

Date	Description	Densities Utilized	Densities Remaining
	5% Baseline Number		49
August 15, 2011	Existing coops/additional legal non conforming dwellings BL 199 & BL 200	14	35
September 24, 2013	DCLTA-Affordable Housing BL 204	1	34
March 31, 2017	Tempoary Use Permit DE-TUP-2016.2	1	33
September 27, 2022	DCLTA - Pepper Lane DE-RZ-2017.1	7	26
February 7, 2023	DHA/Pandesign - Denman Green DE-RZ-2021	19	7
Total Densities Remaining			7
Total new affordable housing built to date			2

We are recommending the density bank be eliminated because:

- The assignment of 5% for affordable housing was a purely arbitrary number. The number was not developed in relation to the carrying capacity of the island according to David Graham. Trustees Louise Bell, himself and the Chair at that time came up with the density bank.
- The baseline created did not include pre-existing “unlawful housing” that was already serving community needs.
- The Density Bank added an unnecessary layer of approvals which duplicated zoning restrictions. It has not assisted in the development of affordable housing – by adding an additional layer of approval it has, in fact, hindered the development of affordable housing.

- The baseline for the density bank does not include secondary homes allowed on Agricultural Reserve lands. A serious reconstruction of the baseline would have to be done to account for these homes.
- All jurisdictions in British Columbia are required, under Section 473 of the Local Government Act, to have a strategy to meet projected housing needs. The density bank would impede meeting Denman Island's current needs and projected needs.
- Approvals for existing land shares, Pepper Lane, Denman Green and 2 additional projects, (including 1 temporary use permit granted) have reduced affordable housing densities to 7. This means only 7 additional homes could be built using this tool.

Recommendation 2c: Align Denman residential options on Agriculture Land Reserve (ALR) land with the maximum number of Dwellings allowed under Provincial Agricultural Land Reserve regulations

In May of 2022, The Local Trust Committee was presented with a petition signed by 601 Denman residents requesting the following

1. Make bylaws 228 & 185 (OCP) and bylaws 229 & 186 (LUB) (Farming Regulations) align with Provincial Agricultural Land Reserve regulations by allowing secondary dwellings on all ALR lands;
2. Impose no restrictions beyond provincial ones, on these residential dwellings;
3. To ensure that these dwellings are not used for vacation and other short term rentals.

We recommend that all of the above be done.

The following tables come from the Islands Trust Housing Toolkit, and are presented here, with some modifications, to provide context for our recommendations.

Consistency with Agricultural Land Commission (ALC) regulations	Ensure that land in the ALR is zoned to permit maximum residential use in a manner consistent with current ALC regulations.	LUB Zoning - Agriculture
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Recommendation 2d: Support multi-tenant affordable housing projects and advocate for streamlining their approval

Community based multi-tenant projects for seniors and for affordable housing have been working to get approval for publicly sponsored housing on Denman for many years. They have been challenged to meet the demands of multiple regulatory bodies including those of Islands Trust both centrally and locally. Years have been spent on meeting the requirements to rezone property. For example, Denman Community Land Trust Association's rezoning for Pepper Lane took over 5 years to be approved. (see submission *The Challenges of Developing Affordable Housing*, Denman Community Land Trust Association under Appendix 3: Community Consultation). Denman Green's submission was analysed using two different policy checklists that covered in total 68 policies (42 items on a policy statement checklist and 26 different policies on the ITPS and OCP Policies list) See the lists in Appendix 3: Community Consultation

Denman's Official Community plan under Policy 28 places 9 additional conditions for subdivision approval for seniors housing alone. Seven additional conditions for subdivision have also been placed on the development for affordable housing in Policy 29.

All of these processes take time, expertise and money to complete. They make it increasingly difficult to get the kind of small scale community based and sponsored housing that we need.

For this reason we are asking LTC to support these community projects by:

1. Expediting approvals for affordable and seniors housing;
2. Remove policies 28 and 29 of the Official Community Plan;
3. Champion a rational re-engineered approach for approving subdivision for these projects where necessary;
4. Advocate to Islands Trust and to staff to support and expedite, in every way, current and future affordable housing projects. This includes opposing enhanced requirements such as those increasing costs by requiring an applicant to provide increased security by way of an irrevocable letter of credit.

The following tables come from the Islands Trust Housing Toolkit, and are presented here to provide context for our recommendations.

Application Processing	LTC's could pass a standing resolution to dedicate extra resources to land use applications for affordable housing projects.	Administrative Policy Options to Address Housing Need
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Recommendation 2e: Investigate how pre-zoning might help to minimize the amount of time and money that are required to implement new zones and housing options.

The members of the Commission had some discussions about the possibilities of pre-zoning, but did not come to any specific recommendations on this topic. One

member suggested that all properties above a particular size be pre-zoned for Tiny House and Eco Zone usages. An appropriate size here might be 10 acres, so as to ensure that there is adequate space for any project, while also taking into account the needs of neighbours for privacy.

One of the members suggested that all properties on Denman be pre-zoned for a certain number of ADUs, based on a Combined Floor Area model.

3. Minimize the environmental impact of housing

The Islands Trust has a mandate to preserve and protect the islands. Protection of our environment is critical. They are also responsible to island communities and are required to have a housing plan as outlined in Section 473 of the Local Government Act. This plan must include measures to protect the environment.

The **Denman Conservancy Association** has worked diligently for over 30 years to preserve, protect, maintain, and care for many acres of nature on Denman Island. Combined with what is held by the Islands Trust Conservancy (91 hectares) There is a total of 123 hectares of conservation being held by the Denman Conservancy Association. Add to that 800 hectares of provincial, regional and other parklands - and the perpetually protected lands on Denman Island cover very close to 25% of Denman Island.

Our recommendations below look to minimize the impact of housing islanders on our natural environment.

Recommendation 3a: Require a maximum Combined Floor Area to minimize housing impacts

The use of a Combined Floor Area approach (also known as distributed square footage) contains the total impact of buildings on a lot to a maximum combined size. Islands Trust policy requires local trust committees and island municipalities to, in their official community plans and regulatory bylaws, identify appropriate floor area and lot coverage limits for residential development in their planning area, in order to effectively minimize greenhouse gas emissions, cumulative effects, biodiversity loss, climate vulnerability, and destruction of Indigenous cultural heritage. (new 6.2.6)

We recommend that: All newly built Primary Dwelling Units, plus Secondary Dwelling Units, plus Accessory Dwelling Units have a maximum Combined Floor Area based on size of lot, as per table below:

Lot - CFA - CRS Table:

Lot Size	Maximum Combined Floor Area (CFA)	Minimum Size Cistern for Rainwater storage (CRS)
less than 2 ha (5 ac)	465 m ² / 5000 f ²	13,000 litres / 3000 gallons
2 ha or more (5 ac)	560 m ² / 6000 f ²	18,000 litres / 4000 gallons
4 ha or more (10 ac)	745 m ² / 8000 f ²	22,730 litres / 5000 gallons

In keeping with the intention of the CFA model, i.e. to allow landowners to make their own decisions about how dwellings on their land are apportioned, we recommend that siting and use permits not be required for dwellings less than 400 sq. ft. in size.

A member of our Commission has expressed concern that implementing a CFA model, especially if garages and outbuildings are included, may discourage owners of properties that already have larger homes from providing a rental.

In order to deal with this concern, one recommendation is:

All properties with an existing primary dwelling built before this bylaw should be allowed 1 SDU or ADU with a maximum coverage of 140 sq meters (1506 sq ft), regardless of CFA, as long as they meet all other requirements of the bylaw.

The following tables come from the Islands Trust Housing Toolkit, and are presented here, with some modifications, to provide context for our recommendations.

Flexible Zoning Model	Establish zoning that permits additional dwellings on a lot within a maximum total combined floor area for all dwellings. LTC should consider whether additional dwellings should be subject of affordability controls.	LUB Zoning Density
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Floor Area/Footprint Limits	Introduction of zoning that limits residential floor areas or footprints should not contravene, and ideally be supported by, OCP policies.	OCP - Zoning - Size, siting and misc.
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Recommendation 3b: Require rainwater catchment to preserve ground water

On Denman we are very aware of our need to use water responsibly. Rainwater harvesting is not new to us. It should be used to meet all household needs, while digging new wells should be discouraged.

We recommend that: cisterns for rainwater collection are required for all new builds and housing placements for all types of dwelling units. Size of each cistern to save rainwater has been determined by size of each dwelling unit, as per *Lot-CFA-CRS table* above.*

*In instances where water can be supplied to any dwelling by a community water system, the operator of the community water system must provide written confirmation that their water system has sufficient capacity and will supply water to the dwelling. This confirmation will waive the requirement for cistern, though cistern is still highly encouraged for garden use, water conservation and fire response.

Advocacy: work with CVRD to seek subsidies or low-interest loans to acquire cisterns for rainwater catchment for residential lots.

Recommendation 3c: Encourage re/use of existing buildings, and alternative forms of housing

LTC to sponsor a project to educate community members about grants, subsidies and opportunities for assistance for private landowners to upgrade their housing and provide affordable housing for others.

LTC to sponsor a project to educate community members about grants, subsidies and/or opportunities for assistance for private landowners to create housing while putting land into conservation.

Recommendation 3d: Encourage the use of natural building materials and “off-grid” systems

Denman Island's residents place a high value on environmental conservation and the welfare of all community members, human and non-human alike. We encourage creativity and affordability. All housing options should be *'livable'*, while acknowledging that people should be free to choose what is 'livable' to them, including living with simple services like an outhouse and a wood stove.

1. Add to OCP - We allow and encourage creative housing options; including the use of natural building materials and techniques; and/or reused; and or reusable building materials.

2. Add to the OCP - The community of Denman Island is quite tolerant of difference of expression and different ways of living - as long as humans are living with care for their impact on the environment and other (human and beyond human) community members.”

3. LTC to sponsor a learning project to write Denman appropriate 'how to' guidelines and to provide community based training to create simple sustainable structures using natural building materials

We recommend that the Denman LTC should allow, encourage and advocate for:

1. greywater recycling and alternative (non-septic) modes of handling grey water as viable alternatives to septic systems
2. composting toilets, as viable alternatives to septic system;
3. off-grid power sources (e.g. solar, wind, microhydro), as viable alternatives to power grid connection

The following table comes from the Islands Trust Housing Toolkit, and is presented here to provide context for our recommendations.

Eco-Density Bonus	Encourage ecological and energy and efficient water homes by allowing a provision to add a dwelling unit if the owner builds to a higher ecological standard (e.g., solar panels, rainwater harvesting, ecological building materials, grey water recycling, net zero energy, solar hot water, etc.). These provisions will help reduce the operating costs and ecological impacts of dwellings.	LUB Zoning Conservation Density
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Recommendation 3e: Encourage and promote conservation-focused innovation in new affordable housing developments

We endorse the following recommendation from the MABRRI report: These innovations should reflect a diversity of needs through both policy and planning. Also mentioned in recommendation (1.4, 2.1) (MABRRI)

The following table comes from the Islands Trust Housing Toolkit, and is presented here to provide context for our recommendations.

Conservation Density Bonus Homeplate Zoning Model	Allow for flexibility of number of dwellings and/or dwelling type and size within maximum homeplate or total floor area (e.g., 500m ²) in exchange for conservation covenant.	LUB Zoning Conservation Density
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Recommendation 3f: Preserve and enhance public walkways and cycle paths

We endorse the following recommendations from the MABRRI report:

- Add to OCP “Protect, preserve and maintain public access to beaches” (5.5) (MABRRI)

- Add to OCP “Develop and maintain pedestrian, cycling and active transportation infrastructure while maintaining the rural character of the community” (5.6) (MABRRI)

Recommendation 3g: Allow as many safe and affordable ways of dealing with human waste as possible

There are many ways Islanders deal with human waste today. Some of the following ways of dealing with human waste are legal at this time, and others are not.

1. Flush toilet to a septic system
2. Low flush toilet to a composting tank
3. Composting toilet - commercial brand
4. Composting toilet - home build
5. Holding tank for periodic pump out
6. Porta pottie
7. Incinerating toilet
8. Biogas toilet
9. Pit privy
10. Outhouse

We recommend that the bylaws allow as many safe and affordable ways of dealing with human waste as possible. Porta potties, for use when necessary, should be explicitly permitted. We need advocacy with Island Health to ensure safe methods are legalized. People need simple guidelines so they can make sure that they are not fouling water or the earth.

4. Ensure enforcement is trauma informed and respectful of human rights, while focusing on short-term vacation rentals and environmental issues

The enforcement of current bylaws on housing has had a negative effect on Denman Islanders who share their land and on their tenants. The current approach to bylaw enforcement is damaging to our community and the individuals who are a part of our community. Rather than our community supporting those struggling in helping to create and maintain an environmentally friendly home, the current system forces many people to live, hidden and afraid, in temporary ways. An “unlawful” renter is expected to know that they may not settle or get comfortable where they are, as they may soon be asked to leave and have to find somewhere new. We are recommending changes to the existing bylaws and a change to the way bylaws are enforced.

Recommendation 4a: Require minimum 24 hours notice before any site visits by a Bylaw Enforcement Officer.

Add to the BEN, OCP, LUB, Administrative bylaws, and any relevant documents that:
All Islands Trust staff of any capacity (including bylaw enforcement officers) must make arrangements with a property owner a minimum of 24 hours in advance, before attending any dwelling (or suspected dwelling) on private property.

The BC Residential Tenancy Act states: “A landlord must not enter a rental unit... for any purpose unless... the following applies: (b) at least 24 hours... before the entry, the landlord gives the tenant written notice that includes... (i) the purpose for entering, which must be reasonable; (ii) the date and the time of the entry”.

It is unreasonable for any Enforcement Officer to ask landlords to violate their provincial duties and requirements to their tenants. Enforcement actions must be carried out in a way that respects and upholds personal rights and freedoms. Requiring advance arrangements reinforces accountability in the bylaw enforcement process. It ensures that actions are documented and transparent, making it easier to address any concerns or disputes that may arise.

Recommendation 4b: Require all Bylaw Enforcement Officers to undergo Trauma Informed Practice training (e.g. through the Justice Institute).

Add to relevant Policy: *Bylaw Enforcement Officers must be required to undergo Trauma Informed Practice training (example through the Justice Institute).*

Bylaw enforcement investigations and site visits against “unlawful” housing disproportionately affect those who are living vulnerably on Denman. Many island residents live under marginalizing intersections and stresses including - poverty, some or all the phobias and isms, physical/mental/trauma-induced dis-ease. Housing stress adversely affects working adults, seniors and most especially children. The sudden appearance of an investigating officer can trigger trauma responses. For both the safety of the officer and the peace of mind of the individuals being investigated, we recommend Islands Trust Officers undergo trauma-informed training. Trauma-informed training equips bylaw enforcement officers with the skills to understand and respond to individuals who have experienced trauma. This can improve their ability to de-escalate situations and communicate more compassionately. This is important when dealing with sensitive situations, such as at a person's home. Trauma-informed officers can take steps to ensure the safety of both the public and themselves.

