



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: October 8, 2024
Time: 10:00 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Pages

1. **CALL TO ORDER** 10:00 AM - 10:05 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **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. **MINUTES** 10:45 AM - 10:50 AM
 - 5.1 Local Trust Committee Minutes dated August 13, 2024 - for adoption 4 - 10
 - 5.2 Section 26 Resolutions-Without-Meeting Report dated October 1, 2024 11 - 11
 - 5.3 Advisory Planning Commission Minutes - none
6. **BUSINESS ARISING FROM MINUTES** 10:50 AM - 11:05 AM
 - 6.1 Follow-up Action List dated October 1, 2024 12 - 17
7. **DELEGATIONS - none**
8. **APPLICATIONS AND REFERRALS** 11:05 AM - 11:25 AM
 - 8.1 DE-RZ-2024.1 (Triple Rock Land Co-op) - Staff Report 18 - 31
 - 8.2 DE-RZ-2023.1 (Komas Ranch) - Staff Verbal Update

9.	LOCAL TRUST COMMITTEE PROJECTS	11:25 AM - 12:10 PM	
9.1	Minor Project: Housing Related Temporary Use Permit Review - Verbal Update		
9.2	Major Project: Denman Housing Project Update - Staff Report		32 - 47
10.	CORRESPONDENCE - none		
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)		
~ BREAK 12:10 PM - 12:40 PM ~			
11.	NEW BUSINESS	12:40 PM - 2:00 PM	
11.1	Kómoks First Nations Presentation on Cultural Heritage Investigation Permits (CHIPs)		
11.2	Dark Sky Principles Adoption Advocacy - Briefing		48 - 51
12.	STAFF REPORTS	2:00 PM - 2:20 PM	
12.1	Trust Conservancy Report - none		
12.2	Applications Report - none		
12.3	Trustee and Local Expense Report dated July, 2024		52 - 52
12.4	Adopted Policies and Standing Resolutions		
12.5	First Nations Relationship Building Update		
	12.5.1 Interest in Meeting with Kómoks First Nations Chief and Council - Verbal Update		
12.6	Local Trust Committee Webpage		
13.	WORK PROGRAM	2:20 PM - 2:35 PM	
13.1	Active Projects Report dated October 1, 2024		53 - 53
13.2	Future Projects Report dated October 1, 2024		54 - 55
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for Tuesday, December 10, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC		
15.	CLOSED MEETING	2:35 PM - 2:55 PM	

15.1 Motion to Close the Meeting

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

- *(f)law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- *(g)litigation or potential litigation affecting the municipality;*

and that the Recorder and Staff attend the meeting.

15.2 Recall to Order

15.3 Rise and Report

16. ADJOURNMENT

2:55 PM - 3:00 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: August 13, 2024
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: David Graham, Trustee
 Sam Borthwick, Trustee

Members Regrets: David Maude, Chair

Staff Present: Marlis McCargar, Island Planner
 Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately 6 members and 1 member of the media in attendance.

1. CALL TO ORDER

By general consent, Trustee Graham will act as Chair of the August 13, 2024 meeting.

Acting Chair Graham called the meeting to order at 10:00 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Graham reported the following:

- Acknowledged recent site visit with members of K'omoks First Nation.

Trustee Borthwick reported the following:

- Attended Trust Council in July; and
- Honoured to be invited by members of K'omoks First Nation to accompany them for a site visit on culturally important lands.

3.2 Chair's Report - none

3.3 Electoral Area Director's Report - none

4. PUBLIC COMMENTS

- Member of the public asked if Islands Trust staff are equivalent to municipal government staff, why there are no public garbage cans, and if Islands Trust can put garbage cans in public places and take responsibility for emptying them.
 - Trustees replied Islands Trust is a land use authority and not the same as a municipality and garbage removal service is within the jurisdiction of the Comox Valley Regional District.
- Member of the public stated Sue Big Oil is a movement calling on local governments to fund a class action lawsuit against big oil companies by contributing \$1.00 per resident and asked Islands Trust to endorse the campaign and work with other local communities who have committed funds.
 - Trustees noted a delegation from Sue Big Oil presented at the July, 2024 Trust Council meeting and potential for participation is being discussed at Trust Council level.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated June 4, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of June 4, 2024 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated August 2, 2024

Planner provided the following update:

- Bylaw Nos. 228 and 229 have been consolidated and will be uploaded to website;
- Received one expression of interest to join Advisory Planning Commission; and
- Additional development approval information for the Komax Ranch application has been received including water information for each of the building sites, early referral of the application to First Nations and the Comox Valley Regional District has commenced, and staff are in the process of researching Local Trust Committee options for shoreline and cultural heritage preservation.

DE-2024-055

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to suspend the solicitation of expression of interest for the Advisory Planning Commission until October, 2024.

CARRIED

8. APPLICATIONS AND REFERRALS

8.1 DE-RZ-2024.1 - Proof of Sewage Treatment Capacity for the Triple Rock Land Cooperative/CoHo Landing Rezoning - Verbal Discussion

Speaking on behalf of Triple Rock Land Cooperative, Laura Busheikin stated the Cooperative engaged a wastewater engineer who verified that adequate sewage treatment can be created on the site and she enquired if an email from the engineer is sufficient at this time.

Discussion ensued and Trustees noted the following:

- It was not a requirement to provide proof that a wastewater system could handle the sewerage of a secondary suite when the Local Trust Committee created the ability for property owners to build a suite within R2 (Rural Residential) zone;
- Email provided is a professional opinion that the site has the capability of handling additional sewerage from suites;
- Many of the Cooperative property owners may never build a secondary suite; and
- The intention was that sewerage capacity will be demonstrated as the builds are planned.

Planner noted the following:

- Application is part of a rezoning process which is different than an individual homeowner adding a suite;
- Triple Rock Land Cooperative is requesting nineteen units of additional density and, while all units might not be realized, the Local Trust Committee may want to consider the implications of creating a zone that cannot be implemented if the land is unsuitable for septic systems;
- If septic systems are not feasible, owners may face substantial unexpected costs for alternative systems which could affect the viability of the project;
- The Local Trust Committee could consider requiring proof of septic capability at the time of build and this could be built in to the zoning requirement; and
- Once the zone has been drafted, it will come back to the Local Trust Committee and there will be opportunity to review conditions of use and wording for the specific zone and make amendments at that time.

DE-2024-056

It was MOVED and SECONDED

that the Denman Island Local Trust Committee is satisfied with the requirements set forth in DE-2024-049 for the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) to submit confirmation from a qualified professional the subject property has adequate conditions to support wastewater systems is sufficient for now and that the Local Trust Committee will request more comprehensive wastewater treatment information prior to construction.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Minor Project: Housing Related Temporary Use Permits Review - Staff Report

Planner summarized the Staff Report and highlighted the following:

- Draft bylaws are to remove the requirement of a Temporary Use Permit for secondary dwellings on lands zoned R2 (Rural Residential), A (Agriculture), F (Forestry) and RE (Resource);
- Currently 37 properties in the specified zones;
- Reports from Vancouver Island University and Housing Advisory Planning Commission, as well as community input recommended removing Temporary Use Permit requirement for secondary dwellings; and
- Bylaw also proposed removal of the density bank as it is administratively complex, requires careful tracking and regulation, and has become obsolete.

Trustees had no questions for the Planner and noted that the removal of the density bank and removal of the requirement for a Temporary Use Permit for secondary dwellings allows for the creation of more housing.

DE-2024-057

It was MOVED and SECONDED

that the Denman Island Local Trust Committee Bylaw No. 248, cited as the “Denman Island Official Community Plan, 2008, Amendment No. 1, 2024,” be read a first time.

CARRIED

DE-2024-058

It was MOVED and SECONDED

That the Denman Island Local Trust Committee Bylaw No. 249, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024,” be read a first time.

CARRIED

DE-2024-059

It was MOVED and SECONDED

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 248, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2024,” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2024-060

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to refer Bylaw No. 248 and Bylaw No. 249 to the following agencies and First Nations for comment: Cowichan Tribes, Halalt First Nation, Da'naxda'xw/Awaetlala First Nation, Qualicum First Nation, Lyackson First Nation, Penelakut Tribe, Snuneymuxw First Nation, Snaw'Naw'As Nation, Stz'uminus First Nation, Te'Mexw Treaty

Association, Tsu'uubaa-asatx First Nation, Tlowitsis First Nation, Homalco First Nation (Xwemalhkwa), Tla'amin Nation, Nanwakolas Council, Wei Wai Kum Nation, We Wai Kai Nation, Mamalilikulla First Nation, K'omoks First Nation, Comox Valley Regional District, School District #71 (Comox Valley), Hornby Island Local Trust Committee, Denman Island Fire Department, and Ministry of Municipal Affairs and Housing.

CARRIED

DE-2024-061

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 248 (OCP) and 249 (LUB).

CARRIED

9.2 Major Project: Denman Housing Review Project - Stage 2 – Memorandum

Planner noted that work was being done and draft bylaws would be coming forward for consideration by the Local Trust Committee in late fall.

Trustees reaffirmed commitment to have the project move forward in a timely manner and get draft bylaws to the public for debate and discussion.

