



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: January 21, 2025
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. TERRITORIAL ACKNOWLEDGEMENT | | |
| 3. APPROVAL OF AGENDA | | |
| 4. REPORTS | 10:05 AM - 10:25 AM | |
| 4.1 Trustee Reports | | |
| 4.2 Chair's Report | | |
| 4.3 Electoral Area Director's Report | | |
| 5. PUBLIC COMMENTS | 10:25 AM - 10:45 AM | |
| 6. MINUTES | 10:45 AM - 10:50 AM | |
| 6.1 Local Trust Committee Minutes dated December 10, 2024 - for adoption | | 3 - 9 |
| 6.2 Section 26 Resolutions-Without-Meeting Report - none | | |
| 6.3 Advisory Planning Commission Minutes - none | | |
| 7. BUSINESS ARISING FROM MINUTES | 10:50 AM - 11:05 AM | |
| 7.1 Follow-up Action List dated January 14, 2025 | | 10 - 17 |
| 8. DELEGATIONS - none | | |
| 9. APPLICATIONS AND REFERRALS | 11:05 AM - 11:40 AM | |
| 9.1 DE-DVP-2024.1 (Nielsen) - Staff Report | | 18 - 32 |

9.2	DE- RZ-2023.1 (Komas Ranch Ltd.) - Staff Report	33 - 51
9.3	Hornby LTC Bylaw No. 176 and 177 Referral Form - for response	52 - 54
10.	LOCAL TRUST COMMITTEE PROJECTS	11:40 AM - 12:00 PM
10.1	Denman Island Temporary Use Permit Review Project - Staff Report	55 - 61
10.2	Minor Project Prioritization - Staff Report	62 - 66
10.3	Major Project: Denman Housing Official Community Plan and Land Use Bylaw Review Project - verbal update	
~ BREAK 12:00 PM - 12:30 PM ~		
11.	CORRESPONDENCE - none	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
12.	NEW BUSINESS - none	
13.	STAFF REPORTS	12:30 PM - 12:50 PM
13.1	Trust Conservancy Report - none	
13.2	Applications Report dated January 14, 2025	67 - 68
13.3	Trustee and Local Expense Report dated November, 2024	69 - 69
13.4	Adopted Policies and Standing Resolutions	70 - 80
13.5	First Nations Relationship Building Update	
13.6	Local Trust Committee Webpage	
14.	WORK PROGRAM	12:50 PM - 1:05 PM
14.1	Active Projects Report dated January 14, 2025	81 - 81
14.2	Future Projects Report dated January 14, 2025	82 - 83
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for Tuesday, March 18, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
16.	ADJOURNMENT	1:05 PM - 1:10 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: December 10, 2024
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Marlis McCargar, Island Planner
 Narissa Chadwick, Island Planner (electronic)
 Nadine Mourao, Legislative Clerk
 Jason Youmans, Senior Policy Advisor (electronic)
 Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately five members of the public in attendance.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 am.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

Trustees noted that legislative public notification requirements regarding the Public Hearing had been met; however, many community members were not aware that it was to take place today because the local newspaper, in which the hearing was advertised, had not been delivered to homes due to the postal strike.

The following amendments to the agenda were presented for consideration:

- Defer Item No. 5 “Community Information Meeting,” No. 6 “Public Hearing,” and No. 13.1 “Minor Project Post Public Hearing Staff Report” to a future meeting.

By general consent, the agenda was approved as amended.

DE-2024-073

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to postpone the Community Information Meeting and Public Hearing regarding proposed Bylaw Nos. 248 and 249.

CARRIED

4. PROJECTS

Trustee Graham declared a conflict of interest and left the meeting at 10:08 a.m.

4.1 Denman Island Temporary Use Permit Review Project- Staff Report

The Planner summarized the staff report and highlighted the following:

- Proposed amendments to Bylaw No. 249 are for the purpose of clarifying whether secondary dwellings are permitted per lot or per primary dwelling;
- Intention is to permit secondary dwelling units on a per lot basis;
- Limiting number of units to one per lot ensures density remains manageable and avoids risk of overdevelopment on larger lots; and
- There are fourteen properties with more than one civic address and these properties could potentially be impacted by the bylaw.

A member of the public stated they live on one of the fourteen properties identified and if the proposal goes forward it will result in only one of the three homes located within the R2 zone being eligible to have a secondary dwelling. They stated a preference that one secondary dwelling unit be allowed per primary dwelling versus per lot.

Discussion ensued and the following comments were noted:

- The Planner clarified that site-specific regulations could be looked at within the context of the larger Housing Review Project.

The meeting was recessed for a break at 10:22 a.m. reconvened at 10:34 a.m.

DE-2024-074

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to return the consideration of the Denman Island Temporary Use Permit Release Review Project and amendments to Bylaw No. 249 to a later meeting following considerations of the broader housing project timelines.

CARRIED

Trustee Graham returned to the meeting at 10:45 a.m.

5. COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 248 and 249 - Housing-Related Temporary Use Permit Review Project – deferred

6. PUBLIC HEARING - deferred

7. REPORTS

7.1 Trustee Reports

Trustee Graham reported electronic attendance at Trust Council and noted the arrival of new Chief Administrative Officer Rueben Bronee.