Recommendation 4c: Investigate alternative bylaw complaint processes that are based on principles of restorative and community justice.

LTC to direct staff to: *Investigate alternative bylaw complaint processes that are based on principles of restorative and community justice.*

Restorative justice principles encourage dialogue, communication, and consensus-building, making it a valuable approach for resolving disputes related to bylaw violations. They seek to understand underlying issues and address them effectively. Restorative justice focuses on repairing harm, healing relationships, and involving all stakeholders in a resolution process. It shifts the emphasis from punitive measures to constructive solutions that benefit the community as a whole. By engaging community members in the resolution process, it fosters a sense of shared responsibility for maintaining a harmonious community. When individuals are actively engaged in the resolution process, it can lead to better community cohesion.

Recommendation 4d: Priorities about bylaw enforcement (content and penalties) are to be decided and changed by Denman Islanders

Add to the OCP: Priorities about bylaw enforcement (content, process and penalties) are to be decided and changed by residents of Denman Island, through Denman Island's elected Trustees, or other community process. If an Island's Trust bylaw/enforcement priority is in conflict with a Denman Island priority (as expressed through Standing Orders), the Denman Island priority will supersede, and may be added to the OCP.

Standing Orders are priorities set by the Denman Island Local Trust Committee. The DILTC is elected by residents of Denman Island to represent us to the Islands Trust and to represent the Islands Trust. Enduring Standing Orders should be incorporated into the OCP and/or LUB. Denman Island residents are best positioned to understand the unique needs and concerns of our community. By keeping the authority to prioritize which bylaws are most relevant to our island, we ensure regulations are better aligned with Denman's specific characteristics and challenges. This respects the principles of self-governance, local autonomy, and means that the rules governing our community remain relevant and adaptable to new circumstances and challenges. This can help prevent conflicts and legal challenges and promote cooperation and understanding between the Denman community and the larger Islands Trust. It also allows residents to adapt and change bylaw enforcement priorities. This promotes transparency, accountability, and community inclusivity in shaping bylaw priorities. When community members have a direct say in determining their priorities, they are more likely to support and comply with the resulting regulations. This can lead to more effective and harmonious enforcement of the bylaws.

Recommendation 4e: Enforcement actions must not be taken against a person's housing - regardless of what type of housing.

Add to the BEN and/or other relevant documents:

Enforcement actions must not be taken against a person's housing - regardless of what type of housing. Effects of housing which may be enforced against may include, but are not limited to, square footage; lot coverage; water usage and disposal; water storage; septic; set backs; driveways; etc

Currently, enforcement actions can be taken against a non-permitted building/structure. This leads to graduating fines starting at \$500 for providing a person with access to a

home. Fining a person for providing access to a human right should be prohibited. The human right to housing is upheld through legal frameworks and international commitments. The Canadian Charter of Rights and Freedoms guarantees the right to life, liberty, and security of the person, which has been interpreted by the courts to include access to adequate housing. Additionally, Canada is a signatory to the International Covenant on Economic, Social, and Cultural Rights, which recognizes the right to adequate housing as a fundamental human right.

An “unlawful” home is not a criminal offense. “Unlawful” renters, and property owners are not criminals. Both are contributing members of our community with many interconnecting relationships. To conduct bylaw enforcement action that leads to the loss of a person's home is against moral and legal requirements. Recognizing the importance of shelter and taking a compassionate approach avoids displacing individuals or families from their homes. This promotes stability in our community, reduces the risk of homelessness and promotes social equity by treating all residents with respect - regardless of the type of housing they occupy. This recommendation balances human rights while acknowledging the importance of responsible resource management and ecological sustainability.

Recommendation 4f: All bylaw complaints must originate from an island resident and must be accompanied by the complainants full name and contact information. Anonymous complaints will not be accepted or processed

Add to all relevant documents: *All bylaw complaints must originate from an island resident and must be accompanied by the complainant's full name and contact information. Anonymous complaints will not be accepted or processed.*

Rationale: Requiring complaints to come from residents helps ensure that bylaw enforcement actions are directed toward issues that genuinely concern those living on Denman Island. Requiring complainants to identify themselves promotes trust and transparency in the complaint process and enables authorities to verify the authenticity of complaints and communicate with complainants for additional details or clarifications. It minimizes the risk of frivolous or malicious complaints. It respects the privacy and rights of the individuals or entities subject to complaints. It reduces the potential for unjustified invasions of privacy, personal vendettas or harassment through anonymous reports. The individual complainant may request that their name be publicly withheld in cases where imminent danger can be demonstrated.

Recommendation 4g: Ensure bylaw enforcement officers do not have more power than police officers in attending properties.

We recommend that Islands Trust work with the Ombudsperson's Office and the Ministry of Public Safety and Solicitor General to ensure bylaw enforcement officers do not have more power than police officers in attending properties.

This recommendation recognizes the importance of oversight to ensure that bylaw officers do not exceed their authority in carrying out their duties. It ensures that enforcement actions, which may involve invasions of personal privacy or property, are

proportionate to the nature of the violation. Upholding local regulations should not infringe upon individual rights (including the human right to housing) without due process.

Recommendation 4h: Denman Island Local Trust Committee should form a commission to review and make recommendations about bylaw enforcement practices.

We recommend the DI Local Trust Committee form a committee to review and make recommendations about bylaw enforcement practices on Denman Island. Including how to better care for Denman residents and find new approaches to bylaw enforcement on Denman Island.

By forming a standing committee, Denman residents can have a direct role in the decision-making process, which can bring valuable local expertise and insights to the review process. Community members understand the unique needs, values, and challenges of Denman Island. A committee can represent a diverse range of perspectives, including different demographics, backgrounds, and viewpoints. This diversity enriches the discussion and ensures that recommendations consider various community needs.

5. Create new zones to facilitate faster development of long-term affordable dwelling units using either a land-sharing or a land-owner/tenant model.

Flexible Zoning Model	Introduction of this zoning permission should not contravene, and ideally be supported by, OCP policy. Such policy could be brief and simple (“The LTC may introduce flexible housing zones”) or more detailed to address specific community concerns that arise during the community planning process	OCP Zoning - Density –
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Source: Island Trust Housing Toolkit

As part of our desire to encourage more housing options on private lots, our commission talked about encouraging and allowing various modes of living that are beyond a Single Family Dwelling Model. These involve some kind of shared ownership and greater involvement with one’s immediate neighbours. (A more detailed discussion of various land-share options can be found in Appendix 2)

1. We do not recommend Strata Title housing for Denman, as it is a for-profit model that is not geared well to affordability - except under the following Strata use case for current jointly owned properties.

As was stated to our Commission during one of our meetings, with reference to a long-standing landshare: “This is a crisis on Denman for a bunch of people. They

are currently in a jointly owned property with others and as they age, at some point one party needs to get out of the property. It is exceedingly difficult to sell a share in a property as there is no regular mortgage options. Many of these types of properties in other locations are seeing the whole property needing to be sold or lawsuits happening because one party can't really get out of the deal. The key to keeping people in their homes is allowing these properties to become a strata and then one party can easily sell and everyone else can stay in their homes as well as opening up more affordable options for someone buying."

The following tables come from the Islands Trust Housing Toolkit, and are presented here to provide some context for our recommendations.

Strata Subdivision of ADUs	Review and reconsider regulations that restrict secondary suites/ADUs from becoming separate real estate entities through building strata subdivision. This has been proposed as a way to encourage entry-level home ownership.	LUB Zoning Tenure
Strata Subdivision of ADUs	If LTCs wish to entertain strata subdivision of ADUs from the principal dwelling on a lot, then OCPs should contain policies to guide decisions when such an application is received. Such policy could be brief and simple ("The LTC may consider strata subdivision of an accessory dwelling unit from a principal dwelling unit on a lot") or more detailed that addresses specific community concerns that arise during the community planning process	OCP - Zoning - Tenure

2. All modes of shared ownership should require Housing Agreements registered on title, to ensure they don't inflate the market on Denman. To decrease the amount of time, money, and trouble that it takes to create these kinds of alternatives to affordable housing, Denman LTC should create general Housing Agreement templates that are easily modifiable to suit particular situations. Every project should not have to start from nothing.
3. Denman LTC and Islands Trust should do everything in their power to fast-track applications for projects that increase housing availability and affordability on Denman. Including assigning one planner to each application to carry that file forward.
4. Rezoning could be used to increase the likelihood that properties will be available for shared ownership projects.
5. Affordability measure: Density Bonus Zoning can be used for any shared ownership model that includes rentals. This is to help avoid inflating the market on Denman and keep housing affordable. "Affordable" or "fair market" rent are determined by formula in bylaw (example in Appendix 1: The Imperative of Affordability In Housing Our Community) at initiation of tenancy. Housing Agreements are another tool that can be used.

Recommendation 5a: 'ECO' Zone

This zone is both ecological and economical; it is intended to promote affordable shared ownership models, such as landshares and intentional communities. (Further discussion of shared ownership models can be found in Appendix 2: More Detailed Discussion of Modes of Shared Ownership)

We propose the following requirements for this new zone:

- land must be taken off the market via a housing agreement in bylaws and registered on title
- allowed 1 Primary Dwelling Unit and 1 Secondary Dwelling Unit, but in the name of affordability and equality, dwellings can be all Accessory Dwelling Units
- maximum number of Accessory Dwelling Units according to combined floor area model as it is developed
- can utilize the currently most advanced/allowed in BC methods of handling
 - potable water (e.g. rainwater catchment)
 - grey water (e.g. recycling, reed beds)
 - black water (e.g. humanure)
- will automatically allow any other alternative methods of dealing with potable, grey, and black water as higher levels of government approve of them
- does not require connection to power grid or a septic system
- needs to go through siting and use process
- minimum lot size of 2 hectares.(5 acres)

The following tables come from the Islands Trust Housing Toolkit, and are presented here to provide some further context for our recommendations.

Ecovillage Zoning Model	Allow existing subdividable properties to be developed according to conservation design principles as a strata development with flexible dwelling types and sizes while placing large portions of property in a conservation covenant. Incorporate the ecological building principles of the Eco-Density Bonus and maintain full protection of the most sensitive ecosystems through DPAs.	LUB Zoning Conservation Density
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Ecovillage Zoning Model	Because of the expectation that portions of a property developed under an ecovillage zoning model would set aside land for conservation, forestry or farming, use of such a zoning provision would likely only come via rezoning application where the terms of the corresponding covenants could be negotiated. As such, an LTC wishing to support this option should ensure that its OCP contains guiding policies to assist staff and LTCs in navigating such an application.	OCP Zoning Density
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Recommendation 5b: Tiny House Zone

Oriented to promoting a rapid increase in the availability of the most affordable housing options on the Denman rental market. This can be owned by an individual or company or co-op and rented out (affordably) or used as a land-share

A property can be zoned Tiny Home if it is:

1. Minimum lot size of 2 hectares;
2. Is allowed 1 primary dwelling unit, plus 1 secondary dwelling unit, plus accessory dwelling units, or can be all accessory dwelling units, up to maximum combined floor area;
3. As in all zones, individual rainwater catchment is required based on size of each home (homes can not share cistern due to Island Health regulations)
4. Encourage clusters of tiny homes with shared resources (other than water, at this time because of the Island Health rules regarding water systems);
5. The amount of ADUs allowed is based on a max combined floor area (CFA);
6. Properties 8ha or larger may wish to consider CoHousing Zoning or Eco Zoning;
7. Septic requirements can be met by septic holding tank and regular pump out;
8. Affordability measure: rents must be affordable as regulated through Density Bonus Zoning requiring that accessory dwelling units be rented at an “affordable rate”, and secondary dwelling units at “fair market rate”, as determined by formula (example in Appendix 1: The Imperative of Affordability In Housing Our Community) at initiation of each new tenancy;
9. Or can be used to house family members;
10. If tenant supplies their own ADU (ie. Tiny Home, yurt, moveable home, etc) then pad rental can be up to x% of “affordable rate” as determined by formula (see Appendix 1: The Imperative of Affordability In Housing Our Community) at initiation of each new tenancy;
11. or pad can be used to house family members.

The following tables come from the Islands Trust Housing Toolkit, and are presented here to provide some further context for our recommendations.

Manufactured / Tiny Home / RV Parks	If an LTC is to consider proactively zoning land for this use, the OCP should have supportive policies that establish the criteria by which suitable land will be identified. Alternatively, if an LTC does not wish to proactively zone for this use the OCP should include supportive and guiding policies in the event that a rezoning or TUP application for such a use is received.	OCP Zoning Density
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Manufactured / Tiny Home / RV Parks	Zone suitable land for a serviced manufactured home, tiny home, or residential RV park.	LUB Zoning Density
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Recommendation 5c: Medium Density Multi-Family Zone

This zone would be oriented to promoting ‘large scale’ housing options such as social housing. The Commission discussed the possibility of creating such a zone, but did not agree upon any specific details.

The following tables come from the Islands Trust Housing Toolkit, and are presented here to provide some context for developing this idea further.

Multi-Family Dwelling Units (Affordable)	Permit the construction of multiple dwelling units on a single lot, whether in a single building, or several buildings, only if undertaken by a government or non-profit organization and/or with rent/purchase/resale price controlled by housing agreement.	LUB Zoning Form/Use
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Multi-Family Dwelling Units (Affordable)	LTCs may wish to proactively zone for this use, or at least ensure that rezoning applications for this use have a high probability of success. As such, the OCP should have supportive policies that establish the criteria by which suitable locations will be identified. Alternatively, if an LTC does not wish to proactively zone for this use the OCP should include guiding policies in the event that a rezoning application for such a use is made. These should include land use designations where such a use will be considered and general expectations around housing affordability. Staff recommend that affordable housing be permitted in most land use designations. This will remove the need for an OCP amendment when an application is received, thus speeding the rezoning process.	OCP Zoning Form/Use
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Recommendation 5d: Home Based Assisted Living Zone

The Commission discussed the possibility of creating a zone for Home Based Assisted Living, but did not agree upon any specific details.

The following tables come from the Islands Trust Housing Toolkit, and are presented here to provide some context for developing this idea further.

Zone for multi-family seniors housing	Similar to general multi-family zoning, LTCs can zone to permit larger developments exclusively for elderly people, provided such is a defined use in the land use bylaw.	LUB Zoning - Seniors Housing
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Zone for multi-family seniors housing	If LTCs wish to proactively zone land to permit multi-family senior's housing, such zoning should not contravene, and ideally be supported by, OCP policies.	OCP - Seniors Housing
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	More likely such a use would be established by rezoning/ TUP application , in which case the OCP should include guiding policies in the event that an application for such a use is made. These should include land use designations where such a use will be considered and guidance about housing form and servicing.	
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6. Simplify and clarify the Official Community Plan and the Land Use Bylaw

An official community plan, as outlined in the Local Government Act section 875, describes the long-term vision of communities. This Plan outlines how a local government plans to exercise its powers. All bylaws enacted and the work they chose to do must be consistent with the Official Community Plan. The Commission did a line-by-line review of Denman's Official Community Plan and Land Use Bylaw. We concluded that the following needed to happen

Recommendation 6a: Update and amend the Official Community Plan and Land Use Bylaw

There are number of outdated clauses scattered through the OCP that need to be updated. For example:

- Schedule A: Denman Past Present and Future titles from population growth to Denman Today need to be refreshed with current data.
- References to applicable sections of amended Acts need to be added including our obligations under Section 473 of the Local Government Act.
- The guiding objectives in B3 currently under the Social Fabric and under Families and Individuals should be merged and focused
- Policy 20 under E1 Housing refers to the need to review the OCP after a now long ago study is completed.