10. CORRESPONDENCE

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

10.1 Email dated July 28, 2024 from S. Griffin regarding Denman Island Heritage Designation Bylaw Proposal

Planner noted that the following options were available for consideration:

- Denman Island Community Heritage Register provides heritage recognition but does not constitute formal protection and the property might be eligible for inclusion on the Register; and
- A Heritage Designation Bylaw would provide long-term protection ensuring property preservation and would include registration with BC Government Heritage Branch, and if the Local Trust Committee were interested in this option, it would be considered a minor project.

Discussion ensued and Trustees indicated the building has significant colonial history and while they would consider adding the property to the Denman Island Community Heritage Register, they are not interested in adding a Heritage Designation Bylaw to the minor projects list.

Staff indicated they will send information on how to nominate the building to the Denman Island Heritage Register to the letter writer.

11. NEW BUSINESS - none

12. STAFF REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report - none

12.3 Trustee and Local Expense Report dated June, 2024

Received for information.

12.4 Adopted Policies and Standing Resolutions

Trustees noted that Standing Resolution No. 10 DE-2023-080 has been brought forward into the Bylaw Enforcement Policy and is no longer required as a Standing Resolution.

DE-2024-062

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to remove Standing Resolution No. 10 DE-2023-080 from the Denman Island Local Trust Committee Policies and Standing Resolutions.

CARRIED

12.5 First Nations Relationship Building Update – none

12.6 Local Trust Committee Webpage

No updates at this time.

13. WORK PROGRAM

13.1 Active Projects Report dated August 2, 2024

Received for information.

13.2 Future Projects Report dated August 2, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, October 8, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

The meeting was recessed for a break at 11:40 a.m. and reconvened at 12:30 p.m.

15. CLOSED MEETING

15.1 Motion to Close the Meeting

DE-2024-063

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(b)&(f) 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;
- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

and that the Recorder and Staff attend the meeting.

CARRIED

The meeting was recessed at 12:32 p.m.

15.2 Recall to Order

The meeting was recalled to order at 1:21 p.m.

16. ADJOURNMENT

By general consent, the meeting was adjourned at 1:22 p.m.

David Graham, Acting Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder



Resolutions Without Meetings Log

Denman Island

Resolution Number	Action	Date
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2024-001	Carried	09-Sep-2024
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Major Project Business Case

That the Denman Island Local Trust Committee approve the attached Major Project business case for the Denman Housing Review Phase 2C, for submission to the Regional Planning Committee and Financial Planning Committee for the fiscal 2025-2026 year budget.

Follow Up Action Report

Denman Island

25-Jul-2023

Progress	Activity	Responsibility	Dates	Status
66%	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. - <i>noted</i>. 6. Staff to send a letter to First Nations to identify how they would like to be engaged on Denman Island's Housing Review Project. - <i>Completed, engagement ongoing. FN has requested an overall update for all projects from IT and included sharing information on the project. Date to be scheduled.</i> 7. Lead Planner to request the Regional Planning Committee submit a business case to Trust Council regarding water availability assessment and prioritize Denman Island in fiscal 2024/25. - <i>complete</i>. 8. Staff to schedule Community Meeting 1 following receipt of the October report from the Housing Advisory Planning Commission.	Chloe Straw Michelle Backe Narissa Chadwick		In Progress

Follow Up Action Report

Denman Island

20-Feb-2024

Progress	Activity	Responsibility	Dates	Status
50%	1 Complete suitable land analysis draft. Schedule meeting with Trustees RE: suitable land analysis. <i>PLANNER UPDATE July 30 : Awaiting for the data to be ready to share.</i> <i>The meeting to occur by September at earliest.</i>	Michelle Backe Narissa Chadwick	Target: 08-Oct-2024	In Progress
0%	2 - Draft Housing Action Plan - <i>Completed for May 7th Meeting</i> - Draft Bylaw language for review - <i>tbc</i>	Narissa Chadwick		In Progress

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 1.request the applicant for DE-RZ-2023.1 to submit the following information to the Local Trust Committee regarding sewerage waste disposal on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320): - Sewage disposal filings for each sewage disposal system on the subject properties; and A comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties. 2.request the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.) to submit the following information to the Local Trust Committee regarding the existing water quality and quantity on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320): a) Source of potable water for each building site; b) Distribution of potable water to each building site; c) Any historic or current water quality tests for existing potable water sources supplying the building sites; d) Any additional sources of water for irrigation (non-potable); AND That this information be forwarded to the Islands Trust Freshwater Specialist for comment. 3.That the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) submit a post-impact Preliminary Field Reconnaissance prepared by a qualified professional, in consultation with K'ómoks First Nation.	Margot Thomaidis		In Progress
100%	2 Request staff to prepare a draft bylaw to amend Denman Island Land Use Bylaw, 2008 to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456. - Target October 8 LTC meeting to have bylaws drafted for 1st Reading.	Marlis McCargar Nadine Mourao		Completed

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
50%	3 Request the applicant for DE-RZ-2021.1 (Triple Rock Land Cooperative) enter into a cost recovery agreement with the Islands Trust for the purposes of vetting an amended housing agreement, which the applicant will provide.	Marlis McCargar		In Progress
0%	4 Regarding DE-RZ-2023.1 (Komas Ranch Ltd.) application: 1.prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008 (OCP), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.). 2.prepare a draft bylaw to amend the Denman Island Land Use Bylaw, 2008 (LUB), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.). 3.confirm that the draft bylaw includes designation of part of the Northern parcel and part of the Eastern parcel (PIDs 000-211-338 and 023-096-438) as 'Conservation/Recreation' in the OCP and 'Conservation (CN)' in the LUB. (staff N.Mourao) 4.confirm that the draft bylaw includes designation of Site Specific Rural Residential zones in the LUB to permit the existing residential density on each of the subject properties.	Margot Thomaidis Nadine Mourao		In Progress
0%	5 Regarding DE-RZ-2023.1 (Komas Ranch Ltd.) application, request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties related to DE-RZ-2023.1.	Margot Thomaidis		In Progress
0%	6 Request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) to confirm whether or not they will pursue a Natural Area Protection Tax Exemption Program (NAPTEP) covenant to protect an environmentally sensitive portion of the Northern parcel.	Margot Thomaidis		In Progress

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
0%	7 Regarding DE-RZ-2023.1 (Komas Ranch Ltd.) application, request staff to engage with K'ómoks First Nation regarding their interest in formalizing access to Longbeak Point through a pedestrian trail on the Western and Northern parcels.	Joe Elliott Margot Thomaidis Renee Jamurat		In Progress
0%	8 Regarding DE-RZ-2023.1 (Komas Ranch Ltd.) application, request staff to report back on the options to formally protect the cultural heritage of the subject properties using all available local government tools, in addition to the Heritage Conservation Act.	Margot Thomaidis		In Progress

Follow Up Action Report

Denman Island

13-Aug-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 Send out expressions of interest for APC again in October 2024.	Chloe Straw		In Progress
100%	2 That the Denman Island Local Trust Committee is satisfied that the requirement set forth in resolution #DE-2024-049 for the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) to submit Confirmation from a qualified professional that the subject property has adequate conditions to support wastewater systems, is sufficient for now and that the LTC will request more comprehensive wastewater treatment information prior to construction.	Marlis McCargar		Completed
100%	3 Staff to refer Bylaw No. 248 and Bylaw No. 249 to agencies and First Nations for comment.	Marlis McCargar Nadine Mourao		Completed
0%	4 Request staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 248 (OCP) and 249 (LUB), once the referral period is complete. <i>Referral period will close late Oct 2024.</i>	Lisa Millard Marlis McCargar Nadine Mourao		In Progress
0%	5 Remove resolution #10 DE-2023-080 Bylaw Enforcement Give Minimum 24 Hours' Notice for Site Visits from the standing resolutions log as it is duplicated.	Nadine Mourao Warren Dingman		In Progress

File No.: DE-RZ-2024.1 (Triple Rock Land Cooperative)

DATE OF MEETING: October 8, 2024

TO: Denman Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: Application to amend the LUB to allow for additional density
Applicant: Laura Busheikin on behalf of Triple Rock Land Cooperative
Location: 5201 Denman Road, Denman Island
PID 028-101-677

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 250 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” be read a first time.
2. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 250, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024”, is not contrary to or at variance with the Islands Trust Policy Statement.
3. That Proposed Bylaw No. 250 be referred to the following First Nations, Local Governments and agencies for comment:

- | | |
|--------------------------------------|---------------------------------------|
| • Cowichan Tribes | • Tla'amin Nation |
| • Halalt First Nation | • Nanwakolas Council |
| • Da'naxda'xw/Awaetlala First Nation | • Wei Wai Kum Nation |
| • Qualicum First Nation | • We Wai Kai Nation |
| • Lyackson First Nation | • Mamalilikulla First Nation |
| • Penelakut Tribe | • K'ómoks First Nation |
| • Snuneymuxw First Nation | • Comox Valley Regional District |
| • Snaw'Naw'As Nation | • School District #71 (Comox Valley) |
| • Stz'uminus First Nation | • Hornby Island Local Trust Committee |
| • Te'Mexw Treaty Association | • Denman Fire Department |
| • Tsu'uubaa-asatx First Nation | • Island Health |
| • Tlowitsis First Nation | |
| • Homalco First Nation (Xwemalhkwu) | |

REPORT SUMMARY

The staff report introduces a draft bylaw to amend the Denman Island Land Use Bylaw (LUB) to increase the number of units on the subject property by four and permit secondary suites in all units, as presented in application DE-RZ-2024.1 (Triple Rock Land Co-op). In addition, the applicant is proposing to increase the maximum gross floor area of the single family dwellings to allow for secondary dwellings (from 139.4 m² to 186 m²), and an increase in maximum floor area for outbuildings to meet ongoing needs and to support new units (from 1275m² to 2174 m²).