Amend the OCP and bylaws based on accepted recommendations

The recommendations in this paper have wide ranging impacts on both the Official Community Plan and the Land Use Bylaw. Once recommendations have been accepted, amendments to the plan and bylaw can be put in place. The impacts can range from simple deletions to amendments covering multiple sections of the Official Community Plan and Land Use Bylaw. For example:

The recommendation to *Close the Density Bank* would require at minimum the following changes simple changes to the Official Community Plan

- Delete Appendix C Density Transfer and Appendix D Density Banking of the Official Community Plan in their entirety.
- Delete now redundant OCP Policies: E1 – Housing Policies 12 and 19

However, the apparently simple recommendations to *Allow residential options within a vital downtown Denman* cross many sections and would require amendments to multiple sections of the Official Community Plan and the Land Use Bylaw as noted below.

1. D5 of the Official Community Plan

- Title and references to The Village to be changed to Downtown Denman to reflect what people actually call the area and out of respect for the Indigenous people of this island who had a seasonal home at “Village Point” since time immemorial.
- Introduction be redrafted to encourage a vibrant community centre that includes a mix of uses: to build community connection and bring people together; to celebrate community events; to continue to develop the local economy; to provide needed homes and local services and reduce dependency on off island services and businesses
- Amend Guiding Objective to replace village square with village centre.
- Add a fifth objective to consider the residential component of downtown Denman in decisions regarding development:
- Amend Policy 9 to note that zoning regulations should permit residential uses. This includes residential buildings as well as suites and rooms that are a part of commercial and institutional buildings.
- Under Advocacy Policies 2: add grey water to the point to consider alternative methods of wastewater treatment
- Add a third advocacy policy for the Islands Trust and the Comox Valley Regional District work together to provide for water and sewage services to the downtown.

2. Development Permit Area No.5: Commercial:

- Title and references to The Village to be changed to Downtown Denman to reflect what people actually call the area
- Add a second objective to encourage a vibrant community centre that includes a mix of commercial, institutional and residential uses
- Add a third objective to encourage the development of the local economy

3. Land Use Bylaw Changes:

- Add Residential under permitted uses under Section 3.6 Institutional Zone Table
Add secondary suites, rooms, accessory dwelling units, secondary houses and attached or detached single family dwellings to permitted uses under Section 3.6 Institutional Zone Table 2 Permitted Buildings and Structures

- Add buildings and structures accessory to a residential use under Section 3.6 Institutional Zone Table 2 Permitted buildings and structures
- Add secondary suites, rooms, and accessory dwelling units and secondary houses to permitted uses under Section 3.5 Commercial and under Light Industrial Zones

Remove Maximum number of single family dwelling units per lot - point 1, table 3 Section 3.5 Commercial and Add Light Industrial Zones

Simplify the official community plan and bylaws

The style that the plan and bylaws are written makes it difficult for most people on Denman to read and understand them. They need to be simple and clear. This report identifies some wide-ranging changes to what buildings are allowed and where. However, we did not identify specific changes to clauses on subjects such as signage, required lighting, etc. Earlier in the report we recommended setting priorities for enforcement. If we consistently do not want our bylaw enforcement officers to enforce particular bylaws, we should remove them from the Land Use Bylaw.

Recommendation 6b: Increase community engagement around housing-related issues

In our discussions with community members we found that there is a great deal of confusion around what the rules for housing on Denman actually are. Since this is such an important issue, we recommend that the Denman LTC

- hold regular information meetings, that are open to the community, about the current state of housing bylaws and any changes that have recently been implemented
- investigate other ways of enhancing public awareness about bylaws, enforcement, and 'everything housing'

7. Our Recommendations for Advocacy on barriers to affordable housing that are outside the scope of the Denman LTC / Islands Trust

Our focus has been on strategies that are within the scope of the Denman Island Local Trust Committee. However some issues need changes to central Islands Trust Policies and/or Provincial requirements and regulations. At times in the report, it made sense to include these advocacy recommendations directly within the section because we were asking LTC to take some action directly and then to advocate to other levels of government to further resolve an issue. The list below does not include those recommendations. We also are looking for LTC leadership on the following.

1. Advocate to Province for Speculation and Vacancy Tax Act to be applied to all islands in the Islands Trust
2. Advocate to Province for Bill 35, the *Short-term Rental Accommodations Act*, to be applied to the Islands Trust
<https://www.bclaws.gov.bc.ca/civix/document/id/bills/billscurrent/4th42nd:gov35-1>
3. Advocate to Province for Municipal and Regional District Tax (MRDT) to collect 3% to be applied toward supporting affordable housing initiatives.
4. Advocate to Island Health to find ways to legalize composting toilets and outhouses again.
5. Advocate to Island Health to find ways to legalize greywater systems without requiring a septic system.
6. Advocate to Island Health to reform the small water system rules, so that people can share cisterns and water infrastructure.
7. Advocate to the CVRD and/or Denman Works to set up a community micro loan program to purchase water cisterns with monthly repayment of loan.

APPENDICES

Appendix 1: The Imperative of Affordability In Housing Our Community (by R. DaSilva, HAPC Commission Member)

This appendix comes from presentations made by R. DaSilva to the HAPC. It is provided here for information purposes. It is not to be considered as containing any recommendations that have been approved by the members of the HAPC.

The Housing Advisory Planning Commission was specifically asked to “focus on housing with the goal of increasing options for **affordable** and attainable housing”. Section 473 of the Local Government Act specifically states that “(2) An Official Community Plan must include the housing policies of the local government respecting **affordable** housing, rental housing and special needs housing.” At least 16.7% of Denman households live in core housing need. There is an acute shortage of rental housing and that which is available is not **affordable**. Denman's housing emergency is getting worse.

Affordability measures are not an option – they are imperative for every level of government.

Islands Trust staff are quite familiar with both the requirements of Section 473 of the Local Government Act (the need to have an affordable housing strategy) and tools available to meet the imperative of affordability – Section 482 for “affordable” and “fair market” rentals, Section 483 for land-shares. Ensuring affordability is possible, it is necessary to save our community and it is our social, moral, and legal obligation.

Our commission has explored a number of different ways communities can ensure affordability. We have looked at tactics from housing agreements to rental rate caps and from government incentives to legal penalties. In the end I recommend the following.

The Government of BC provides tools to assist local governments in meeting their affordable housing obligations. One such tool is **Density Bonus Zoning**. This “amenity zoning” allows additional density on a property in exchange for providing a 'community amenity' like affordable housing. This can be used to allow one or more extra densities (accessory dwelling, secondary dwelling) in specific zones, in exchange for ensuring the rental of any new densities is at “affordable” or “fair market” rates. Density Bonus Zoning works well when applied to rentals on private property.

Another tool for Local Governments is Section 483 Housing Agreements which can be used for land-shares, co-ops and other situations of shared ownership.

In brief, I recommend:

1. Using Density Bonus Zoning - All properties above .2ha in: R1, R2, R3, A, F, RE, C, L, IN be permitted one (or more) “affordable” accessory dwellings ADU; and “fair market rent” secondary dwellings SDU, as per the allowable maximum Combined Floor Amount CFA (as per recommendation 3.1 of the main report).
2. *Clauses* identified as “**affordability measure**” in the main report, and formula below in this document be used to provide more detail on how to apply the Density Bonus Zoning.
3. The LTC ask Islands Trust to advocate to include Denman Island in any and all incentive funding the BC government has available now and in the future, to assist homeowners and non-profits with creating and maintaining affordable housing.
4. The LTC advocate to the Province for inclusion of Denman Island in any and all rebates, tax redistribution, revenue allocation, or other programs the BC government has available now and in the future to assist with building and maintaining affordable housing.

Risks of ensuring affordability

1. The high cost of building materials may result in fewer dwellings being built.

LTC can mitigate this by encouraging local builder and other knowledge keepers, and sponsoring education about new methods and technologies to reduce costs (prefab tiny home, 3d printing); sustainable and cost-effective building practices (cob houses, diy, earthbag, cordwood); renovated buildings and non-building housing options (barns, buses, shipping containers, trailers, etc); collection and repurposing of salvaged materials (old doors, windows, wood and fixtures) which can significantly reduce construction costs while adding character; innovation and efficiency in housing construction (hempcrete, 3d printing).

2. Existing housing options may be taken out of rental supply for fear of profit loss due to rent limits.

Mitigate by encouraging and educating about government incentives and subsidies for affordable housing projects. These incentives can help offset the initial investment and ensure a reasonable return on investment while contributing to community well-being. Investing in affordable housing can lead to stable and productive communities, which, in the long term, can be more profitable. Affordable housing supports a cross-section of people in a community - island workers, children, elders, artists, disabled and other valued residents. While the returns on affordable housing investments might be modest in the short term, as a sustainable and enduring income stream, they can be steady and reliable over the long term.

Formula - to determine affordable and fair market rent:

The BC government considers housing affordable if it costs no more than 30% of household income before taxes. Typically, the formula to determine “affordability” uses census and/or other income data to determine the Area Median Income and multiplies that by 30%. Rates are based on the size of unit, for geographic areas, are set annually by CMHC (Canada Mortgage and Housing Corporation) and are used by provinces to determine affordable and fair market rental rates.

BC Housing publishes and uses these rates to be considered under the Secondary Suite Incentive Program and the BC Rebate for Accessible Home Adaptations.

The examples below use CMHC data from 2023. Thus the sample amounts are fair representations of the rental amounts that could be charged under Denman bylaws to protect affordability. Formula would be used to set “affordable” or “fair market” rental rate at the beginning of each new tenancy. Thereafter rent is regulated through the Residential Tenancy Act.

Formula to determine “affordability” can use census or other income data to determine the **Area Median Income** for a geographical area. **Formula to determine “fair market rent”** can use **Median Rent** for a geographical area which are set annually by the CMHC (Canada Mortgage and Housing Corporation) in their “Rent Affordability Limits” chart. (While this chart can be difficult for the average citizen to access, it can be accessed by Islands Trust Staff.)

1. Affordable Rent = (*Percentage of AMI*) x (*Area Median Income*)

- **"Percentage of AMI"** represents the percentage of the area median income that is considered affordable. For example, you might use 30% to indicate that affordable rent should not exceed 30% of the AMI.
- **"Area Median Income"** is the median income for the specific geographic area or region in question. This value can be determined by local authorities or government agencies and is typically updated annually or as needed.

This formula is an example of how land use bylaws can define affordable rent levels without relying on individual income and instead ties affordability to the broader economic context of the area. It's a flexible approach that can be adjusted to suit our conditions and affordability goals. This rate, once set at the beginning of any new tenancy, would only change based on Residential Tenancy rules.

2. Fair Market Rent = (*Median Rent for a Specific Unit Type in the Area*) x (*Adjustment Factor*)

- **"Median Rent for a Specific Unit Type in the Area"** represents the median rent for a specific type of rental unit (e.g., one-bedroom apartments, two-bedroom houses) in the local area. This data can be collected from rental market surveys or publicly available sources such as the CMHC or BC Housing.

- "**Adjustment Factor**" is a factor that can be used to adjust the median rent to account for variations in different locations, unit sizes, or other factors. The adjustment factor can be determined by local housing authorities or agencies and may consider factors like inflation, housing demand, and neighborhood characteristics.

This formula is an example of how land use bylaws can set fair market rent levels based on local rental market conditions rather than individual income. It provides a way to maintain rent levels that are competitive with the broader rental market, ensuring that housing remains accessible to a range of tenants. Specific factors and methodologies for determining fair market rent must be determined in local policies.



2023 Rent Affordability Limits

To be considered affordable rental and eligible under the BC Rebate for Accessible Home Adaptations (BC RAHA) and Secondary Suite Incentive Program (SSIP), the tenant's rent must not exceed the Rent Affordability Limit for your area, as specified in the table below.

Area	Bachelor or 1 Bedroom	2 Bedroom	3+ Bedroom
Abbotsford-Mission	1103	1325	1975
Campbell River	1111	1118	1519
Chilliwack	964	1300	1600
Courtenay	1119	1372	1421
Cranbrook	825	1050	1050
Dawson Creek	800	960	1200
Duncan	914	1100	1665
Fort St John	750	1018	1018
Kamloops	1105	1350	1883
Kelowna	1289	1686	2282
Nanaimo	1225	1622	1646
Nelson CY	885	1000	1250
Parksville	1246	1300	1986
Penticton	950	1300	1774
Port Alberni	825	1010	1108
Powell River	850	962	962
Prince George	872	1025	1045
Prince Rupert	888	1000	1170
Quesnel	600	750	775
Squamish	1365	1849	1849
Terrace	985	1000	1250
Vancouver	1500	1894	2200
Vernon	960	1320	1320
Victoria	1300	1649	2130
Williams Lake	700	850	1100

The Rent Affordability Limits are the median rent levels for each area and unit size, as determined by CMHC from their annual rental market survey.

Rent Affordability Limits for use effective April 1, 2023

Appendix 2: More detailed discussion of modes of shared ownership (by R. Day, HAPC Commission Member)

This appendix comes from a presentation made by R. Day to the HAPC. It is provided here for information purposes. It is not to be considered as containing any recommendations that have been approved by the members of the HAPC.

Quick Background on Types of Shared Living

I am going to list these in order of increasing collective intentionality and distance from the state and for-profit housing market.

As always, this is my take on a complex and contested terrain; and as always, I am trying to present something that is nuanced and balanced. I really have no stake in defining these terms - I want us to be able to use the same words in the same ways as we decide which of these models we want to allow/encourage.

This may form the basis of a section of our Final Report, in order to help clarify what we are recommending.

Social Housing

“Social housing is a housing development that government subsidizes and that either government or a non-profit housing partner owns and/or operates.” (gov.bc.ca). The residents do not own the unit where they live, and do not own any of the common areas. This model is relatively autonomous from the capitalist market - it is state subsidized - but is quite heavy on state regulation - it is state subsidized.

The residents don't necessarily share any values other than a desire for affordable housing, since they will have been selected according to criteria established by the state and by the housing partner(s). There are usually long waitlists.

There will often be a specific zoning/bylaws that set out rules that are different for the residents of social housing than they are for other residents in the same area. Since the residents have no ownership, they can leave when they want to/have to.

There's a lot of political spin around how many people live in social housing; the numbers are usually different, differently measured, and widely divergent. It seems safe to say that only a few percent (3-5) of Canadians are in social housing, and that may include housing co-ops, which are sometimes lumped in the stats as a form of affordable housing.

Denman Green is an example of social housing.

Strata Title

This model is most common in cities, and usually involves a for-profit developer purchasing a property, building on it (often condominiums), and then selling those units on the open market to whomever will buy them. The 'lot' owners share ownership of, and responsibility for, the common areas of the structures and property - gardens, water pipes, etc. This entire process is governed by the *Strata Property Act*, which is BC provincial legislation.

The owners probably don't share many values, and may not interact much beyond the limited forms of self-government allowed to them by the *Strata Property Act*. They have been thrown together by the coincidence of buying a unit in the same building. But they probably have more autonomy from the state than residents of social housing.

There are bylaws and rules that can govern all sorts of things, like the colour of one's door, or the age of people who can live there. However, I don't believe it is possible to limit a lot owner's ability to sell to someone else.

The lots are very much on the market, probably not in a land trust, though it is subject to a kind of 'upper class' Housing Agreement via the bylaws and rules.

This is the most common form of shared ownership in BC, and across the 'western' world - there are 30,000 strata title projects in BC, housing 1.5 million people. Its ubiquity is perhaps related to the fact that it strongly reinforces both state power and capitalist individualism.

Housing Co-ops

In Canada, what we call Housing Co-ops have mortgages that are usually held by the state. They are effectively owned by the state, and their members are therefore more subject to state regulation and variable political winds than are the owners of strata title units. Because some units in some housing co-ops are subsidized, they are, however, often relatively insulated from the for-profit housing market.

As with most of these other models, the residents of a housing co-op often don't share much more than a desire for affordable housing, but because they are usually self-governing, there can be a lot of engagement with one's neighbours.

Incoming members are usually screened and there are usually waiting lists, due to state subsidies that can create very low rent. No one owns anything though, so people can leave whenever they choose. There are often a lot of rules about what one can or must (not) do.

As a housing co-op under this model is state-owned, it can never be anything other than a co-op unless it is wound up and sold on the for-profit market - a fate which housing co-ops in Vancouver have been struggling against for many years.

Landshares

This model tends to be informal, and therefore gets more insulation from state regulation. Some people co-own a property, each usually having a piece that is 'their own', and sometimes sharing some portions of the land all together.

They may or may not share many values, and may or may not interact much, but usually more than in a strata title project.

They may or may not have explicit legal agreements governing who can buy in or cash out, or how that is supposed to be done.

The land itself is probably not taken off the market, i.e. is probably not in a land trust, and is not subject to a housing agreement. This is because there is not necessarily a shared intentionality about providing housing for anyone other than those currently involved in the landshare.

There are several examples of this on Denman, none of which I am going to name because most I know of are precarious and relatively under the radar.

Co-housing

Some people live together on a property, usually with a piece that is their own, and usually with some portions shared together. This could be thought of as a more formal version of the landshare.

They usually share a desire to live more closely with their neighbours than is common in the average North American suburb - they share an intentionality around housing. They may share other intentionalities as well. They are still usually living in Single Family Dwellings, and so the amount of interaction varies.

They usually have explicit agreements about who can buy in and when and how they can cash out. That is, they are able to select their members with relative autonomy, and thereby hope to preserve their intentionalities.

The land has often been taken off the market, put in a land trust, or subject to a Housing Agreement. This is because there is often a shared intentionality around providing affordable, neighbourly housing not just for themselves but for others in the future.

COHO on Denman is a local example. They share a desire for affordable housing, and also to live in ways that are more collective and ecologically sustainable, e.g. via non-stick-frame building practices.

Intentional Communities

Some people live together on a property, often collectively, i.e. not in Single Family Dwellings, or at least not all in SFDs.

They share more intentionalities than in the other models we have discussed, and those intentionalities are specific to specific communities. They might be spiritual, political, identity-driven, economic, etc.

They often have a lot of agreements in place about a lot of things.

The land has usually been taken off the market, held under a land trust, and often has been donated/mortgage held by an 'angel', i.e. a person with capital who believes in the intentionalities of the community but doesn't want to live there. This gives them relative autonomy from the for-profit housing market, and from having to earn enough money to pay down a mortgage.

An example of a large, long-standing, and successful IC is Twin Oaks, in Virginia. They are income-sharing, somewhat wealth-sharing, require everyone to have only a single room to themselves, and share meals and all other facilities. They have so many policies, qualitative and quantitative, that they call themselves 'bureaucrats for the revolution'. They are also much more polyamorous than the North American average (some of them say at least one third).

Quick Background on Zoning vs. Pre-zoning

As housing affordability crises have enveloped the western world, it has become apparent that even when someone has a good idea to create more housing, and support from some individuals, community groups, non-profits, and bureaucracies, it can take many years to realize that idea, or the project will die in the process as people burn out.

A lot of that time is spent in attempting to rezone the property; hence the idea of 'prezoning' is that all properties in a specific area, of a specific size, or with other attributes, will be rezoned, together, by the relevant city or municipality. For example, there is a plan in Vancouver to allow 6 units of housing on all lots within a set distance from a SkyTrain station. No one has to apply for that. Also, and crucially, no one is *forced* to have 6 units on their property either.

The idea is to speed up the development of more housing; the assumption is that an increase in supply will lead to a decrease in price. People argue a lot about everything involving pre-zoning, perhaps partially due to the fact that we haven't yet had time to see what results it produces.

Appendix 3: Community Consultation (as assembled by R. DaSilva HAPC Commission Member)

The Denman Island Housing Advisory Planning Commission first met on July 3, 2023. We met every subsequent week for several months, until the end of October 2023. Most weeks we had 1-6 people attend and participate in our meetings. There was room at our table for every member of our community to come and share what they had to share about housing, and to witness and participate in our discussions about various aspects of Denman Housing.

In addition to those who attended in person, we accepted written submissions. Below are the various submissions we received, and which informed our work and deliberations.

In July of 2023 Erin O'Brien presented the following 2 petitions in person to the Housing APC:

Petition against enforcement brief - Petition was presented to DILTC in March of 2021
Petition was signed by 541 residents

Petition read:

"We the undersigned, residents of Denman Island, petition the Denman Island Local Trust Committee (LTC) to immediately:

1. Put a moratorium on enforcement of Land Use Bylaws that would result in eviction, in any and all housing on Denman Island, and maintain that moratorium until the following are accomplished:

a) Hold an Official Community Plan (OCP) review, in consultation with a representative cross section of residents (including vulnerable renters);

b) Complete a targeted review of Housing regulations in the Land Use Bylaw 186;

c) Craft relevant and community centered Land Use Bylaws (LUB) that support and prioritize affordable housing options, sustainable and environmentally sensitive approaches to any development, and reflect the needs of a healthy and diverse community, in light of changing demographics and the impact of socio-economic conditions on rural housing security."

ALR Petition Brief - Was presented to the DILTC in May of 2022

At time of registering (to make presentation) petition had 571 signatures.

At time of presentation petition had 601 signatures

Petition stated:

"We the undersigned, residents and property owners of Denman Island, petition the Denman Island Local Trust committee to:

1. Change bylaw 228 (LUB - Land Use Bylaw) and bylaw 229 (OCP - Official Community Plan) to align with Provincial Agricultural Land Reserve regulations (that went in effect January 1, 2022) allowing secondary dwellings on all ALR lands;
2. To impose no restrictions beyond the provincial ones, on these year round dwellings;
3. To ensure that these dwellings are not used for vacation and other short term rentals. "

July 30, 2023

**Virginia Glass**
11h · 🌐

Notice of Meeting: August 1, 2023 Denman Island Housing Advisory Planning Commission
The Denman Island Housing Advisory Planning Commission meets every Tuesday at 5pm in the Activity Centre Lounge at 1111 Northwest Rd. The next meeting will be held on July 25, 2023 at 5:00 pm. Agenda topics include: focus areas for further research and flagged bylaws.
We are looking at how to turn housing concerns into suggestions of bylaw changes our Trustees can make in the next year or t... **See more**

 1 3 comments

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**Keith Porteous** Admin
In examining "best practices" for advocating affordable housing initiatives, here's what BC Housing has to say on these matters. It rates the benefits for rural, urban, and suburban strategies separately, and also for the speed at which they might be implemented. The section on building the capacity of community housing organizations is of particular relevance. <https://www.bchousing.org/.../Leading-Practices...>

 Like Reply Share 11 h

**Virginia Glass** Author
Keith Porteous Thanks for this resource.

 Like Reply Share 3 h

**Keith Porteous** Admin
In some cases, these best practices would need to be in collaboration with the Comox Valley Regional District and the Province, where our local jurisdiction of Islands Trust is nil.

 Like Reply Share 11 h Edited

Building Knowledge & Capacity for Affordable Housing
in B.C. Small Communities

A Scan of Leading Practices in Affordable Housing

October 2017



BC HOUSING
RESEARCH CENTRE

Acknowledgements

Page 1 / 33



<https://www.bchousing.org/sites/default/files/rcg-documents/2022-04/Leading-Practices-Affordable-Housing.pdf>

The following letter was sent on August 15, 2023 to the Denman Housing Association; Denman Community Land Trust Association; Denman Housing Action Group; CoHo and; the Denman Conservancy Association

Dear (your group),

The Denman Housing Advisory Planning Commission (HAPC) has been tasked by the Denman Island Local Trust Committee (DILTC) with making recommendations about how land use bylaws and the Official Community Plan (OCP) could be changed in order to provide more support for affordable housing on Denman Island.

The HAPC has a short window to complete its work, as we will be presenting our recommendations to the DILTC at their October 3, 2023 meeting. This requires us to submit our report by September 19. Despite this time crunch, we want to do a thorough job and are therefore seeking input from as many community groups as possible.

We meet every Tuesday at 5pm, in the Lounge at the Activity Centre (senior's lounge), up to and including September 5. We value and uphold human rights. We value nature and are mindful of our duty to protect water and each other.

We believe that (your group) has extensive experience with Denman's current bylaws in relation to housing. You may offer helpful insights into what works, what needs to change, and what concerns we need to watch for, as we balance human and ecosystem needs on Denman Island.

We would like to invite representatives of (your group) to attend one (or more) of our public meetings on Tuesdays at 5pm. If you would prefer to meet earlier, we can do so by advance arrangement. If confidentiality is a concern, we can arrange to meet privately with members of your group and up to 2 members of the HAPC.

If you prefer to send correspondence, make a delegation and/or submit materials they can be sent 10 or more days in advance of a meeting to denmanhapc@gmail.com

Please note that any meeting of the HAPC (3 or more members in attendance) are public meetings, thus all members of the public are welcome to attend and participate.

We hope that you will understand our need for haste as this brief window of opportunity has opened. We thank you for your diligent work to be the change. Together we can bring our community home.

Sincerely,

Riane da Silva

Chair, Denman Housing APC

denmanhapc@gmail.com

August 22, 2023

Submitted by Margie Gang: *Message from Daniel Arbour, from Grapevine March 2022*

The CVRD is looking to play St. George with the tough, old dragon of affordable housing on the islands. Area Director Daniel Arbour told the Grapevine that \$10,000 was voted on March 7 towards the development of an affordable housing service for Hornby and Denman.

Working in partnership with the Islands Trust, the money will hire a consultant who will research what a housing service might look like, talking with stakeholders. If a workable service can be designed, it would eventually be put to a referendum for tax funding.

“If you create a housing service, it is basically a little bit of money you collect from Hornby and Denman residents that creates momentum and funding to grow our affordable and secure housing stock,” Arbour says. That was supposed to happen with the official community plans, which “try to fix in time population at current levels,” but the effort to preserve and protect by limiting development while steadily enhancing desirability, has had only one effect: “The price keeps going up.”

Arbour believes it is essential to meet the deficit of 100 units per island identified by the Island Trust 2018 housing needs assessment. But he feels the existing affordable housing projects underway can only be part of the picture. Between Denman Green and Pepper Lane, there will be only 30 units on

Denman, and on Hornby, with Beulah Creek 20-plus units. That leaves a deficit of about 70 units on each island. He points out that existing projects have still not secured their funding and are in relatively early stages, despite years of dedicated effort. “You still need to get those big projects to the finish line because we have invested so much community energy, and I think it will happen.

But the future, with the servicing for water, community septic, regulation, and red tape, which are increasing all the time, I think more of a guerrilla housing approach may have merit.” Is there a place for a housing authority like Whistler has, he asks? What is the formula? He thinks we need to look at creating two or three affordable units a year. That doesn’t sound too bad, not as huge as seventy.”

The CVRD has a homelessness service, and experience with housing throughout the Comox Valley, but very little knowledge of planning requirements on Hornby and Denman, where the Trust has all the necessary experience and planning tools. There is no saying at this point what the service would look like, but Arbour suggests it might look at such ideas as community owned housing on land leased from private property owners who could be incentivized, as an example.

Arbour recalls discussing affordability with Hillary Brown when he moved to Hornby. Brown had been the very first Chair of the Islands Trust in the 1970s, and even back then discussions were occurring about the value and risks of capping zoning. In some ways 40 years later it is foreseeable that without effort, the affordable housing situation could continue to get worse. “We are having debates in every community on Vancouver Island: can development relieve the price of housing? I think it is not, because the demand is so great, the supply too little. Everyone in Canada wants to move here, especially post-Covid. Then you have India and China - Vancouver is the next natural step. You are seeing a really significant population from abroad: if you go to North Island College, it’s exploding.”

Long term-growth in adjacent communities may not help. Development of Union Bay to a community about the size of Comox over the next fifty to one hundred years with ten to fifteen thousand residents may do little to alleviate affordability because the homes will all be higher end. Arbour sees the need to follow the lead of many jurisdictions who have purposefully secured a range of below-market housing options, and make sure that those options are secured for the long-term. He hopes that the housing service feasibility study will bring in the islands’ housing organizations, key stakeholders, and local government to forge a path that bears results: “At the end of the day, once we succeed in securing 100 or so homes on each island that are affordable and secure, our job could be done for generations to come. Doing this will ensure that we maintain diverse communities where low income households can thrive in safe and secure homes, and feel respected and supported by our communities”



Denman Conservancy Association

PO BOX 60, Denman Island, BC V0R 1T0

27 August 2023

Riane da Silva
Chair of the Denman Housing APC

Dear Riane,

Thank you for your invitation to Denman Conservancy Association (DCA) to provide information to the Denman Island Housing Advisory Planning Commission.

In the past, DCA has strongly supported affordable housing for Denman Island by transferring to the Island's Density Bank residential densities from land being rezoned to Conservation. As an organization, DCA continues to seek ways to support work on important issues within the community, including the need for affordable housing.

As the HAPC is in its preliminary phase of discovery, the DCA Board has chosen to wait to submit correspondence, and will re-evaluate our participation in response to future proposals that the DILTC puts forward for the consideration of the Community.

DCA strongly supports the 'Preserve & Protect' mandate of the Islands Trust, especially with respect to the protection of the natural values of the forests, wetlands and wildlife of Denman Island. Our organization has a large and diverse membership who support our conservation efforts.

The DCA Board offers its best wishes and encouragement to the HAPC in its challenging task of finding solutions to the Island's affordable housing problems.