The subject property is split designated as 'Sustainable Resources' and 'Agriculture' in the OCP and does not require an OCP amendment. Staff recommend that the draft Land Use Amendment bylaw in Attachment 1 of this report be given First Reading as presented. All relevant professional reports and background information are posted to the [Islands Trust applications page](#).

BACKGROUND

The Denman Island Local Trust Committee (LTC) passed the following resolutions at the June 4, 2024 regular business meeting:

DE-2024-048

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

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend Denman Island Land Use Bylaw, 2008 to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456.

CARRIED

A draft bylaw to amend the LUB is included in Attachment 1 for LTC consideration.

DE-2024-049

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

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) to submit Confirmation from a qualified professional that the subject property has adequate conditions to support wastewater systems, compliant with the BC Sewerage System Regulation under the Health Act for the proposed increase in density to the local trust committee prior to second reading being considered.

CARRIED

The applicant has submitted an email from B4 Engineering Inc., specifically from an engineer who specializes in the design and construction management of onsite sewage disposal systems (Attachment 2). The engineer recommends that, rather than conducting a broad-based and extensive soil investigation for the entire property at this time, the simplest approach would be to wait until a new secondary suite is proposed. At that point, a site-specific and detailed soils investigation and septic system design can be provided at the time of construction.

The LTC discussed this approach at their August 13, 2024 LTC Meeting and passed the following resolution:

DE-2024-056

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

that the Denman Island Local Trust Committee is satisfied with the requirements set forth in DE-2024-049 for the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) to submit confirmation from a qualified professional the subject property has adequate conditions to support wastewater systems is sufficient for now and that the Local Trust Committee will request more comprehensive wastewater treatment information prior to construction.

CARRIED

DE-2024-050

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2021.1 (Triple Rock Land Cooperative) enter into a cost recovery agreement with the Islands Trust for the purposes of vetting an amended housing agreement, which the applicant will provide.

CARRIED

Staff are working with the applicant and legal to prepare an amended housing agreement for LTC consideration.

DE-2024-051

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to send an early referral of DE-RZ-2024.1 (Triple Rock Land Cooperative) to the Denman Island Fire Department.

CARRIED

An early referral was sent to the Denman Island Fire Department on June 25, 2024. No response has been received at the time of report writing.

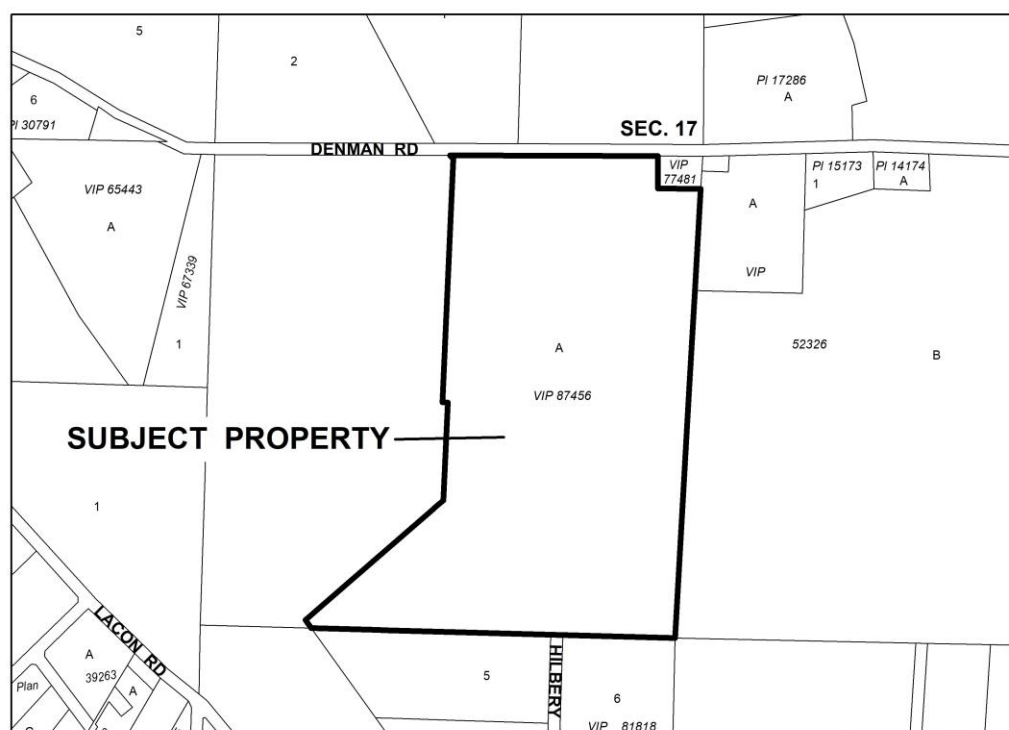


Figure 1: Subject Property Map – 5201 Denman Road, Denman Island

ANALYSIS

Issues and Opportunities

Official Community Plan:

The subject property is split designated as ‘Sustainable Resources’ and ‘Agriculture’ in the OCP and does not require an OCP amendment.

Concurrently with this application, staff are working on a minor project for the Denman LTC that will remove the density bank and Housing Policy 12 regarding the five percent (5%) allowable density increase from the OCP, as an OCP amendment. *If this project proceeds as anticipated, there will be no requirement to amend the OCP to withdraw four densities from the density register (OCP Appendix D Density Banking Policy 2; Housing Policy 12).*

Summary of Draft Bylaw No. 250 (LUB)

Draft Bylaw No. 250 (LUB – Attachment 1), if adopted, would amend the zoning of the subject property to permit:

- Increase total number of dwelling units by four;
- Secondary suites in all dwellings;
- Increase in floor area for each dwelling; and
- Increase in floor area for accessory dwellings.

The Local Trust Committee (LTC) decided (by resolution) not to require proof that the subject property can support BC Sewerage System Regulation compliant wastewater systems for the proposed density increase. Staff considered the option of requiring proof at the time of construction; however, the draft bylaw presented in Attachment 1 does not include this requirement for several reasons.

Firstly, Island Health is responsible for the approval and oversight of onsite sewage disposal systems on Denman Island. Island Health requires that all buildings with indoor plumbing have a sewage system compliant with the Sewerage System Regulation. This is ensured through the submission of a ‘septic filing’ from a Registered Onsite Wastewater Practitioner (ROWP) or a Professional Engineer, prior to construction. Island Health plays a regulatory role in ensuring septic systems are designed, installed, and maintained according to these standards.

Secondly, while Islands Trust could require proof of a compliant sewage system at the time of issuing a Siting and Use Permit (SUP), this requirement would only apply to secondary suites constructed as additions. Secondary suites retrofitted within the existing footprint of a dwelling would not trigger the need for an SUP, as SUPs are required for new construction and additions only.

In conclusion, requiring proof of septic capability at the time of construction by Islands Trust is redundant, as applicants cannot proceed with building secondary suites without also obtaining Island Health approval. Furthermore, the mechanisms available through Islands Trust, such as the SUP, do not apply to all secondary suites that may be developed.

The appropriate opportunity for the LTC to require proof of septic capability through its development process and authority is during the rezoning process. This would enable the LTC at the onset to assess whether the subject property can support the necessary infrastructure for the proposed increase in density.

Bylaws Consistent with the Islands Trust Policy Statement

The draft bylaw amendment is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist are included as Attachment 3 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaw. The checklist will then be forwarded to the Executive Committee after third reading of the proposed Bylaw No. 250.