Yours faithfully,

For the DCA Board

August 22, 2023

Submitted by Margie Gang:

Planner Chadwick's initiatives on affordable housing going back

Budget Funding Request

Short-Form Business Case

The following business case was reviewed by Regional Planning Committee at their September 2020 meeting.

Amendments requested by the Committee have been reflected in this version of the business case.

TO BE COMPLETED BY INITIATOR

Initiated by: Narissa Chadwick, for David Marlor

Budget Source (select all that apply):

X Specific Project Funding (select all that apply)

X Third Party Contractors

Business Area: Local Planning Committee

Name of Request: Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council:

* Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws \$10,000

Regional Planning Committee opted for Option 2 below in the business case -workshop for planning staff to focus on the development of model bylaws to address housing affordability. Business case will be updated to reflect this for next FPC meeting.

Date of Funding Request: September 29, 2021

Funding Required for (date range): April 1 2022

ISSUE/OPPORTUNITY:

Trust Council's Strategic Plan includes the implementation of the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council. This started in FY20/21 by undertaking work on model floor area ratio policy and regulations as a means of density measure for housing. The next item to be addressed in 2022/23 is the development of model bylaws that use density bonus for consideration of implementation in local trust area land use bylaws.

PROJECTED RESULTS/DELIVERABLES:

The funding request for FY22/23 is to cover costs associated with development of model policy and regulations.

\$5,000 is reserved for legal review of the draft.

\$5,000 is reserved for consultant/research assistance to planning staff undertaking this work.

RISK ASSESSMENT:

Risk that local trust committees may not adopt bylaws based on the model bylaws.

ALTERNATIVES CONSIDERED:

Option 1: Hire a consultant to undertake the work. Given the potential scope, \$10,000 should be allocated for a contract, and \$5,000 reserved for legal review.

Option 2: Staff organize a workshop for planning staff to focus on the development of model bylaws to address housing affordability. This would include reviewing work that has been done related to floor area ratio and integrating it with the development of model density bonus bylaws. \$5,000 would be allocated to hire a consultant to facilitate the session and present examples of similar approaches in other jurisdictions. \$5,000 would be allocated to legal review.

CRITICAL SUCCESS FACTORS:

Model bylaws with recommended policy and regulations by end of FY22/23.

RECOMMENDED OPTION:

Option 2: Staff organize a workshop for planning staff to focus on the development of model bylaws to address housing affordability. This would include reviewing work that has been done related to floor area ratio and integrating it with the development of model density bonus bylaws. \$5,000 would be allocated to hire a consultant to facilitate the session and present examples of similar approaches in other jurisdictions. \$5,000 would be allocated to legal review.

COST/BENEFIT ANALYSIS:

Quantitative Analysis:

\$5,000 for workshop facilitation and background research

\$5,000 for legal review

\$10,000 total to include staff training and model bylaws.

Cost saving would be achieved by having planning staff trained in the development of the model bylaws. Work on developing model bylaws can be more efficient than each local trust committee undertaking the work individually provided that most local trust committees are willing to adopt the model bylaws into their bylaws.

Qualitative Analysis:

This will further the Strategic Plan of Trust Council by providing model bylaws for LTC to consider in regards to affordable housing. Having planning staff participate in the development of the bylaws will enable them to more clearly identify options for LTCs to consider. In addition, it will provide an opportunity for training in bylaw development for those that have not been engaged in this work.

PURCHASING PROCEDURE:

As per Islands Trust process for hiring consultants.

PROPOSED IMPLEMENTATION STRATEGY:

Staff proposed that the work will be undertaken in-house using dedicated planning staff. This would require allocation of planner time to this project, a budget of \$5,000 for legal review, and \$5,000 for consultant/research assistance. This work would involve review of existing bylaws and recommendations on approaches to use density bonusing in combination with floor area ratio and other approaches to calculating density. This is to further affordable housing on the islands. Model bylaws would be presented to LPC.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

Reports to Trust Council via Local Planning Committee.

Narissa Chadwick, Island Planner

David Marlor / Director, Local Planning Services

September 29th, 2021

Initiator Name and Title Date

August 23, 2023

Submitted by Margie Gang:

Hi Margie,

Here's the EC checklist that accompanies a bylaw submission to an Executive Committee meeting. The various policies that the bylaw must meet can be found on our website at <https://islandstrust.bc.ca/about-us/accountability/policies/>. Hopefully this is what you need.

Wil Cottingham

Office Administrative Assistant

Islands Trust

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You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

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

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan

Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scə́waθən, sə́lilwətał, SEMYOME, shíshálh, Skw'xwú7mesh, Snaw-naw-as,

Snuneymuxw, Songhees, Spune'luxutth', STÁUTW, Stz'uminus, łaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W JOŁEŁP,

W SIKEM, Xeláltxw, Xwémalhkwx, Xwsepsum, and xʷməθkʷəyəm First Nations. Islands Trust is committed to reconciliation and to '

working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.



Bylaw:

Executive Committee

Policy Checklist

Checklist Key:

Consistent

The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv

Contrary

The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv

Not-Applicable

The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Print Date: August 23, 2023

Executive Committee Legislative Role Policy (2.4)

i Bylaw is consistent with the object of the Trust

ii Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

iii Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw

iv Bylaw is not enacted without legal authority including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources - No Resources Required

Staff resources required to assist with administration - No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

B.5 Bylaw is consistent with the object of the Trust

B10 Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments_____

Completed By:

Status_____

Date Resolution Referred to Exective Committee:

Reading:

August 23, 2023

Submitted by Paul Weyer

Please find attached a pdf version of our ~20min brainstorm that we verbally gave at the start of the agenda of yesterday's (22Aug2023) DI HAPC meeting.

Thank you all for your hard and ongoing work for Denman Island Housing. We understand that you were going to maybe include this in your minutes for the meeting.

Please do confirm that we sent this to the right email address.

Many thanks,

Paul and Tara

Denman – Affordable Housing Brainstorm

by Paul and Tara, Aug 22, 2023

Need: Estimated ~65-200 people on Denman are either unaffordably housed, or in unhealthy housing

Reuse Existing Infrastructure (“easiest” path, as already there):

- ban all STVRs
- ban empty homes
 - or less of a political cost, heavily tax empty homes
- for house resales going forward, ask Islands Trust to sway provincial government so that only people under a certain wealth can make offers on certain homes (re: recent failed dutch legislation)

Build (can take 3-10-never years depending on project):

- Islands Trust: allow zoning to increase, with requirements being all future new allowed densities are only allowed for affordable housing, co-op housing, small/tiny homes, etc
- Islands Trust must stop all bylaw enforcement for all living situations, even if multiple neighbours are reporting (rather than just one)
- Islands Health needs to allow compostable toilets (instead of septics), rainwater harvesting (instead of wells), and grey water use for gardening
- Islands Health needs to not push a “Small Water System” onto any lot with more than one household with only one water source, as it is silly onerous (actually applies to owners and renters in same house)
- create a Denman money trust for “Denman Affordable Housing Trust”, managed by one of the non-profits, for fund-raising
- if wanted, could even expand to investments as well, to get more fund access
- create an effective team for affordable housing grant writing
- create an effective team to try to get ongoing contributions and portions of estate for Denman Affordable Housing Trust

Programs:

- pair young people/couples/families with seniors, so they can age in place, and the homes are well-used
- pair young farmers/families with older couples for ultimate land transfer and aging in place

General Notes:

- Denman’s density bank, is not a population density bank, but really a house density (empty homes do not have people living in them)

August 30, 2023

Submitted by Margie Gang:

Note that these are based on the existing Policy Statement. There's bound to be a new Policy Statement within a year, which will have updated directives.

best wishes,

Margie

Begin forwarded message:

From: Sonja Zupanec <szupanec@islandstrust.bc.ca>

Subject: Denman Green documents

Date: August 30, 2023 at 2:50:37 PM PDT

Hello,

Further to our phone conversation today attached are the various staff reviews (2021 and 2022) of the policy statement checklist for the Denman Green application. If you have any questions you can contact me directly.

Sonja Zupanec, RPP, MCIP

Island Planner, Northern Office, Islands Trust
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T 250.247.2211 | islandstrust.bc.ca

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

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scə́waθən, sə́lilwətał, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', STÁUTW, Stz'uminus, łaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁEŁP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2021.1 (DHA)

File Name: Denman Green Affordable Housing Proposed Bylaw No. 241 (OCP) and 242 (LUB)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	NO.	DIRECTIVE POLICY

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

ATTACHMENT 3 – ITPS AND OCP POLICIES DE-RZ-2021.1 (DENMAN HOUSING ASSOCIATION)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	Pending receipt of additional information from the applicant	Staff recommend: 1) confirmation that receiver parcels have sufficient area and conditions for wastewater treatment based on proposed increase in density; 2) water management plan for affordable rental housing development and approved groundwater license volume; and 3) confirmation that receiver parcel (Lot 4 and 5) have sufficient groundwater resources for additional density.
3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.	Pending receipt of additional information from the applicant	Rezoning should trigger requirement for a comprehensive water management plan for the affordable rental housing development proposal. Small 'swamp' indicated in hydrogeological assessment on Kirk Road property not shown on site plan.
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse effects on agricultural land.	Pending further application review	Proposed Lot 4 and 5 are adjacent to ALR land. To be addressed in bylaw amendments and can incorporate ALC buffer requirements.
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: - neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, - water quality is maintained, and - existing, anticipated and seasonal demands for water are considered and allowed for.	Pending receipt of additional information from the applicant	Both receiver parcels are classified by Islands Trust mapping as having portions within Moderate and High aquifer intrinsic vulnerability. Staff recommend: 1) confirmation that receiver parcels have sufficient area and conditions for wastewater treatment based on proposed increase in density; 2) water management plan for affordable rental housing development and approved groundwater license volume; and 3) confirmation that receiver parcel (Lot 4 and 5) have sufficient groundwater resources for additional density.
4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.	Pending receipt of additional information from the applicant	Staff recommend: 1) confirmation that receiver parcels have sufficient area and conditions for wastewater treatment based on proposed increase in density; 2) water management plan for affordable rental housing development and approved groundwater license volume; and 3) confirmation that receiver parcel (Lot 4 and 5)

ITPS Policy	Complies	Planner Comments
		have sufficient groundwater resources for additional density.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	YES	Application addresses positive social impacts of development through provision of affordable rental housing. DPA guidelines can be drafted to further address form and character of housing and water conservation.
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.	YES	Application will utilize density bank and OCP policy provisions. New policies may be required for density transfer provisions.
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	YES	Location of affordable rental housing development in proximity to village and ferry terminal.
5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.	Pending further application review	Proposed development provides an opportunity for LTC and K'omoks First Nation consideration. Archaeological Overview Assessment may be recommended pending further consultation with K'omoks.
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.	YES	Proposal seeks to address community's current and projected housing requirements for affordable housing.

DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 185, 2008

OCP Objective/Policy	Complies	Planner Comments
C.2 Freshwater Policy 9 - Zoning regulations should encourage rainwater collection to reduce consumption of groundwater resources; however, adequate controls should be in place to ensure above ground storage tanks are not unsightly.	Yes and pending further application review	Applicant is proposing extensive rainwater harvesting, collection, storage, treatment and use to supplement groundwater resources. A comprehensive groundwater management plan is recommended to clarify how water will be stored, used and monitored in this development.
C.4 Climate Change Policy 2 - The Local Trust Committee should consider energy efficiency attributes, the reduction of greenhouse gas	Yes and pending further	Applicant is proposing to meet BC Energy Step Code standards of construction for energy efficiency in affordable housing units. Rezoning

emissions, and climate change adaptation and impacts mitigation in all rezoning applications that propose an increase in density or change of use.	application review	process can identify options to ensure this a requirement of new construction.
C.4 Climate Change Policy 4 - The Local Trust Committee should support zoning amendment applications for affordable housing that incorporate climate change adaptation and mitigation measures, such as energy efficiency and shared facilities.	Yes	See above.
D.2 Transportation and Utilities Policy 8 - When considering zoning changes, the Local Trust Committee should ensure that the proposed zoning change supports non-automotive transportation.	Pending further application review	Rezoning process can identify options to ensure non automotive transportation is adequately incorporated into the proposal (i.e. requirements for bicycle parking)
D.3 Water Management Policy 6 -When considering a zoning amendment application in an area of scarce ground water supply, the Local Trust Committee should consider requiring mitigating measures to conserve water and protect the ground water resource.	Pending receipt of additional information from the applicant	LTC can consider options once adequate data has been provided from the applicant in the form of an approved water management plan.
D.4 Waste Management Policy 5 - Community sewage treatment should be required for any zoning amendment where the sewage disposal capability of a lot is inadequate for the proposed use.	Yes and pending further application review	Applicant has provided a wastewater assessment report for 1151 Kirk Road, however the report does not reference the increase in density anticipated as a result of subdivision and rezoning. Staff recommend similar confirmation for Danes Road parcels.
E.1 Housing Policy 6 - When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.	Pending receipt of additional information from the applicant	Danes Road Receiver parcels are adjacent to watercourses. Staff recommend confirmation of adequate wastewater treatment conditions to support an increase in density in this location.
E.1 Housing Policy 10 - In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.	Pending further application review	Applicant to confirm if Donor and Danes Rd Receiver parcels were intended to accommodate secondary suites.
E.1 Housing Policy 11 - The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and	YES	Density increase is consistent with this policy.

site-specific zoning amendment applications under Policy 29 of this Section.		
E.1 Housing Policy 16 - Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.	Yes	Applicant's site plan for Denman Green attempts to cluster housing and accessory buildings.
E.1 Housing Policy 17 - The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.	Yes	LTC and Executive Committee have supported the financial sponsorship of the bylaw amendment fees for the application.
E.1 Housing Policy 23 - Zoning regulations should establish sufficient setbacks for septic disposal systems: • to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and • to protect adjacent properties from effluent or odours.	Pending further application review	Confirmation of sewage disposal capability and location on both receiver parcels will inform draft bylaw amendments pertaining to adequate setbacks for sewage disposal systems.
E.1 Housing Policy 26 - The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.	YES	Applicant has indicated commitment to BC Energy Step Code building standards. Development Permit guidelines for form and character/water conservation/energy efficiency can be drafted.
E.1 Housing Policy 28 - The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: • that the proposal is not located in a connectivity area identified on Schedule D; • that the proposal does not impact negatively on adjacent properties; • that the proposal is small-scale; • that the proposal is clustered and the siting and height are sensitive to surrounding land uses; • that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; • that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; • that the proposed development will not place a strain on existing public services and infrastructure.	Yes and pending further application review	Adequate volume and quality of water for 1151 Kirk Road has been confirmed but staff recommend the details for storage, use and monitoring are insufficient and should be supplied in the form of a water management plan and monitoring covenant.
E.1 Housing DAI Policy 31 - The areas designated Residential and Rural in this Plan are designated to encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the	Yes and pending further application review	Adequate volume and quality of water for 1151 Kirk Road has been confirmed but staff recommend the details for storage, use and monitoring are insufficient and should be supplied in the form of a water management plan and monitoring covenant.