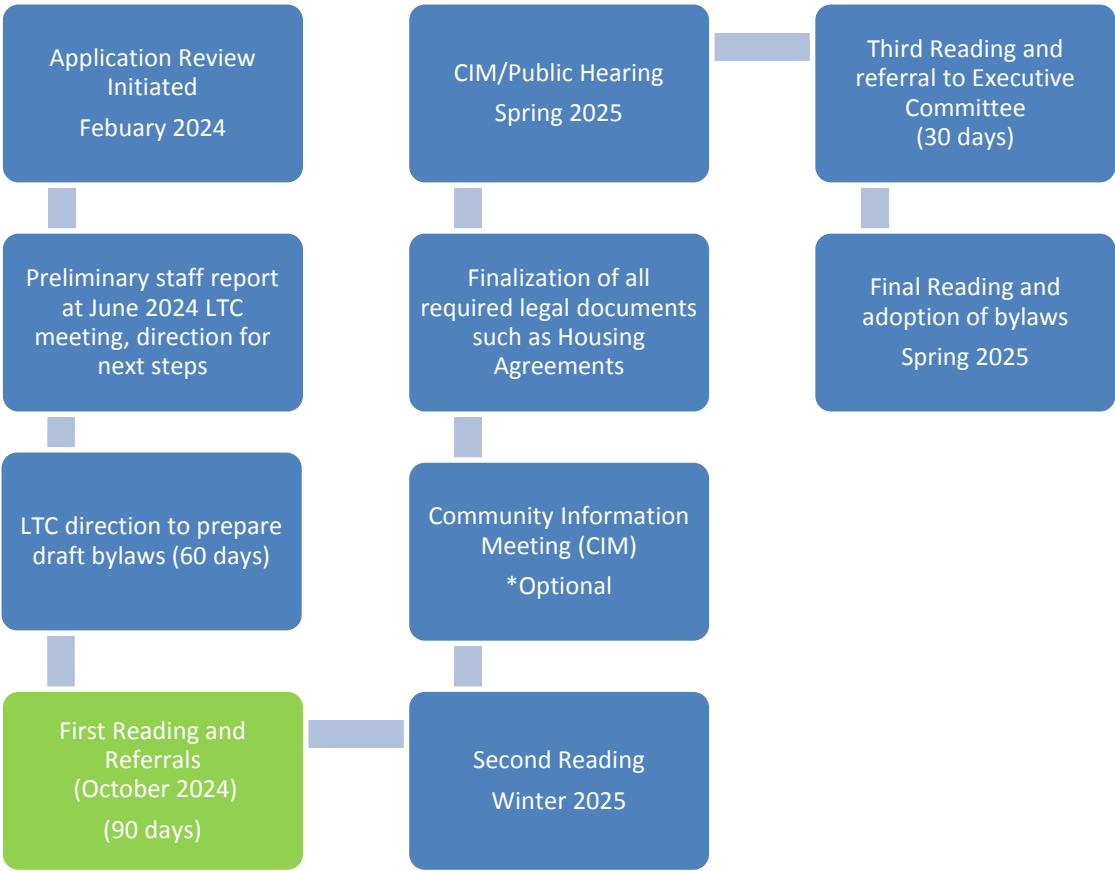
Consultation

As the project will likely not involve an OCP amendment, the LTC is not required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. However, in the spirit of relationship building, this is considered to be good practice.

Following First Reading of the bylaw staff recommend referrals to First Nations, provincial agencies, adjacent local governments and select referral agencies as detailed in the recommendations on page 1 of this report. Staff also recommend a community information meeting held prior to Public Hearing, subsequent to the receipt of referral responses. The LTC should consider if it wishes to undertake additional consultation than identified in the recommendations on page 1 of this report, and direct staff accordingly.

Application Process Steps and Timing

The following process steps and approximate timelines may assist in managing applicant and community expectations in how a LUB amendment application such as this, can be processed:



Rationale for Recommendation

A draft bylaw has been prepared to amend the LUB and contemplate increased density, secondary suites and increased floor area. Staff recommend First Reading in order to advance formal consultation with First Nations, agencies and local government. The staff recommendations are found on page 1 of this report.

ALTERNATIVES

1. Direction to amend the draft bylaws

The LTC may wish to make amendments to the draft bylaw. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee amend draft Bylaw No. 250, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” by...

2. Consider First and Second Reading.

The LTC may wish to give First and Second Readings of the draft bylaw simultaneously. If selecting this alternative, the LTC should be confident that the bylaw will not require significant changes following referrals. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee Bylaw No. 250, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024”, be read a second time.

3. Proceed no further.

The LTC can choose this alternative at any stage in a bylaw amendment application. If this alternative is selected the application will proceed no further. The following resolution is recommended:

“That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2024.1 for the following reasons (insert rationale).”

NEXT STEPS

Should the LTC concur with the staff recommendations, bylaw referrals will be sent out requesting a response within 90 days of the date on the referral.

Submitted By:	Marlis McCargar, Island Planner	September 19, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	September 25, 2024

ATTACHMENTS

1. Draft Bylaw No. 250 (LUB)
2. Sewage Report – Email from B4 Engineering Inc.
3. Islands Trust Policy Statement Directive Only Checklist – Bylaw No. 250

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 250

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024”.

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

READ A FIRST TIME THIS _____ DAY OF _____, 202X

READ A SECOND TIME THIS _____ DAY OF _____, 202X

PUBLIC HEARING HELD THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 250**

Schedule 1

1. Schedule “A” of Denman Island Land Use Bylaw, 2008, is amended as follows:
 - 1.1 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety, and renumber accordingly.
 - 1.2 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting “A secondary suite is permitted within a dwelling unit provided that:” and replacing it with “Where regulations in Part 3 permit a secondary suite within a dwelling unit, a secondary suite is permitted provided that:”
 - 1.3 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 1 – Permitted Uses is amended by deleting “and secondary dwelling units” in line item 10 and in the R3 column, adding a check mark.
 - 1.4 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 1 – Permitted Uses is amended by adding “secondary dwelling units” as a line item following number 10 and in the R2 column adding a check mark, and renumber accordingly.
 - 1.5 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by adding an additional line item after number 3 that states “Maximum gross floor area of a building with a single family dwelling unit and a secondary suite” and adding “186 m²” in the R3 column, and renumber accordingly.
 - 1.6 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by deleting “1275 m²” in line item 6 and replacing it with “2174 m²”.

From: David Graham <dagraham@islandtrust.bc.ca>
Sent: Thursday, August 1, 2024 10:21 AM
To: Marlis McCargar <mmccargar@islandtrust.bc.ca>
David Maude <dmaude@islandtrust.bc.ca>; Sam Borthwick <sborthwick@islandtrust.bc.ca>
Subject: Re: Wastewater treatment at Triple Rock Land Cooperative (aka CoHo Landing) on Denman Island B4 file 1372-01

Hi Marlis,

Can you add this email from B4 Engineering to our verbal discussion regarding the motion directing COHO to provide proof of suite septic capacity please?

Cheers,

David Graham
Denman Trustee

Hi Laura,

As per your request we have reviewed the onsite septic documentation that you sent to us with respect to this development.

It is our professional opinion that instead of doing broad based extensive soils investigation for the entire property at this time the simplest most logical, and most effective approach would be to wait until someone wants to build a new home or add a secondary suite and then provide the site specific detailed site and soils investigation and design for the proposed new houses septic system at the time of construction.

We can design onsite septic systems for very difficult sites. We are confident that we could design and get VIHA approvals for a septic system for each new house or extra suite proposed for a fee of approximately \$4,000 per design filing submitted to VIHA. Each home owner would then be responsible for only the flows that they generate.

In some cases the existing homes septic system could be expanded and in other cases it would be more economical and logical to install a new system for the new suite.

Another option that could be considered is to install a larger central sewage system that many homes could share. Each home would have a small septic tank and a pump to pump the effluent to the central in ground dispersal area. This option may be more difficult to allocate costs between the exiting and new owners however.

We look forward to the opportunity of working with you on the possible upgrading of the septic systems that may be needed for the future expansion of your development.

If you have any questions or concerns with these recommendations please do not hesitate to call or to send us an email.

cheers
Darryl

Darryl Brizan P.Eng. Principal
B4 Engineering Inc. EGBC PTP # 1001087
4735 Sooke Road, Victoria, BC, V9C4C1
Cell:250-961-5208
DarrylBrizan@B4engineering.com





ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2024.1

File Name: Triple Rock Land Cooperative

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 a 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
N/A	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.
N/A	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
N/A	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.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	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
✓	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.
✓	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
✓	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
✓	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>

DATE OF MEETING: October 8, 2024

TO: Denman Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

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

SUBJECT: Denman Housing Project Update on Phase 2A Bylaw Amendments

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve the revised Denman Island Housing Review Project (Stage 2, Phase 2) Project Charter.
2. That the Denman Island Local Trust Committee request staff provide the K'omoks First Nations with an additional \$5,000 out of the existing project budget (2024-25) to support continued engagement on this project.
3. That the Denman Island Local Trust Committee approve the next steps for completing Denman Island Housing Review Project (Stage 2, Phase 2A).

REPORT SUMMARY

This report provides:

- An updated project charter
- An update on the engagement with the K'omoks Nation
- Updates, proposed bylaw language and questions for the LTC to provide direction regarding topics of focus for Phase 2A amendments.

UPDATE PROJECT CHARTER

The project charter has been updated to provide a realistic timeline that takes into account the time staff have been investing in engagement with the K'omoks First Nation as well as the need to balance staff resources across LTC projects. The budget has also been update to enable detailed legal review of portions of the bylaw amendments prior to the end of the fiscal year and recognize the amount being recommended to be provided to the K'omoks First Nation to continue engagement work.

UPDATE ON ENGAGEMENT WITH K’OMOKS NATION

At their February 13, 2024 regular meeting the LTC passed the following resolution:

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

As indicated in the capacity work agreement with the K’ómoks First Nation (KFN), the objective of this phase of the project is for Islands Trust planning staff to work with K’ómoks staff to conduct a review of the list of options to increase housing options on Denman Island generated by the Denman HAPC and LTC. Staff seek to reflect K’ómoks’s interests in options to be implemented through changes to OCP policy and Land Use Bylaw regulations. K’ómoks and Islands Trust staff will use this engagement process for reviewing and updating policies and regulations pertaining to:

- K’ómoks perspectives on Islands Trust policy language and wording related to housing;
- Archaeological site protection and stewardship;
- Cultural site protection and stewardship;
- Environmental site protection and stewardship

Staff have joined K’ómoks on two site visits (one with Trustees). Site visits have been a critical part of understanding the K’ómoks Nation’s interests in protection of archaeological sites and cultural heritage. Staff also participate in monthly meetings. Meeting have been by zoom with the exception of the last meeting on September 11th in the K’ómoks Nation office in Comox.

Funding provided thus far has supported the work of K’ómoks’s archeological team and enabled them to engage other professionals. Additional funding will help further this work which will inform their response to the bylaw referrals emerging from this project. Staff are proposing \$5,000 from the 2024-25 project budget be provided to the K’ómoks at this time. This will leave adequate funding (\$8,000+) for public engagement and legal review as needed before the end of the fiscal year.

PHASE 2A BYLAW AMENDMENTS

At the May 7, 2024 special meeting, the Denman Island LTC endorsed *the revised project charter for Phase 2 of Stage 2 of the Denman Island Housing Review Project based on the process recommended in the May 7, 2024 staff report.*

The revised project charter divided bylaw amendment actions into three phases:

- Phase 2A – Land Use Bylaw (LUB) Amendments Requiring Limited Analysis
- Phase 2B – OCP Amendments Requiring Limited Analysis
- Phase 2C- OCP and LUB Amendments Requiring More Detailed Analysis and Engagement

The purpose of dividing the amendment actions into three phases is to facilitate faster movement of actions that do no require OCP amendment or detailed analysis and engagement.

Table 1 on the following page summarizes the Phase 2A actions, their status and next steps. Detailed discussion of each follows the table.

Table 1: Denman Island Housing Review Project (Stage 2, Phase 2A) Action Implementation Table

Action		Status	Next Steps
1	Reformatting Land Use Bylaws and Regulations	In draft and being reviewed	Complete, review and present to the LTC
2	Review LUB Definitions	Recommendations contained in Attachment 2	Review and update LUB and OCP as needed
3	Review Site Specific Zoning in light of TUP changes	No changes required	N/A
4	Consistency with ALC Regulations	Achieved through Bylaw No. 228 (OCP) and Bylaw No. 229 (LUB)	N/A
5	Make Multi-Family Zoning More Flexible	Has been reviewed	Remove from the Housing Action Implementation Plan
6	Permit Dwelling Units in Institutional Zone and Community Zone	Changes will be made to the land use bylaw if Trustee support this direction	Review options with suitable land analysis and First Nation interests in mind
7	Limit Vacation Rental Permissions to Bed and Breakfast Only	Amendments proposed	Add to draft bylaw as supported by LTC
8	Permit Alternative Types of Dwelling Units (RVs, Yurts, Etc.)	Amendments proposed	Add to draft bylaw as supported by LTC
9	Expand Secondary Suite Permissions	Amendments proposed	Add to draft bylaw as supported by LTC
10	Cistern Requirements for New Builds	Amendment proposed	Add to draft bylaw as supported by LTC
11	Floor Area Maximum	Examples provided for discussion	LTC to consider floor area maximums they would like to implement

1. Reformatting Land Use Bylaws and Regulations

Status: The Land Use Bylaw has been reformatted and is currently under review. Location descriptions for site-specific zoning are being identified and will be presented in a table format, consistent with other Local Trust Committee (LTC) Land Use Bylaws.

The reformatting is expected to significantly reduce the amount of staff time required to make future amendments, both for this project and for upcoming LTC initiatives. Staff have included an example of the proposed reformatting in Attachment 4. While the appearance of the Land Use Bylaw will change substantially, the regulations themselves will remain consistent. It is important to note that no amendments are being proposed that would alter the intent or function of the zones through this reformatting process.

The benefits of a reformatted Land Use Bylaw include:

- Easier amendment processes, text-based bylaws can be more straightforward to amend.
- Improved readability

- Enhanced structural flexibility, to allow for the inclusion of explanations, exceptions, or conditions that might not fit easily into a table.

Additionally, this reformatting presents an opportunity to simplify some of the zoning language. Some of the zoning regulations are overly prescriptive and can also be reconsidered as part of this process.

Staff recommend that the reformatted bylaw undergo legal review to ensure that the original intent and functionality of the zoning regulations remain unchanged.

Staff acknowledges the significant time and effort invested by past APCs, previous LTCs, and the Denman community in developing the current Land Use Bylaw over 15 years ago. However, this reformatting provides a valuable opportunity to enhance its clarity and accessibility for future use.

2. Review LUB Definitions

Status: Attachment 2 includes updated Trust-wide definitions that the Denman LTC is encouraged to adopt. Additional definitions have been developed for “Alternative Dwelling Unit” and “Bed and Breakfast” to address issues, as discussed in this report, that are specific to Denman Island.

Staff will reviewing the OCP for consistency with proposed definitions. Staff will also update the LUB references as needed.

3. Review Existing Site Specific Zoning in Light of TUP changes

Status: Staff have reviewed site specific exemptions in light of changes to TUP requirements for Accessory Dwelling Units (ADUs).

Analysis: No amendments required.

4. Consistency With ALC Regulations

Status: Consistency with ALC regulations was achieved through Bylaw No. 228 (OCP) and Bylaw No. 229 (LUB).

Bylaw No. 228 (OCP Amendment) - amended the OCP to re-designate all lands within the Agricultural Land Reserve (ALR) to a new ‘Agriculture’ designation and added several new policies supporting agriculture uses consistent with the Agricultural Land Commission regulations and policies.

Bylaw No. 229 (Land Use Bylaw Amendment) – amended the LUB to regulate dwellings in the ALR, permitting agritourism use and agritourism accommodation, and updated several definitions and setback regulations.

- Secondary dwelling unit consistent with the Agricultural Land Reserve Use Regulation are now permitted in ‘A’ zone without a TUP.
- Max. gross floor area of single family dwelling 410m² (ALR regulations permit 500m²)
- The cumulative footprint of all dwellings (principal dwellings including any secondary suite and secondary dwelling) must not exceed 500 m².
- Properties zoned ‘A’ can have principal dwelling, secondary suite and secondary dwelling.
- Setbacks for agritourism accommodation and produce stands.

Analysis: No amendments required.

5. Make Multi-family Zoning More Flexible

Status: There are two existing multi family zones R4(1) and R4(2).

Analysis: R4(1) (Denman Green) zoning appears to allow for flexibility in unit type. The restrictions are contained within the housing agreement which would need to be amended to enable more flexibility in dwelling type.

R4(2) (Pepper Lane) is specific to seniors housing. This could be made to be more flexibly by removing the requirement for seniors housing. A housing agreement can be used to restrict the use to seniors only. However, given that the current property owners are currently in negotiations with the Denman Community Land Trust Association (DCLTA) staff recommend that this action be removed from the Housing Action Implementation Plan for the time being.

Question for the LTC: Would you like to remove this action from the Housing Action Implementation Plan for the time being?

6. Permit Dwelling Units in Institutional Zone and Community Zone (CN)

Status: While the LTC originally did not support exploring this action staff are encouraging additional consideration.

Analysis:

- As illustrated through the development of the “teachery” on Mayne Island, where property is owned by a body (school district) providing a service to a community (school) the community was inspired to work cooperatively to build housing for workers (in this case the principal).
- Having land already zoned for housing provides the opportunity for communities to take advantage of emerging innovative funding programs that combine upgrades for community services (e.g. firehall) with the building of housing. Without zoning already in place projects become less desirable to fund because the rezoning process can be lengthy causing funding deadlines to be missed.
- Having permission in zoning for housing could encourage other service providers (e.g. medical centre, church) to provide housing for staff and/or volunteers.
- If the LTC decides to support this action, staff will the use of suitable land analysis to determine how suitable the locations are for full time residential use.

Questions for LTC: Would you like to add permission for dwelling units in Institutional and Community Zones?

Proposed Bylaw language: Permission will be added to the reformatted zoning regulations as determined.

7. Limit Vacation Rental Permissions to Bed and Breakfast Only

Status: Staff have reviewed the current regulations concerning home-based guest accommodations in light of concerns that they may not reflect the original intent to limit the hosting of guests to a traditional bed and breakfast model where the resident of the home rents rooms to transient visitors.

Analysis: The existing regulations are quite permissive. The Denman Island Land Use Bylaw (LUB) does not explicitly reference traditional bed and breakfast operations, instead using the terms "guest accommodation" and "home-based guest accommodation" interchangeably.

To improve clarity, staff propose amendments to specifically allow only bed and breakfast-style accommodations in all zones. Additionally, staff recommend removing the regulation that permits a second set of cooking facilities, which is currently allowed only while guest accommodation is in use. If a secondary suite is not permitted, these additional facilities must be removed once the guest accommodation use ceases.