rural character of the community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that housing options are sensitive to ground water availability and sewage disposal capability; guarding against contamination of ground water; preserving the rural nature of the Island; ensuring that housing options preserve human diversity in our community; supporting the establishment of affordable housing, rental opportunities and special needs housing; and providing the opportunity for Island seniors to remain in the community, especially in their own or their families' homes. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Residential and Rural designations.		
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ATTACHMENT 3 – ITPS AND OCP POLICIES DE-RZ-2021.1 (DENMAN HOUSING ASSOCIATION)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments from 2021 (Comments updated April 2022 in RED or GREEN)
3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	YES	Staff recommend: 1) confirmation that receiver parcels have sufficient area and conditions for wastewater treatment based on proposed increase in density – COMPLETED see Attachment 5 of this report package; 2) water management plan for affordable rental housing development – COMPLETED see Attachment 6 of this report package and approved groundwater license volume – PENDING however LWRS determined the long term capacity to be 8.43 m3/day. Staff recommend the LTC receive confirmation of license approval prior to adoption of bylaws vs. prior to public hearing; and 3) confirmation that receiver parcel (Lot 4 and 5) have sufficient groundwater resources for additional density - COMPLETED.
3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.	YES	Rezoning should trigger requirement for a comprehensive water management plan for the affordable rental housing development proposal. Small 'swamp' indicated in hydrogeological assessment on Kirk Road property not shown on site plan. – COMPLETED and wetland area delineated on updated site plan/biological inventory (Attachment 5) and intended to be protected through draft restrictive covenant and setbacks.
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	NA	Proposed Lot 4 and 5 are adjacent to ALR land. To be addressed in bylaw amendments and can incorporate ALC buffer requirements. – Not deemed necessary as existing road separates Lot 5 from ALR boundary.
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: - neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, - water quality is maintained, and	YES	Both receiver parcels are classified by Islands Trust mapping as having portions within Moderate and High aquifer intrinsic vulnerability. Staff recommend: 1) confirmation that receiver parcels have sufficient area and conditions for wastewater treatment based on proposed increase in density; - COMPLETED 2) water management plan for affordable rental housing development – COMPLETED and approved groundwater license volume – PENDING and established by LWRS; and 3) confirmation that receiver parcel (Lot 4 and 5) have sufficient groundwater resources for additional density. - COMPLETED

\\islandstrust.local\DFSM\Main\EDM\09 Current Planning\02 DE\3650 RZ\25 Applications (P)\2021\DE-RZ-2021.1 Denman Housing Assoc (Denman Green)\06 Staff Reports\April 2022\DE-LTC_2022-04-29_RZ-2021.1_RPT_Att03_ITPS.docx

ITPS Policy	Complies	Planner Comments from 2021 (Comments updated April 2022 in RED or GREEN)
existing, anticipated and seasonal demands for water are considered and allowed for.		
4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.	YES	Staff recommend: 1) confirmation that receiver parcels have sufficient area and conditions for wastewater treatment based on proposed increase in density; 2) water management plan for affordable rental housing development and approved groundwater license volume; and 3) confirmation that receiver parcel (Lot 4 and 5) have sufficient groundwater resources for additional density. - COMPLETED
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	YES	Application addresses positive social impacts of development through provision of affordable rental housing. DPA guidelines can be drafted to further address form and character of housing and water conservation. – not incorporated into proposed bylaws.
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.	YES	Application will utilize density bank and OCP policy provisions. New policies may be required for density transfer provisions. – COMPLETED
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	YES	Location of affordable rental housing development in proximity to village and ferry terminal.
5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.	YES	Proposed development provides an opportunity for LTC and K'omoks First Nation consideration. Archaeological Overview Assessment may be recommended pending further consultation with K'omoks. – Arch Branch indicated not required and no comment from K'omoks.
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.	YES	Proposal seeks to address community's current and projected housing requirements for affordable housing.

DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 185, 2008

OCP Objective/Policy	Complies	Planner Comments from 2021 (April 2022 updated comments in RED or GREEN)
C.2 Freshwater Policy 9 - Zoning regulations should encourage rainwater collection to reduce consumption of groundwater resources; however, adequate controls should be in place to ensure above ground storage tanks are not unsightly.	YES	Applicant is proposing extensive rainwater harvesting, collection, storage, treatment and use to supplement groundwater resources. A comprehensive groundwater management plan is recommended to clarify how water will be stored, used and monitored in this development. – COMPLETED
C.4 Climate Change Policy 2 - The Local Trust Committee should consider energy efficiency attributes, the reduction of greenhouse gas emissions, and climate change adaptation and impacts mitigation in all rezoning applications that propose an increase in density or change of use.	YES	Applicant is proposing to meet BC Energy Step Code standards of construction for energy efficiency in affordable housing units. Rezoning process can identify options to ensure this a requirement of new construction. – COMPLETED
C.4 Climate Change Policy 4 - The Local Trust Committee should support zoning amendment applications for affordable housing that incorporate climate change adaptation and mitigation measures, such as energy efficiency and shared facilities.	YES	– COMPLETED
D.2 Transportation and Utilities Policy 8 - When considering zoning changes, the Local Trust Committee should ensure that the proposed zoning change supports non-automotive transportation.	YES	Rezoning process can identify options to ensure non automotive transportation is adequately incorporated into the proposal (i.e. requirements for bicycle parking) – COMPLETED
D.3 Water Management Policy 6 -When considering a zoning amendment application in an area of scarce ground water supply, the Local Trust Committee should consider requiring mitigating measures to conserve water and protect the ground water resource.	YES	LTC can consider options once adequate data has been provided from the applicant in the form of an approved water management plan. – COMPLETED
D.4 Waste Management Policy 5 - Community sewage treatment should be required for any zoning amendment where the sewage disposal capability of a lot is inadequate for the proposed use.	YES	Applicant has provided a wastewater assessment report for 1151 Kirk Road, however the report does not reference the increase in density anticipated as a result of subdivision and rezoning. Staff recommend similar confirmation for Danes Road parcels. – COMPLETED
E.1 Housing Policy 6 - When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.	YES	Danes Road Receiver parcels are adjacent to watercourses. Staff recommend confirmation of adequate wastewater treatment conditions to support an increase in density in this location. – COMPLETED
E.1 Housing Policy 10 - In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides	YES	Applicant to confirm if Donor and Danes Rd Receiver parcels were intended to accommodate secondary suites. – COMPLETED

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.		
E.1 Housing Policy 11 - The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section.	YES	Density increase is consistent with this policy.
E.1 Housing Policy 16 - Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.	YES	Applicant's site plan for Denman Green attempts to cluster housing and accessory buildings.
E.1 Housing Policy 17 - The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.	YES	LTC and Executive Committee have supported the financial sponsorship of the bylaw amendment fees for the application.
E.1 Housing Policy 23 - Zoning regulations should establish sufficient setbacks for septic disposal systems: • to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and • to protect adjacent properties from effluent or odours.	YES	Confirmation of sewage disposal capability and location on both receiver parcels will inform draft bylaw amendments pertaining to adequate setbacks for sewage disposal systems. – COMPLETED
E.1 Housing Policy 26 - The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.	YES	Applicant has indicated commitment to BC Energy Step Code building standards. Development Permit guidelines for form and character/water conservation/energy efficiency can be drafted. – COMPLETED
E.1 Housing Policy 28 - The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: • that the proposal is not located in a connectivity area identified on Schedule D; • that the proposal does not impact negatively on adjacent properties; • that the proposal is small-scale; • that the proposal is clustered and the siting and height are sensitive to surrounding land uses;	YES	Adequate volume and quality of water for 1151 Kirk Road has been confirmed but staff recommend the details for storage, use and monitoring are insufficient and should be supplied in the form of a water management plan and monitoring covenant. – COMPLETED

• that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; • that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; • that the proposed development will not place a strain on existing public services and infrastructure.		
E.1 Housing DAI Policy 31 - The areas designated Residential and Rural in this Plan are designated to encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that housing options are sensitive to ground water availability and sewage disposal capability; guarding against contamination of ground water; preserving the rural nature of the Island; ensuring that housing options preserve human diversity in our community; supporting the establishment of affordable housing, rental opportunities and special needs housing; and providing the opportunity for Island seniors to remain in the community, especially in their own or their families' homes. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Residential and Rural designations.	YES	Adequate volume and quality of water for 1151 Kirk Road has been confirmed but staff recommend the details for storage, use and monitoring are insufficient and should be supplied in the form of a water management plan and monitoring covenant. – COMPLETED

August 31, 2023

Submitted by Margie Gang:

Some ongoing discussion about whether there will be a Rise and Report following the closed portions of today's governance committee meeting. There hasn't been one in previous meetings.

The rise and report is a requirement in the Community Charter. One of the secret legal opinions the committee bought and is discussing is whether the Community Charter's open meetings rule applies to the IT - whether the Community Charter applies at all.

The IT is likely to deal with the Local Government Act in the same way. The LGA will be easier to circumvent than the Community Charter, as it more clearly names municipal governments and RD's. Some portions of it are not relevant to the IT with its very limited mandate.

This is my guess.

September 5, 2023

Submitted by Margie Gang:

Delegation of Land Use Permits (Policy 4.1.15).

[This one might create controversy, as it delegates powers re. approval of applications and fees normally under jurisdiction of the LTC or TC to Staff. There's lots of wording about limitations of these powers in the policy, but I think that suggests how questionable this policy could be. The power to deny an application might be more of a concern than the power to approve one.

"DELEGATION

3. The Local Trust Committee hereby delegates to the Director, or in his or her absence the Regional Planning Manager, the power to issue a development permit or a development permit amendment under Section 490 of the Act in respect of development permits issued within the following development permit areas:"]

[**"POLICY – 4.1.15 Delegation of Land Use Permits (Page 4)**

"4. The delegation under Section 3 does not include the authority to vary or supplement a land use regulation or a subdivision regulation.

5. The Director, or in his or her absence the Regional Planning Manager, is also delegated the power to require, under Section 502 of the Act, an applicant to provide security in an amount stated in the Permit by way of an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Director.

6. The amount of security to be provided under Section 502 of the Act, in relation to a development permit issued by the delegate, shall be 125% of the cost of site restoration, landscaping, remediation of damage to the natural environment or improvements including materials and installation, as determined by a professional landscape architect, a nurseryperson, a landscape contractor, a habitat biologist, or another person approved by the Director to provide.

7. For clarity, a person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw."]

· **Priority Setting/Review Guidelines. Policy 6.2.1.**

[This one is the closest to developing governance accountability as recommended in the Governance Review and previous reports, though it still seems open to interpretation in ways that might favour environmentally restrictive policies over community interests.

Purpose

PRIORITY SETTING/REVIEW GUIDELINES

1. To outline priority setting and review, within the Islands Trust's strategic planning function.

2. To focus political and administrative attention, in a results-oriented fashion, to the realistic pursuit and achievement of the Trust's policies and organizational strategic plans, long term goals, objectives and current issues/opportunities.
3. To provide a basis for budgeting, resource allocation and work programming decisions by the Trust's political bodies and management.
4. To monitor, adjust and evaluate the Trust's progress toward and achievement of performance targets.]

September 5, 2023

Submitted by Margie Gang:

Housing Needs Assessments. This is legislatively required and a priority for the 2024/25 budget.

Housing needs assessments were undertaken for the Northern Islands and the Southern Islands in 2018. Needs assessments were done for Salt Spring Island and Bowen Island in 2020. All of these have used 2016 census data. Updates using a consistent and more robust methodology are to be assessed and will inform the business case for Trust Council consideration for the next fiscal year.

EXTERNAL DEVELOPMENTS

In April 2023, the Government of British Columbia announced “Homes for People, [an action plan to meet the challenges of today and deliver more homes for people, faster.](#)” Legislation has not been drafted, but potential changes highlighted in the plan announcement that may affect Local Trust Areas include:

- Allowing up to four dwelling units on single-family lots
- Mandating that secondary suites be allowed across the Province
- Forgivable loans for secondary suite renovations that secure 5 years of affordable rental rates
- Greater BC Housing investment in multi-family affordable housing
- Implementing a house flipping tax
- Expanding the speculation and vacancy tax to additional areas.

To date staff have been unable to determine how Islands Trust will be considered in these new Provincial initiatives and which provisions will apply and which will not although one minister has stated that rural areas will be “carved out” of legislation. Staff will continue to seek information and advise Trust Council accordingly as more information becomes available.

September 8, 2023

Submitted by Margie Gang:

Begin forwarded message:

From: Narissa Chadwick <nchadwick@islandstrust.bc.ca>

Subject: Mayne Flex Housing

Date: September 8, 2023 at 4:01:39 PM PDT

To: "margang@telus.net" <margang@telus.net>

Hi there,

I understand you had a question about Mayne's Flexible Housing. The amendment supporting the flexible housing approach in the pilot area can into effect at the end of November 2022. We have not done any analysis on the uptake as it is too soon. However, I do know property owners in the flexible housing pilot area who have expressed interest in taking advantage of the opportunity to build an additional unit.

-Narissa

Narissa Chadwick, RPP

Island Planner

Islands Trust – 200-1627 Fort St.

Victoria BC, V8R 1H8

Phone: 250-405-5189

September 12, 2023

Submitted by Paul Weyer:

Hello,

We have had to deal with something, and I will not be attending today's meeting. I hope it goes well.

I tried coming up with ideas about housing agreements, or in particular affordable rentals.

So, my thought was to consider adding in the following to any ADU requirement:

- rent pricing for existing ADUs will not exceed 30% of the renter/s household income
- rent pricing for "space" for tenant supplied ADUs (such as tiny homes, etc) will not exceed 5% of the renter/s household income

Affordable housing gets complex, as it is "defined" as 30% below market rate, but some market rates are downright crazy high, so that does not work for us here.

Sorry for not creating any more input, but I wanted to try to get something simple that was easily understood by all, and possibly easy to enforce.

I hope you have a good meeting.

Paul

October 8, 2023

Submitted by Barb Heywood-Jones

Subject: Housing

I have been meaning to give input to the HAPC since you began meeting. One big problem for me is that the Seniors Hall is very mouldy and I am allergic to mould so I hope you can share my thoughts at your final meeting and include them in your report.

It seems to me that the practice of encouraging "Starter Castles", in the Trust Area especially, has got to stop. It may be better for the tax base but it certainly is worse for Denman, the Islands Trust area, BC, and the Earth.

It is time to encourage, fast track, wave fees for, and promote in every possible way Zero (or low) carbon emission homes and other structures.

Carbon emission targets must be met at every level of government and housing is a huge contributor.

I am guessing that my home is better than zero emissions with reused and natural materials, solar power, evaporative refrigeration, solar electric or wood stove cooking (I have not used my gas stove top for over a year), water catchment, humanure , growing much of my own food, managing hot and cold weather using shades, heavy curtains and shutters, plantings of deciduous, mostly native, trees and a regenerating clear cut!