Staff also propose adding a definition for "Bed and Breakfast," which will refer to a home occupation that provides sleeping accommodation and a morning meal to paying guests. The terms "guest accommodation" and "home-based guest accommodation" would be removed from the bylaw, along with their associated references. Finally, staff recommend eliminating the total length of stay time limit, which currently restricts operations to no more than 6 consecutive weeks and a total of 45 days in any one calendar year.

Regulations that would remain unchanged and continue to apply to Bed and Breakfast home occupations:

Section 2.4 Home Occupation Regulations

5. Home occupations must be accessory to an active residential use.
6. The external appearance of the premises on which the home occupation is operated must retain a residential appearance.
7. The maximum combined floor area used for home occupations:
 - on lots less than 1.0 hectare is 60 per cent of the floor area of the dwelling unit in which the home occupations are located; and
 - on lots of 1.0 hectares or larger is 60 per cent of the combined floor area of the dwelling unit and accessory buildings in which the home occupations are located.

Proposed Bylaw Amendment:

Section 2.4 "Home-based Guest Accommodation" would be revised to the following:

Bed and Breakfast

18. Despite Regulation 13 of this section, bed and breakfast home occupation operations must be contained within the principal dwelling unit and not in any accessory building.
19. Unless otherwise permitted in Part 3 of this Bylaw, a bed and breakfast home occupation shall have no more than three bedrooms, with a maximum of two beds each, which may be rented to transient paying guests.
20. Breakfast may be served to transient paying guests in a home occupation providing bed and breakfast accommodation.

Questions for the LTC:

- Do you support the proposed amendment?

8. Permit Alternative Types of Dwelling Units (RVs, Yurts, Etc.)

Status: Options for bylaw language is provided.

Analysis:

- The proposed bylaw language is the same as what is contained in the Mayne Island LUB. In Mayne's case, the permission is for RVs (recreational vehicles) only.
- Saturna has a similar bylaw that permits RV's and Yurts.
- If the LTC would like to expand the permission to include other alternative types of housing, then a related definition (alternative dwelling units (AltDUs)), referring to dwelling that do not adhere to the BC building code will need to be added to the LUB. Definition option is provided in Attachment 2.
- If moving in this direction, the LTC needs to consider that the purpose of the building code is to ensure health and safety. In the case of dwellings that do not adhere to building code or any other standard, there will be no mechanism to ensure the health and safety of individuals living in alternative types of dwelling units.
- OCP Policy 13 encourages landowners to "*ensure that all dwelling units comply with the building safety and waste disposal regulations found in the B.C. Building Code and the applicable health standards*". This would also apply to AltDUs.
- AltDUs would be treated the same way as accessory dwelling units in the LUB.

Proposed Bylaw Amendment:

Add: 2.9 Use of Recreational Vehicles and other Alternative Dwelling Units

(1) The use of a recreational vehicle and other alternative dwelling unit as a dwelling is permitted on a lot in the R1, R2, R3, R4, A, F, R zones, subject to:

(a) the connection of the alternative dwelling unit to sewage disposal facilities consistent with the provisions of the Public Health Act;

(b) the provision of a domestic water supply; and

(c) compliance with the use, density and siting requirements of this Bylaw for dwellings and accessory dwelling units.

Question for the LTC:

- Does the LTC want to permit alternatives forms of dwelling units that do not adhere to building permit standards beyond RVs and yurts?
- Does the LTC support the proposed option regarding Alternative dwelling units?
- Should AltDUs be permitted in all zones where accessory dwelling units are currently permitted?
- Should AltDUs be permitted as the primary dwelling unit?

9. Expand Secondary Suite Permissions

Status: Secondary Suites are currently only permitted in R2, A, F and RE zones. A secondary suite is required to be contained within the walls of a permitted dwelling unit.

Analysis: Secondary suites, by introducing additional residents to a property can increase impacts to water availability. The suitable land analysis (SLA) can help to determine which areas are more vulnerable than others. Staff will be organizing a meeting on the SLA with the LTC sometime in October. First Nations interest also need to be considered with respect to expanding permissions for secondary suites. Given that, staff is recommending that the expansion of secondary suite permission be staggered through the phases of this project.

A first step could be to permit, where secondary suites are currently permitted either a secondary suite or an accessory dwelling unit. In this case, additional impact to the land would be minimal. To ensure this, the zoning regulation can require that the additional unit be located close to the primary dwelling and be restricted in size.

Expansion of secondary suite (or secondary suite or accessory dwelling unit) permission to water districts (Map in Attachment 3) could be another step in this phase of the project as water districts have the ability to regulate water use. Before doing this staff would connect with the water district to understand the potential impact.

Proposed Bylaw Amendment: Staff will present proposed amendments to the zoning bylaw after the revised format has been reviewed.

Questions:

- Does the LTC support the direction proposed above?

10. Cistern Requirements for New Builds

Status: Reduced proof of potable water is currently possible if a cistern is provided (from 1200 litres to 1000 litres for each permitted principal residential dwelling unit). Where cisterns are required, the combined capacity must be 8400 litres of potable water. There are no other requirements for cisterns in the LUB.

Analysis: The most recent cistern requirements for new builds were adopted on North Pender. At the time staff explored options for proposed cistern size by consulting with builders and architects as well as water cistern providers. The proposed bylaw below is modelled after the North Pender bylaw.

Proposed Bylaw Amendment:

Regulations specific to requirements for cisterns for new construction.

- (1) A siting and use permit for a lot outside a community water system shall not be issued for a new building to be used as a dwelling, unless a cistern (or combination of cisterns) is located on the lot for the storage of freshwater having a total capacity of at least 18,000 litres.
- (2) The floor area occupied by any cistern located in a building and the housing provided for such cistern is excluded from the calculation of the floor area of the building and the lot coverage of the lot on which it is located.

Questions for LTC:

- Does the LTC want to make amendments to the proposed bylaw?

11. Floor Area Maximum

Status: The Denman LUB does not include floor area maximums for principal dwellings or combination of all dwellings. Combined floor area is regulated through lot coverage maximums.

Analysis: Depending on the size of property, the lot coverage maximum can result in a large floor area. Approaches to maximum floor area for primary dwellings, a combination of all dwellings, or all buildings will be unique to each Island and require some focussed thought. Two examples are provided below to help facilitate the LTC's thinking on this action. The LTC will need to provide specific direction to staff if they require further research in order to identify maximum floor area sizes suitable for Denman Island.

North Pender's approach to a floor area maximum considers the combination of all buildings. The following is contained in their LUB:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, may not exceed	The floor area of a dwelling may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m ² (5382 ft ²)	325 m ² (3500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m ² (10,764 ft ²)	372 m ² (4000 ft ²)
1.2 ha or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	418 m ² (4500 ft ²)

Mayne Island's maximum combined floor area for all dwellings is only applicable in the case were flexible zoning (zoning allowing additional units beyond what is permitted without the maximum) is acted upon.

Lot Are	Total Combined Floor Area	# of Dwellings
Lots < 0.6 ha (1.5 acres)	232m ² (2500ft ²)	one secondary suite and 2 dwellings = 3 dwelling units
Lots > 0.6 ha (1.5 acres) up to 1.2ha (3acres)	325m ² (3,500ft ²)	one secondary suite and 3 dwellings = 4 dwelling units
Lots >1.2 ha (3 acres) – 5 ha (12.35 acres)	436 m ² (4,750 ft ²)	One secondary suite and 4 dwellings = 5 dwelling units

Questions for Trustees:

- How would the LTC like to determine maximum floor area sizes for Denman Island?
- What additional information does the LTC need?

Rationale for Recommendation

- Updated Business Case with realistic timelines is required.
- There is adequate funding in the project budget to provide an additional \$8,000 to the K'omoks Nation for further engagement.
- The proposed next steps for Phase 2A are reasonable given the additional input and potential analysis required from the LTC to move forward.

ALTERNATIVES

1. Request further information

The LTC may request further information on any or all of the recommendations provided above.

2. Request Feedback from the APC

The LTC may choose to send some items to the Housing Advisory Planning Committee (HAPC) for discussion and recommendations.

NEXT STEPS

- Staff will move forward as indicated or as directed by the LTC.

Submitted By:	Narissa Chadwick RPP, Island Planner	September 25, 2024
Concurrence:	Renee Jamurat	September 26, 2024

ATTACHMENTS

1. Business Case
2. Definitions
3. Water Systems Map
4. Reformatted Bylaw Example – R1 Zone

ATTACHMENT 1

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

Denman Island Local Trust Committee (LTC)

Date: October 2024 (update)

Purpose: Advancing policy and regulatory amendments that focus on increasing permitted number of housing units to address housing need while preserving and protecting the natural environment .

Background: Denman Island is experiencing a crisis of housing affordability and availability. The Denman Island LTC initiated a budget request to Trust Council for 2024/25 funding and allocation of staff time to continue the Denman Islands Housing Review Project. A budget of \$15,000 and Regional Planning Team time was allocated to this project for fiscal 2024/25.

Objectives

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

In Scope

- First Nations engagement
- Public engagement to identify housing options;
- Amendments to the OCP and the LUB to increase housing number of permitted housing units to address housing need while considering environmental impact
- Identify advocacy policies

Out of Scope

- Development of educational materials
- Engagement in advocacy
- Amendment of policies outside of the OCP and LUB

Workplan Overview

Deliverable/Milestone	Date
Phase 2A – Land Use Bylaw Amendments Requiring Limited Analysis	
First Nations Engagement	January 2024 – April 2025
Draft Bylaws/ Community Engagement where required	July 2024- October 2024
Legal Review/Bylaw Referral/Readings	November 2024 – February 2025
LTC Approval	March 2025
Phase 2B – OCP Amendments Requiring Limited Analysis	
First Nations Engagement	January 2024 – April 2025
Draft Bylaws/ Community Engagement where required	February - March 2025
Legal Review/ CIM	February - March 2025
Bylaw Reading/PH/ EC Approval	March – May 2025
Provincial Referral	May 2025
Phase 2C – OCP and LUB Amendments Requiring More Detailed Analysis and Engagement	
First Nations Engagement	Oct. 2 2024 – December 2025
Suitable Land Analysis Introduction	October 2024
Draft Options/Community Engagement where required	January – May 2024
Drafting Bylaws	April 2025 – June 2025
Bylaw readings/ CIM/PH/ EC Approval	June 2025- September 2025
Provincial Referral	October 2025

Project Team

Regional Planning Manager	Renée Jamurat
Regional Planning Team Member	Narissa Chadwick
Planning Team Assistant	Chloë Straw
Denman Island Planner	Marlis McCargar
GIS Tech	TBD

Budget

Budget Sources:		
2023/24	FN Engagement	\$16,000
2024/25	Legal Review	\$8,000
2024/25	Community Engage	\$2,000
2024/25	First Nations	\$5,000
	Total	\$32,000

ATTACHMENT 2: Definitions

1.1 Definitions

(To Add)

Add “***accessory dwelling unit (ADU)*** means a dwelling unit which is located in an accessory building on the same lot as a dwelling”

Add “***accessory residential use*** means a dwelling unit, either in a detached building or within a portion of a building, on the same lot as a non-residential principal use”.

Add “***alternative dwelling unit*** means a dwelling that does not conform to building code standards. This includes, but is not limited to, recreational vehicles and yurts”.

Add “***Bed and Breakfast*** means a home occupation comprising the provision of sleeping accommodation and a morning meal to paying guests

Add “***dwelling*** means a detached building containing one dwelling unit, and which may also contain a secondary suite where permitted, and includes a mobile or modular home”.

Add “***home on wheels*** means a dwelling unit on a wheeled chassis designed to be used as a residence and capable of being moved from location to location.

Add “***manufactured home*** means a dwelling designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard”.

Add “***modular home*** means a dwelling designed, constructed or manufactured off-site and then delivered and assembled on site and meets a minimum CSA-A277 standard”.

Add “***recreational vehicle***, means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, [and includes a park model recreational vehicle”.

Add “***employee housing means*** the use of a dwelling unit, either in a detached building or within a portion of a building, for occupation solely by an employee of a principal use on the same lot or premises, and by individuals related by blood, adoption, common-law marriage, foster parenthood to such an employee, or cohabiting with such an employee in a spousal relationship”.

(To Remove)

Remove “**dwelling unit, single family** means a building containing one dwelling unit;” and replace with “**dwelling unit** means one or more rooms in a building that are used, or constructed so as to be capable of being used, for the residential use of a single household; and containing a common access, one kitchen, and eating, sleeping and living areas”.

Remove “**dwelling unit, affordable housing** means a deed restricted and/or rent controlled *dwelling unit* that is secured by a housing agreement, and is available to persons with a low income as defined by housing agreement for the dwelling unit;”

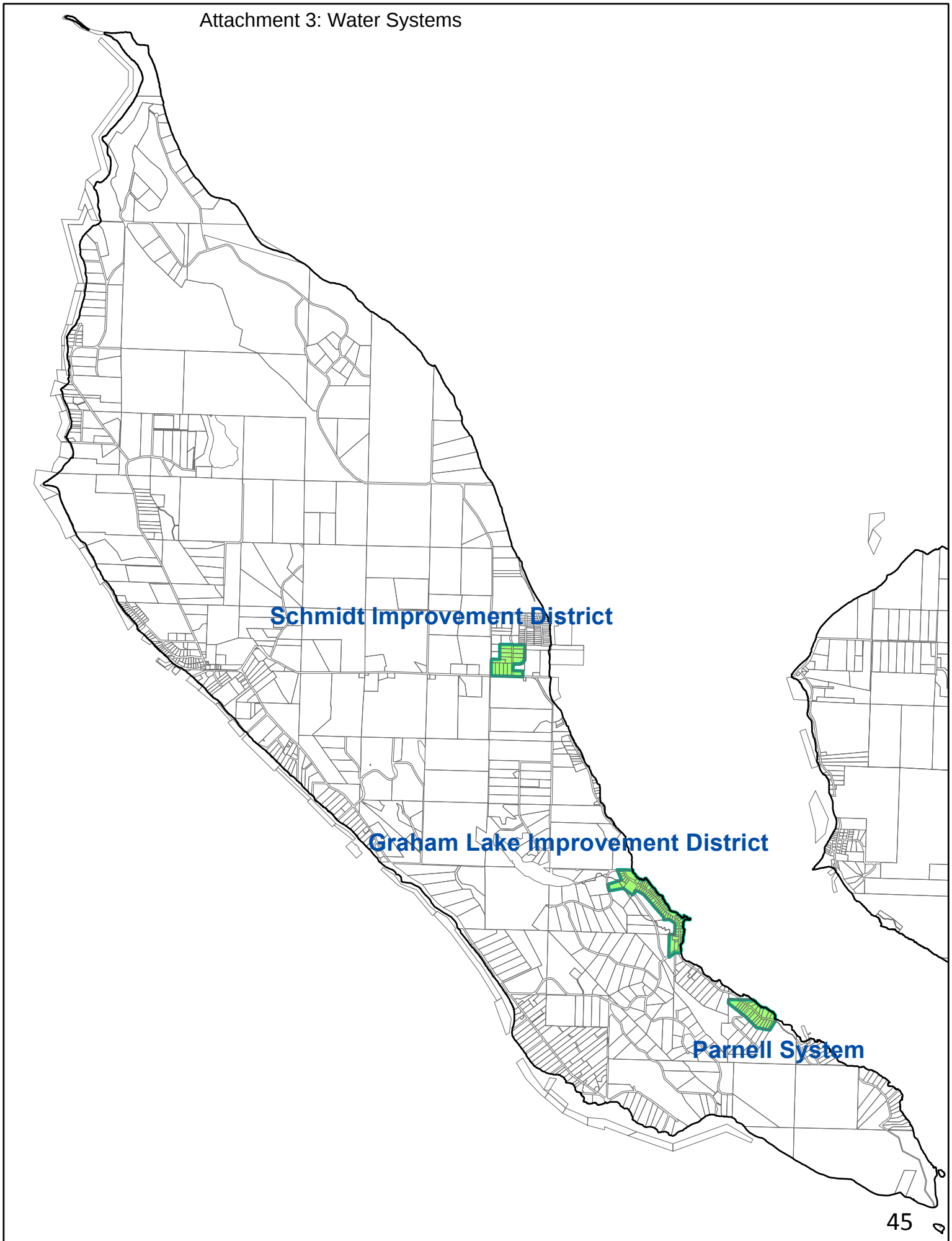
Remove “**dwelling unit, seniors affordable housing** means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is available to seniors on an affordable basis as defined by a housing agreement;”

Remove “**guest accommodation** means accommodation provided for a fee to the travelling public, for a total length of stay of not more than 6 consecutive weeks and a total of 45 days in any one calendar year;

Remove “**moveable housing unit** means a dwelling unit capable of being moved from location to location which does not require a permanent foundation”

Remove “**secondary dwelling unit** means a dwelling unit, which may be a moveable housing unit, that is accessory to a permitted principal dwelling unit and which is limited in floor area”

:



**Reformatted Zoning – Example
Attachment 4**

3.1 Residential Zone (R1)

The purpose of the Residential Zone R1 is to provide regulations for the development of low-density residential areas, characterized by single-family dwellings and accessory uses. This zone is intended for rural or suburban settings with larger lot sizes.

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) *Single-family dwelling units*
 - (b) *Parks;*
 - (c) *Accessory uses, buildings and structures*
 - (d) *Accessory home occupation;*
 - (e) *Accessory horticulture and agriculture;*
 - (f) *Accessory intensive agriculture* on lots greater than 2.0 hectares;
 - (g) *Accessory forest fungi* production, on lots 2.0 ha or larger;
 - (h) *Accessory woodworking and wood processing* using wood obtained from the lot;
 - (i) *Accessory generation of electricity from non-polluting renewable sources;*
 - (j) *Accessory agri-tourism* use on a lot classified as a farm under the BC Assessment Act;
 - (k) *Accessory agri-tourism accommodation* on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act where permitted by a Temporary Use Permit.

Commented [MM1]: See Section 3.3, Tables 1 and 2

Commented [MM2]: Could move to general regs, permitted in all zones except CN

Commented [MM3]: Could combine these under "agriculture"

Commented [MM4]: An example of an overly prescriptive permitted use

Commented [MM5]: This would fit generally under permitted accessory uses. Is there a need to explicitly reference it here?