This is just to point out that if it is possible for me living alone at 75 (as I have been essentially for almost almost a decade) it is possible for most anyone.

With respect and gratitude for your work,

b (Barb) Heywood-Jones

October 23, 2023

Submitted by Stephanie Slater:

The Challenges of Developing Affordable Housing

Published the Denman Flagstone Jan 17, 2023

By Stephanie Slater, Co-Chair, Denman Community Land Trust Association

I've been known to say that developing affordable housing is not an undertaking for the faint of heart. In fact, it's a pursuit that requires patience, persistence, and a passion for the cause.

It shouldn't be this difficult, however. Here are some observations of the key challenges, based on the experience of the Denman Community Land Trust Association (DCLTA) in trying to develop the Pepper Lane Seniors Affordable Housing Project.

Multiple jurisdictions

Regulatory bodies include:

- the Agricultural Land Commission
- Islands Trust
- BC Hydro
- Ministry of Transportation and Infrastructure
- Ministry of FLNRO (Forests, Lands, Natural Resource Operations)
- Ministry of Municipal Affairs

Maneuvering through the requirements of each of these agencies is a complex and demanding process. And they don't always play nice with each other – for example, the Islands Trust and FLNRO wrangled for about a year about how to share authority over water issues.

Unrealistic/unreasonable demands:

If Pepper Lane had gone through, it would have had six “encumbrances” on the title. Some of these are reasonable (e.g., Hydro right-of-way) but some are unnecessarily onerous. One example is the Trust's insistence on a water monitoring covenant – developed at the DCLTA's expense – despite the fact that wells installed on the property by the DCLTA were monitored weekly and we offered to freely share this data with the Trust.

Another example is a suggestion from the Ministry of Agriculture that there be 200-meter setbacks on the property. This Ministry isn't officially involved in approving such developments but they were consulted and apparently pulled something out of a plan for a massive condo development. Such a setback on the two-acre property for Pepper Lane wouldn't have left any room for development! Unfortunately, there are more examples, but let's move on to...

Timelines

The Agricultural Land Commission made mistakes about the request to exempt the project property from the Agricultural Land Reserve: first, they applied the exemption to the full four-acre property and not just the two-acre project site that was to be subdivided. Then they failed to exempt the laneway access to the property. It took three years to correct these mistakes.

The DCLTA began working on the Pepper Lane project in 2014. Our re-zoning application to the Islands Trust is dated September 2017. Re-zoning was only approved five years later in September 2022. When they did give third reading to the bylaws, it then took more than a year for the Ministry of Municipal Affairs to approve them (a step required before the Trust can adopt them). Re-zoning can be a complex process that needs to be handled carefully and transparently but governments need to expedite this process so it doesn't drag on for years.

Limited funding sources

Early DCLTA boards did not intend to seek external financing for this project. They planned to rely on community financing options and a small mortgage that would be funded from rental revenue. However, construction costs have risen incrementally since the project was first conceived in 2014 and the current board determined that external financing from sources such as BC Housing and the Canada Mortgage and Housing Corporation

(CMHC) is necessary to ensure a viable project.

There is a lot of competition for these funds – and new funding from BC Housing has been delayed by the major internal review of that organization (frustrating, because if our intended land had been ready for affordable housing use a few years ago, we were assured that BCH would likely be able to fund the \$2.5 million construction cost quickly).

The Comox Valley Regional District has been supportive with small grants, however we were surprised to learn it made a \$100,000 funding commitment for the Beulah Creek housing project on Hornby. There was no call for funding proposals and we haven't been able to determine what criteria was applied in the decision to support a second affordable housing project on Hornby when Denman Island, with a larger population, has none.

Conclusion

This is just a brief summary of the kinds of challenges faced by groups such as ours. We hope the new premier's stated priority of creating more affordable housing signals a willingness to eliminate these barriers, as many are certainly within provincial jurisdiction.

Meanwhile, the DCLTA remains dedicated to finding land for affordable housing on Denman Island. While our primary focus since 2014 has been the project to build seniors affordable housing, our mandate is broader. We want to support affordable housing for all low-income residents and our constitution also allows us to make land available to other non-profit and/or charitable organizations for development as affordable housing.

Our board is committed to exploring all possible options to make affordable housing a reality on Denman Island.

October 25, 2023

Submitted by Sharon Small:

Dear Sam,

I hope this letter to The Islands Trust will be discussed at Denman's next LTC meeting. Regards, Sharon Small

On Wed, Oct 25, 2023 at 11:44 AM Sharon Small <sharonesmall@gmail.com> wrote:

Dear Trustees:

I hope this appeal to opt in to recent provincial legislation on short-term rentals will be discussed at the next meeting. As a Denman Island resident supportive of the dire need for affordable housing and strongly impacted by Hornby Island's non-regulated tourist industry, the provincial legislation provides solutions to these two crises.

Although Denman's Land Use bylaw on short-term rentals is strongly regulated, the bylaw restricts owners from providing residents with affordable long-term rentals. Residents have been campaigning for a change to the bylaw for years to no avail. For example, as a senior living alone, I cannot legally rent the lower level of my house to residents who could help me age in place. I could, however, enter into the short-term rental business.

Attached is a letter to Hornby's LTC that I sent in support of the APC's recommendations to control and regulate short-term rentals in order to free up long term rentals. Their recommendations are addressed in the new legislation, but strongly opposed by those on Hornby wanting continued self-regulation and more short-term rentals all year.

Denman is directly impacted by HILTC decisions, as we compete for limited ferry space with tens of thousands of tourist related vehicles and provide the roads to convey, according to one HISTVR member, 3000 tourists a week to Hornby in the high season. The infrastructure for Hornby's tourist economy—an inadequate cable ferry and Denman roads—is severely overburdened.

The attached letter provides statistics correlating the growing number of tourist vehicles crossing Denman with a proliferation of non regulated Hornby short-term rentals operating illegally throughout the year and without oversight.

Given that the new provincial regulations on short-term rentals were created to provide more affordable housing and short-term rental oversight, I urge the Trust Council to opt in.

Respectfully,

Sharon Small

Denman Resident

October 29, 2023

Submitted by Rebecca Moore:

To whom it may concern,

I'm writing to voice my support for people and organizations working tirelessly to create affordable housing options on Denman Island. I would love to volunteer my efforts to this important issue but unfortunately I spend the majority of my time working to afford my expensive mortgage.

As a single mother of three children I feel fortunate and privileged to own my home, also aware of the lack of permanence, affordability and home security in the rental market. Unfortunately with property values rising it's becoming more and more difficult to afford my home.

Rebecca Moore
Denman Island

October 30, 2023

Submitted by Margie Gang:

9.5 Rainwater catchment for multi-family dwellings

Vice Chair Peterson indicated that he had been informed that the Province had created new guidelines on water catchment for multi-family dwellings.

EC-2023-107

It was MOVED and SECONDED,

that Executive Committee request staff to investigate new Provincial guidelines on rainwater catchment for multi-family dwellings, and report back at a future meeting.

CARRIED

October 30, 2023

Submitted by Margie Gang:

1 Executive Committee to develop a communications strategy and materials to support awareness of the housing affordability advocacy request and rationale. (STAFF: REFERRED TO RPC - MAY WISH TO RECOMMEND UPDATES TO TRUST COUNCIL TO REFLECT CURRENT ACTIONS AND LEGISLATIVE CHANGES - THE NOVEMBER 15, 2022 CHAIR LETTER REQUESTED THAT THE PROVINCE CREATE HOUSING SOLUTIONS SPECIFIC TO RURAL ISLANDS IN THE TRUST AREA, INCLUDING WAYS TO PROVIDE STABLE, SECURE AND ONGOING FUNDING.)

2 Trust Council host a panel session about housing challenges and solutions in the Islands Trust Area as part of trustee education. (STAFF: REFERRED TO RPC FOR RECOMMENDATIONS)

David Marlor Kate Emmings Robert Barlow
Meeting: 26-Sep-2023 Target: 12-Dec-2023
In Progress
Print Date: October 26, 2023

Follow up Action Report

Clare Frater Stefan Cermak
Meeting: 22-Sep-2022 Target: 14-Mar-2023
In Progress

Stefan Cermak
Meeting: 22-Sep-2022 Target: 14-Mar-2023
In Progress

Appendix 4: Summary of Recommendations: Denman Island Housing Review Recommendations Report, March 2023 (by V. Spinney, HAPC Commission Member)

This appendix is a summary from references and presentations made by V. Spinney to the HAPC. It is provided here for information purposes. It is not to be considered as containing any recommendations that have been approved by the members of the HAPC.

The *Denman Island Housing Review Recommendations Report*, was completed by the Vancouver Island University (VIU) Mount Arrowsmith Biosphere Region Research Institution (MABRRI) on March of 2023.

The Denman Island Housing Review Recommendations Report considered what was needed to implement the recommendations of the *Housing Needs Assessment: Northern Region of Islands Trust (final June 21, 2018)* report and the requirements of Section 473 of the Local Government Act to modify every OCP to include a local housing strategy. MABRRI completed a launch event, written community survey, and an invitational group with 9 community representatives. The language and design of the survey made it inaccessible to many islanders.

A listing of the detailed recommendations from the report is included in Appendix 4. We carefully reviewed MABRRI's recommendations and supplemented them with further research and local knowledge. The MABRRI report recommended OCP changes that encouraged and promoted:

- an environmentally sensitive approach to meeting our needs for affordable housing
- the use of secondary homes, suites and accessory dwellings
- the use of a total square footage approach
- affordability measures including housing agreements, rent controls, and conditional approval of additional dwellings for affordability.
- zoning options for tiny homes etc
- streamlining existing approval processes for affordable housing and
- an approach of continuous review and adaptation

The report also recommended the:

- elimination of temporary use permits as a way to regulate housing
- adjustment of the density bank to reflect reality
- strict regulations on short term rentals

They also suggested:

- implementing an empty home tax or vacancy tax and
- the formation of an on-island public trust to hold lands donated to the community.

Environment

Encourage and promote conservation-focused innovation in new housing developments that is affordable and reflects a diversity of needs through both policy and planning. Also mentioned in recommendation (1.4, 2.1)

Create clear guidelines for sustainable and environmentally conscious development unique to Denman Island (1.4.1)

Be considerate of environmentally sensitive areas when rezoning lands for density (5.1)

Encourage and incentivize landowners for environment-conscious green approaches including, but not limited to, rainwater catchments, provision of outhouses for movable housing units, shared resources, and more (3.7)

Include allowances for water catchment, composting toilets, and greywater reuse to support secondary dwellings and travel trailers, wherever allowed, on residential lots. (2.10, 5.7.2)

Research comparable alternative methods and best practices for rainwater storage, regulating water use, and sewage disposal. (5.4)

Consider partnering with Regional Districts to allow for subsidization of rainwater catchment on residential lots (5.4.1)

Protect, preserve, and maintain public access to beaches (5.5)

Develop and maintain pedestrian and active transportation infrastructure while maintaining the rural character of the community (5.6)

Amend OCP policies that currently “encourage” landowners to protect tree habitats and limit tree removal to firmer regulations for new developments and changes to existing lots (5.3)

Accessory Dwelling Units

Encourage housing diversity to support housing for diverse age and income groups. (5.7)

Review existing secondary homes that are being used or have the potential to be used for yearly rentals on a case-to-case basis and consider making them fully legal. (1.3, 3.3)

Update the current OCP and LUB to allow for secondary suites and secondary dwellings to be used for long-term rentals on conditions that there is proof of adequate groundwater and/or proof of water catchment (can be waived if the proof of aquifer capacity is known and at an adequate rate) and that the dwelling can be connected to an approved sewerage system, in case of secondary dwellings. (1.2)

Allow secondary suites in all residential zones for long-term housing solutions and limit the use to affordable rentals, family members, staff, seniors, and persons with disabilities (3.2.3)

Allow secondary dwellings on residential lots with lot sizes over 1 hectare as a measure to increase rental housing on existing residential lots rather than subdividing new lots for low-density residential development (2.3, 5.2.2)

Allow secondary dwellings on lots larger than 1 hectare as a long-term permanent housing solution with the following regulations and limitations:

- Regulate dwelling size, location, and aesthetic requirements to maintain rural character and encourage a smaller footprint; x
- Regulate dwelling use to long-term affordable rentals;
- Limit use to non-market rental; and,
- Proof of adequate groundwater and human waste disposal. (2.4)

Encourage secondary dwelling uses including, but not limited to, family members, affordable rentals, and housing for staff, seniors, and individuals with special needs and limit the use to non-market housing (3.2.2)

Amend zoning and density requirements to allow clusters of tiny homes with shared resources for such areas. (2.2.1)

Subdivision for affordable housing

Allow changes to existing minimum lot size regulations to support increased densities (in the form of cluster developments) for such areas. (2.2.2)

Allow land subdivision for affordable housing options including, but not limited to, co-op housing, non-market housing, affordable rentals, and affordable ownership. (2.5)

Avoid subdivisions for low-density residential to limit further land fragmentation. (2.5.1, 5.2.1)

Total square footage approach

Take a total square footage approach to approve subdivision applications. (2.6)

Regulate dwelling size (re-visit as per current needs), dwelling location (preferably close to the main house), and aesthetic requirements to maintain the rural character of Denman Island. (1.2.1, 3.2.1, 5.2.3)

Temporary Use Permits

Abolish Temporary Use Permits as a tool to regulate housing. (2.7)

Travel trailers and other types of movable housing units may be permitted by TUPs, subject to conditions including, but not limited to, proof of adequate water, proper sanitation, and current health and safety standards. Simplify the TUP application process to encourage the use of the tool. (3.6)

Density Bank

Adjust the density bank baseline to reflect reality or pull the ALR from the density bank entirely. (2.8)

Affordability Controls

Use of simplified templates for housing agreements between property owners and renters and incentives for property owners to ensure affordable, year-round tenancy (1.1.3, 2.9, 3.8)

Introduce policies on rental price control (1.1.2)

Zoning for Density

Focus on densifying areas that have close proximity to services, adequate groundwater supply, and overall low environmental impact. (2.2)

Identify areas suitable for densification with adequate water, sewage capacity and minimal environmental impact, and amend zoning regulations and density requirements to allow for cluster housing, tiny homes, and/ or trailer parks. (1.7, 3.4)

Taxes

Instate stronger measures such as the “Empty Homes Tax” or “Vacancy Tax” for homes that are unoccupied for more than six months or are used for short-term rentals only. (1.6, 3.5)

Encourage the formation of an on-island Public Trust to hold lands donated to the community for the purpose of conservation, affordable housing, and agriculture (1.5)

Short term rentals

Instate strict regulations to prohibit the use of secondary dwellings as short-term rentals (5.7.1)

Continuous review and adaptation

Review and remove current policies that are restrictive in addressing the growing affordable and attainable housing needs on Denman Island. (5.2)

- Consider the impacts of population increase on Denman Island as a result of the COVID-19 pandemic and its impacts on housing.

- Instate flexible, responsive and adaptive policies to the changing needs of the community while maintaining careful stewardship of the natural environment and resources on Denman Island.

Streamline and focus approval processes

Islands Trust to support not-for-profit and co-op housing groups to navigate the development approval process for efficiency and faster results (1.10)

Encourage and ensure new developments support the low-income market and long-term rentals to meet affordability needs. (1.1)

Assign an appropriate percentage of new development to be used for long-term rentals and limit use to non-market housing. (1.1.1)

Appendix 5: Twenty Years of Housing Studies about Denman Island (by V. Spinney, Commission member)

This appendix is a summary from references and presentations made by V. Spinney to the HAPC. It is provided here for information purposes. It is not to be considered as containing any recommendations that have been approved by the members of the HAPC.

Denman Island's housing needs have been well studied and documented. Since 2002, taxpayers have funded 10 separate public reviews and consultations involving housing.

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

The 10 studies listed below can be broken down into the following categories:

Four data reviews to identify growing community housing needs:

- **2008** Housing Needs on Hornby and Denman: Final Report;
- **2013** Affordable and Convenient Housing Needs on Denman: report by John M Roberts Management Consulting for the Denman Housing Association;
- **2014** Affordable Housing for Seniors on Denman Island by Stephanie Slater for DCLTA; and
- **2018** Housing Needs Assessment: Northern Region of Islands Trust (final June 21, 2018); Dillon Consulting for Islands Trust

Two studies address the need for farm worker and secondary housing on ALR land:

- **2013** Rural Affordable Project Final Report; Ecofocus Environmental Consultants for The Rural Affordable Project of the Denman Community Land Trust Association
- **2022** Denman Island Farm Regulations Review: Engagement Summary and Key Directions by Upland Agricultural Consulting and the Investment Agricultural Foundation

Four advisory studies to assess Denman community support for housing options:

- **2002-03:** Accessory Dwelling Advisory Committee: Recommendations to the Island Trustees January 23, 2003;
- **2013** Denman Housing Needs Summary Report of August 25th Community Information Meeting (*aka Cooking Up Housing Consultation*);

- **2018** Denman Community Design Charrette: Vancouver Island University Community Planning for Denman Local Trust Committee commissioned ; and
- **2023** Denman Island Housing Review Recommendations Report, Mount Arrowsmith Biosphere Region Research Institution (MABRRI)

1. Community Housing Needs

The four community housing needs studies identified the following:

- Housing prices continue to increase faster than income. By 2018 only 10% of households on Denman could afford (based on household income) a home with a purchase price of \$581,000.
- Denman Island has a shortage of rental housing. The 2008 study identified a rental housing shortfall for 68 households for renters and elders. The 2013 Affordable and Convenient Housing Needs on Denman identified a need for better rental accommodation for approximately 80 households on Denman. The 2018 Island Housing Needs Assessment: Northern Region of Islands Trust concluded Denman Island requires up to 80 affordable housing units. This study noted in January 2018, as now, there were no homes available to rent long term. Employees, families and elders were, as now, in critical need of affordable secure rental accommodations and there was no social housing in place.
- Denman has an aging population. Studies noted that housing for seniors was inadequate and that strategies were needed to support seniors wishing to age in place and families who wished to accommodate aging parents.
- The rental stock on Denman is aging and much of it is in poor repair. The 2013 Affordable and Convenient Housing Needs on Denman report found “90% of rental units on Denman Island are inadequate. Across the island there are at least 120 people living in substandard rental housing – 20 of whom are children.”

2. Farm Worker and Secondary Housing on ALR Land

Denman Island has 2,368 hectares in the ALR, equivalent to 46% of the island.

In 2022, the Denman Island Farm Regulations Review: Engagement Summary and Key Directions review recommended aligning secondary dwelling allowances to ALC Act and regulations and revising the Official Community Plan and Land Use bylaws accordingly. This included removing the need for Temporary Use Permits for secondary suite and secondary dwelling.

3. Public Support for Housing Options

Over the last 20 years Denman Islanders have been consulted about options to improve the quantity and quality of reasonably priced housing.

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

Date: September 28, 2023
To: Trustees: Hornby LTC; Denman LTC; Islands Trust Council
From: Sharon Small, Denman Resident/Retired Business College Professor

Subject: Support of APC Recommendations for Short-Term Vacation to Minimize Infrastructure Stress for Denman Islanders

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. These changes would 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 120, 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 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/2023/09/21/short-term-rentals-impact-affordable-housing-in-bc/) 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](https://www.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 is scheduled to introduce strong legislation this Fall implementing the Joint Advisory Group’s recommendations. **Changes could include eliminating commercially run short-term rentals; requiring rental platforms like Airbnb to confirm business licences; and requiring communities to collect short-term rental data to be shared in a Provincial data base (June 30, 2021 Final Report of Priorities for Action [UBCM.ca](https://www.ubcm.ca)).**

FACT: The above statistics strongly argue that the steady increase in Hornby tourist vehicles travelling across Denman since 2017 is connected to increases in legal and illegal short-term rentals. The BCF Annual Report to March 2023 states that of the short routes, only Routes 21 and 22 showed a significant revenue increase. Traffic statistics from 2017 to the present show steady increases of up to 9.91%. In May 2023, 13,100 vehicles represented a 17.88% increase from 2022 and in June, 15,114 vehicles represented a 9.34% increase. Once the traffic statistics for the last three months are posted, they should support what ferry staff and Denman residents experienced —that the number of tourist related vehicles keeps increasing.

FACT: The tens of thousands of vehicles and numerous service trucks supporting the Hornby tourist economy generally race back and forth across Denman. Unless you live on the Denman speedway between the ferry terminals, you cannot imagine the assault such high numbers of vehicles— in July 2022 18,147 and in August 19,625—have on our formerly tranquil community. Also, too many drivers engage in reckless driving to get ahead of the ferry line even when the two ferries at Denman West were running. Service 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.

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 is **safety and quality of life**. A full summary and online survey of the experiences islanders shared about encounters with terminal-to-terminal recklessness, soon to be posted, will verify

the frustration, anger, and despair Denman residents feel about an escalating problem that violates our preserve and protect mandate and OCP bylaw on transportation.

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

FACT: This question could be easily answered with a credible up-to-date survey of how many illegal and legal short-term rentals are currently operating and what percentage of the total tourist traffic volume short-term rentals represent. 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 long 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. One summer Sunday when covering a three hour shift at the Art Centre, I observed the major intersection into Denman Village frequently clogged with Hornby vehicles that often reached to Lacon Road. The single remaining lane cannot accommodate coming and going local and offloaded ferry traffic. When traffic was moving, drivers continued to race through the Northwest intersection, violating the 30 mph speed limit. Most importantly, this backed up traffic and speeding creates peril for our ambulance and fire truck drivers, local drivers, and cyclists who are forced to use one single lane.

FACT: Businesses and artisans complain that excessive 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 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, it did not alter the traffic volume problems.

The Friends of Denman Forests, the 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 round table 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 the Advisory Planning Commission’s recommendations, therefore, should result in fewer short-term rentals and a significant reduction of traffic volume. Also, by enforcing licensing, Hornby would be in compliance with other Trust islands, communities and cities across Canada, and the forthcoming 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 and Retired University Professor

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: 04-Oct-2023

Under review by staff.

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: Ian Cox

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.

Applications

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.			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2023.12	Davie, Phil Planner: Gillian Nicol	30-Oct-2023	PID: 029-355-699 new SFD at 4451 Northwest Road on Denman Island.
Planning Status			
Status Date:			

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2022.1	Carballeira, Steven	28-Feb-2022	PIDs: 002-747-430 and 002-748-258. Lot line adjustment, no new lots created. Civic: 3060 Lake Road and 4060 Wren Road, Denman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 05-Sep-2023

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

Status Date: 14-Aug-2023

RPM decision that the 2 dwellings at 3060 Lake Rd are legal non-conforming.

Status Date: 19-May-2023

RAPR Assessment report received from Ministry of Water, Land and Resource Stewardship.

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

Status Date:

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

615 Denman	Invoices posted to Month ending August 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	199.00	0.00	199.00
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	1,410.00	1,535.95	-125.95
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	453.88	-54.88
65220-615	LTC - Local Exp - Communications	250.00	371.77	-121.77
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>2,335.00</u>	<u>2,361.60</u>	<u>-26.60</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	0.00	2,000.00
TOTAL Project Expenses		<u>20,000.00</u>	<u>363.32</u>	<u>19,636.68</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)			
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)	September 24, 2013	1	34
				DE-TUP-2016.2	March 31, 2017	1	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.			

DATE OF MEETING: October 3, 2023

TO: Denman Island Local Trust Committee

FROM: Warren Dingman, Bylaw Compliance and Enforcement Manager
Local Planning Services

SUBJECT: Bylaw Enforcement Notice Bylaw Amendments – For Third Reading, Forward to Executive Committee

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee rescind third reading of Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”.
2. That Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”, be amended by replacing with original Schedule A with the revised Schedule A, Denman Island Land Use Bylaw No. 186 Contraventions and Penalties, submitted with this report.
3. 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.
4. That the Denman Island local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The report provides the current amendments for the contravention Schedules for the Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, and enforcement options for consideration by the Local Trust Committee.

BACKGROUND

The work to amend the Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw (BEN) was initiated after Siting and Use Bylaw No. 52 was rescinded in May 2022 and the new Siting and Use Permit Bylaw No. 240 was adopted. In order to make use of the BEN system to ensure siting and use permit contraventions could be enforced, amendments to the contravention schedule were required to reference the new bylaw. In April, the Local Trust Committee (LTC) was asked to consider and adopt amended contravention schedules for the BEN bylaw for both the Land Use Bylaw and the Siting and Use Bylaw, and at that time, the LTC reduced the number of contraventions to just two: one contravention for the LUB Schedule A regarding unlawful short-term vacation rentals, and one for the Siting and Use Bylaw Schedule B for the lack a siting and use permit.

The Local Trust Committee reduced the number of contraventions after a discussion regarding the disproportionate impact of fines on low-income residents and the need for enforcement specifically on short-term vacation rentals that generate income while limiting the housing supply.

After the initial first three readings of Bylaw No. 247, it was placed in the workflow for Executive Committee for approval. However, the Director of Planning Services, Stefan Cermak, had concerns about the extent of the elimination of contraventions in Schedule A and Bylaw No. 247 was returned to the Local Trust Committee for re-consideration. At a subsequent LTC meeting further information and options for enforcement when it comes to environmentally sensitive areas of the Local Trust Area were requested.

A revised Schedule A has been provided that ensures that Bylaw Violation Notices can be issued for the encroachments to a cliff, encroachment into setbacks from streams, lakes or wetlands, and the natural boundary of the sea, all of which are environmentally sensitive areas. Contraventions are also listed for non-permitted uses or structures within the water zones around Denman Island.

The Denman Land Use Bylaw does not list specific prohibitions on the dumping of waste materials on land or water, and section 1.3.5 of the Land Use Bylaw can be used to enforce against these types of activities, or any other uses that are considered harmful to the natural environment or pose a risk to health and safety.

TRUSTEE AND LOCAL TRUST COMMITTEE ROLES

Trustees currently have limited involvement with the enforcement process, and this complies with the following guidelines from the ***Ombudsperson Bylaw Enforcement Best Practices Guide for Local Governments and the role of Council in the Enforcement Process***:

“As discussed in previous sections, council establishes overall priorities for enforcement, enacts bylaws, and adopts bylaw enforcement policies and standards of conduct for bylaw enforcement staff. Council may also provide direction on specific types of bylaw enforcement issues. For example, council may direct its enforcement staff to prioritize enforcement of certain bylaws, or to issue warnings rather than tickets for specific categories of violations.

Within this framework, everyday enforcement decisions are delegated to staff. Defining and maintaining separation between council and front-line enforcement staff is essential to an administratively fair bylaw enforcement system. It is important for council members to be aware of how their own actions can affect the fairness of an enforcement process. This means that while council sets policy and provides general direction on enforcement priorities, its individual members should not become directly involved in enforcement action by directing enforcement against specific residents, groups or businesses, or by directing that enforcement action not occur in a particular circumstance. Rather, individual enforcement decisions should be made by delegated bylaw enforcement staff or contractors.”

Staff would not recommend removing or drastically limiting use of the BEN system as that would restrict bylaw officers' enforcement options and increase the amount of time involved in addressing individual bylaw matters on the agenda of the Local Trust Committee, increase the number of violations that languish unresolved, and increase legal costs if those matters must be resolved by civil claim in BC Supreme Court. However, given the concerns about the use of the BEN system, and the financial impact of issuing penalties for contravention of bylaws, staff have considered and prepared options that are available to the LTC for consideration.

ENFORCEMENT OPTIONS

The following options are available to an LTC to provide additional oversight for the system and to ensure that community or public needs are met during the enforcement process and also to ensure that the integrity of the adopted bylaws are upheld.

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

This would ensure the LTC is updated and reviews enforcement files regularly, and that the LTC can prioritize enforcement of specific types of violations and can close individual files. This avoids the LTC having to request reports and updates from the Bylaw Compliance and Enforcement Manager on an *ad hoc* basis. Bylaw enforcement staff would only issue Warning Notices until after a file has been reported to the LTC in a regular update.

2. Maintain the current BEN system that delegates Bylaw Officers to issue violation notices.

This is the status quo approach.

3. The Local Trust Committee adopt a policy that only warning notices be issued by Bylaw Officers and that violation notices only be issued after review by the Regional Planning Manager and approval by the Bylaw Compliance & Enforcement Manager.

This option would involve planning staff reviewing violations prior to issuance of a penalty. This would result in regular review of violations by planning staff prior to issuance of penalties, potentially allowing for earlier consideration of variances or other planning options.

4. The Local Trust Committee adopt a policy that would establish criteria for issuance of bylaw violation notices.

This option would involve the LTC identifying only certain types of violations for ticketing (e.g. buildings and structures in setbacks, etc.) This would require further consideration of the criteria by the LTC.

RATIONALE FOR RECOMMENDATION

The revised Schedule A provides a limited number of contraventions subject to penalty, as requested by the Local Trust Committee, and ensures that enforcement can proceed against uses or structures in proximity to environmentally sensitive areas.

Submitted By:	Warren Dingman Bylaw Compliance & Enforcement Manager	September 20, 2023
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	September 20, 2023

Attachment

1. Draft Bylaw No. 247

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 247

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

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

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

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

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

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

—^{xx} DAY OF MONTH , 2023

ADOPTED THIS —^{xx} DAY OF MONTH , 2023

CHAIRPERSON

SECRETARY

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

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
1.3.5	Non Permitted Use in Any Zone	\$500.00	\$375.00	\$750.00	Yes	100%
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	\$750.00	Yes	100%
2.3.2	Encroachment into setback from Natural Boundary of Stream, Lake or 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	Yes	100%

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

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

Active Projects Report

Denman Island

1. 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. **This is a major project.*

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

Dates

Chloe Straw
Narissa Chadwick
Renee Jamurat

Rec'd: 19-Jan-2021

2. Farming Regulations Review Project

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

Responsible

Dates

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. 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.