Density

- (2) On a lot less than 1.0 hectare in area, one (1) single-family dwelling unit is permitted.
- (3) One (1) dwelling is permitted on each lot with an area of 1.0 hectares or larger, to a maximum of five (5) dwellings per lot.
- (4) The maximum lot coverage for buildings and structures is 25%.
- (5) The maximum number of buildings or structures for the generation of electricity from non-polluting sources is 1.
- (6) Maximum gross floor area of a pump/utility house located within a setback area is 6.0 m²
- (7) Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea is 30.0 m²

Commented [MM6]: See Section 3.3, Tables 3 and 6

Commented [MM7]: Consider removing and including in accessory buildings

Commented [MM8]: Move to general regs?

Siting and Size

- (8) The minimum setback for any building or structure, except a fence, pump/utility house, or pit privy, shall be:
 - (a) 7.5 metres from any front lot line;
 - (b) 3.0 metres from any rear or side lot line; and
 - (c) 4.5 metres from any exterior side lot line.
- (9) Minimum setback from all lot lines for pit privies, agri-tourism accommodation, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops shall be 8.0 m
- (10) Minimum setback from all lot lines for domestic chicken coops shall be 3.0 m
- (11) Minimum setback for produce stands from the front lot line shall be 4.5 m

Commented [MM9]: See Section 3.3, Tables 4 and 5

**Reformatted Zoning – Example
Attachment 4**

- (12) The maximum height of principal buildings and structures located less than 100.0 metres from the natural boundary of the sea is 7.0 metres.
- (13) The maximum height of principal buildings and structures located 100.0 metres or more from the natural boundary of the sea is 9.0 metres.
- (14) The maximum height of accessory buildings and structures is 6.0 metres.

Conditions of Use

- (15) All home occupations must comply with the provisions of Section 2.4.

Subdivision Lot Area Requirements

- (16) No lot having an area less than 1.0 hectare shall be created by subdivision in the R1 zone.
- (17) Maximum density permitted by subdivision is an average of one (1) lot per 1.0 ha.

Commented [MM10]: See Section 3.3, Table 7



BRIEFING

To:	All Local Trust Committees Bowen Island Municipality	For the Meeting of:	Next Available Meeting
From:	Trust Area Services	Date Prepared:	August 19, 2024
SUBJECT:	Dark Sky Principles Adoption Advocacy		

PURPOSE: To provide all local trust committees and Bowen Island Municipality with an RFD prepared by North Pender Trustee Morrison regarding Dark Sky Principles, and inviting LTCs and BIM to notify Trustee Morrison of interest in initiating conversations with relevant regional districts about adopting Dark Sky Principles.

BACKGROUND: At its June 2024 regular meeting, Trust Council received a request for decision from Trustee Morrison of North Pender Island regarding Dark Sky Principles. Trust Council passed the following resolution:

TC-2024-062

That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.

ATTACHMENT(S):

- 1) Request for Decision: Dark Sky Principles Advocacy (June 18, 2024)

FOLLOW-UP: If LTCs or Bowen Island Municipality wish Islands Trust Council to pursue further discussion about Dark Sky Principles they should pass a resolution notifying Trust Morrison of their interest. An example resolution is as follows:

That [Island Name] Local Trust Committee/Bowen Island Municipality direct staff to notify Trustee Morrison of [Island Name] Local Trust Committee's/Bowen Island Municipality's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.

Prepared By: Senior Policy Advisor, August 20, 2024

Reviewed By/Date: Director, Trust Area Services, August 21, 2024



REQUEST FOR DECISION

To: Trust Council

For the Meeting of: June 18, 2024

From: Trustee Morrison

Date Prepared: May 24, 2024

SUBJECT: Dark Sky Principles Adoption Advocacy

RECOMMENDATION FOR IMMEDIATE ACTION:

1. That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.
2. That Trust Council encourages Trustees to work with their communities to develop and build awareness of the principles of Dark Sky International and encourage voluntary adoption of the principles of Dark Sky International.

RECOMMENDATIONS FOR FUTURE CONSIDERATION:

3. The Trust Council clarify its jurisdiction to control nighttime illumination in all contexts within the Trust Area for Official Community Plan and Bylaw adoption and enforcement across the Trust Area.
4. The Trust Council adopt and promote the principles of Dark Sky International.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

PURPOSE:

To protect and promote public and ecological health, safety, and welfare, quality of life, and the ability to view the night sky.

BACKGROUND:

“Over lighting” from dusk on into the darkness is a growing problem as it interferes with/pollutes the night sky, poses an annoying and invasive nuisance to neighbours, is harmful to wildlife who depend on darkness, and is a waste of electricity. May come from freighters in the region or from residential, industrial, or other land use related lighting not directed at ground or properly shielded.

Critical considerations with resources:

- Night skies are an important natural resource requiring protection. Action is being taken across a variety of contexts and scales globally, many of which are simple to enact.
 - [Dark Sky International Principles](#)
 - [How can you help preserve the night sky?](#)
 - [Model Lighting Ordinance](#)
 - [Vancouver Bylaw 10.2.2.10 Lighting in Residential Buildings](#)
- Night skies promote healthy humans and wildlife.
 - [Let's Talk Science – Light Pollution](#)
- Within the Trust Area, action has also been taken.
 - Example of regulation: [Bowen Island Municipality Bylaw No. 272, 2010 re protection of night sky](#)

The outstanding question is: How can non-municipal jurisdictions of the Trust Area provide protection for Night Skies?

Some regulation may be considered around:

- External lighting of buildings, gardens and driveways that is left on all night.
- External lighting of any building or grounds when it is not downward cast.
- Indoor lighting in accessory buildings not shaded that is left on during some or all of night.
- Indoor lighting of residences facing neighbouring residences that is not shaded.

Such regulation might involve regulation on:

- the type of lighting that is appropriate (e.g. energy efficient),
- the strength of light (low lighting versus high wattage lighting)
- the direction of lighting so as not to throw light off to neighbours or animals (e.g. downward cast)
- the length of time for certain types of lighting to be used (to depend on purpose with a view to limiting unnecessary or excessive accessory uses in particular), and
- means of enforcement of any regulations

In our role as a coordinator of jurisdictional overlapping authorities within the Trust Area, we need to get into conversation with multiple levels of government on this issue to provide clarity and enforcement on this issue as desired within communities and to support the mandate of preserving and protecting the unique amenities and environment of the Trust Area.

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL:

FINANCIAL:

POLICY:

IMPLEMENTATION/COMMUNICATIONS:

FIRST NATIONS:

OTHER:

Circulated to MLA Adam Olsen and MP Elizabeth May.

RELEVANT POLICY(S):

ATTACHMENT(S):

RESPONSE OPTIONS

Recommendation:

Alternative:

Prepared By: Trustee Morrison in consultation with and at the request of community members.

Reviewed By/Date:

Islands Trust
LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending July 2024

615 Denman	Invoices posted to Month ending July 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	200.00	0.00	200.00
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,520.00	614.19	1,905.81
65210-615	LTC - Local Exp - APC Meeting Expenses	3,500.00	465.84	3,034.16
65220-615	LTC - Local Exp - Communications	900.00	300.00	600.00
TOTAL LTC Local Expense		<u>6,920.00</u>	<u>1,380.03</u>	<u>5,539.97</u>
Projects				
73001-615-4025	Denman Housing Review	15,000.00	46.98	14,953.02
73001-615-4127	Denman Farming Regulations Review	500.00	0.00	500.00
73001-615-4136	Denman TUP Review	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>18,000.00</u>	<u>46.98</u>	<u>17,953.02</u>

Active Projects Report

Denman Island

1. Major Project - Denman Housing (OCP and LUB) Review Project - Stage 2, Phase 2

Activity:

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

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

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

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

Responsible

Dates

Chloe Straw

Rec'd: 19-Jan-2021

Narissa Chadwick

Renee Jamurat

2. Minor Project - Housing Related TUP Review

Activity:

The purpose of this minor project is to remove Denman Island's Temporary Use Permit policies and regulations related to accessory dwelling units (ADUs). This project will also explore eliminating the residential density bank as removing the TUP requirement for ADUs will potentially draw more housing units than are available in the bank.

Responsible

Dates

Marlis McCargar

Rec'd: 07-May-2024

Future Projects Report

Denman Island

1. *LUB Amendments - List of items*

Responsible

Date Received

1. July 19, 2022: TUPs for STVRs: To support the development of Temporary Use Permits for short-term vacation rentals and other uses.

19-Jul-2022

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

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

2. *Update to Development Approval Information Bylaw*

Responsible

Date Received

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

27-Sep-2022

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

Responsible

Date Received

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

06-Jun-2023

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

Responsible

Date Received

Future Projects Report

Denman Island

**Future Major Project.*

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

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

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

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

5.July 19, 2022: Forest Ecosystems: forest ecosystem protection including the implementation of the Islands Trust coastal douglas fir and associated ecosystem protection toolkit and consider measures to protect garry oak ecosystems.

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

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