Trustee Borthwick reported the following:

- Attended Trust Council and met the new Chief Administrative Officer;
- Acknowledged the work of Interim Chief Administrative Officer Mobbs;

- Attended semi-annual meeting of the Baynes Sound Marine Ecosystem Forum and highlighted discussion on ship breaking activity; and
- Attended government to government meeting with K'omoks First Nation.

7.2 Chair's Report

Chair Maude reported the following:

- Welcomed Chief Administrative Officer Rueben Bronee to Islands Trust; and
- Continued attendance at Committee of the Whole meetings to move draft Trust Policy Statement work forward to First Reading in anticipation of commencing the public engagement process.

7.3 Electoral Area Director's Report - none

8. PUBLIC COMMENTS

A member of the public stated affordable housing is an emergency, safe housing is needed, and they hope the Local Trust Committee treats the project with urgency.

9. MINUTES

9.1 Local Trust Committee Minutes dated October 8, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of October 8, 2024 were adopted.

9.2 Section 26 Resolutions-Without-Meeting Report dated December 3, 2024

Received for information.

9.3 Advisory Planning Commission Minutes - none

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List dated December 3, 2024

The Planner noted the affordable housing project is complex but remains on track to complete before the end of the Trustee's term.

11. DELEGATIONS – none

Item 12 was re-ordered and heard after Item 13.2.

12. APPLICATIONS AND REFERRALS

12.1 PLRZ20240055 (Denman Conservancy) - Preliminary Staff Report

The Planner summarized the staff report and highlighted the following:

- Application to rezone four parcels of land from forestry to conservation;
- The parcels of land are owned and managed by the Denman Conservancy Association;
- One of the parcels is split-zoned between forestry and agriculture and located within the Agricultural Land Reserve; and
- Suggestion to amend bylaws to facilitate the rezoning process to enhance conservation efforts and support protection and preservation of the parcels.

Discussion ensued and the following comments and clarifications were noted:

- There is opportunity for extending the existing conservation covenant to all of the parcels or placing a new conservation covenant on the parcels without;
- Owner had intention to donate residential densities to the density bank and this should proceed regardless of the status of the TUP Review Project which is seeking to remove the density bank; and
- The Agricultural Land Commission in the past has permitted land in the Agricultural Land Reserve to have a conservation covenant placed on it.

DE-2024-075

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to enable application PLRZ20240055 (Denman Conservancy Association).

CARRIED

DE-2024-76

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 enable application PLRZ20240055 (Denman Conservancy Association).

CARRIED

DE-2024-077

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to send an early referral of PLRZ20240055 (Denman Conservancy Association) to the Islands Trust Conservancy and Agricultural Land Commission for comment.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Minor Project: Housing-Related Temporary Use Permit Review - Post Public Hearing Staff Report - deferred

13.2 Major Project: Denman Housing Review Project Update - Staff Report

The Planner summarized the staff report.

Discussion ensued on Phase 2A and the following comments were noted:

- A Trustee asked if Action 7 “Expand Secondary Suites Permissions in water service areas” should be undertaken as a minor project. The Planner clarified the intention is for planners to work through the major project items together and it would not be necessary to separate this item from the major project; however, there is opportunity for a new minor project to be undertaken.

DE-2024-078

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to come back with options for a minor project to the Local Trust Committee.

CARRIED

Discussion ensued on Phase 2B and the following comments were noted:

- Action 1
 - Agricultural Land Commission requires local governments to apply for exclusions;
 - Policy allowing exclusion from the Agricultural Land Reserve for affordable and special needs housing can be added to the Official Community Plan;
 - Definitions for terms such ‘affordable’, ‘rental’, and ‘market housing’ will be included; and
 - Affordability can only be maintained over time if there is a housing agreement.
- Action 2
 - Subdivision bylaw already identifies exceptions to minimum parcel sizes for multifamily affordable housing and there is agreement to expand this exception to affordable housing in general; and
 - Suggestion to tie availability of providing single unit affordable housing to a housing agreement.
- Action 3
 - Adding policies to support development variance for proof of water for cooperatives requires input from a freshwater specialist.
- Action 4
 - Agreement to add policies to support home-based assisted living as a permitted home occupation;
 - Only allowing assisted living in a primary residence might be too restrictive; and
 - Consider specifying number of clients versus where the occupation occurs.
- Action 5
 - Tiny home village is a number of small units located within a concentrated area;
 - Flexible housing provides an opportunity for units in addition to a principle and secondary dwellings; and
 - Support for rezoning for clustered small unit affordable housing on larger lots.
- Action 6
 - Trustees expressed interest in allowing variations in housing that support shared facilities provided they are not vacation units;
 - This type of housing should be restricted to an affordable housing development operating with a housing agreement.

Discussion ensued on Phase 2B “Additional Actions” and the following comments were noted:

- Address affordable housing options in a way that indicates there is not interest in unrestricted growth;
- Planner can provide language focussed on low environmental impact and supporting density that is focussed on providing affordable, special needs housing;
- Community input will help identify areas for zoning to allow increased housing; and
- Changing the reference for “the Village” to “Downtown Denman” in the Official Community Plan is problematic due to the number of times the term “the Village” is used and the need for consistency across bylaws.

DE-2024-079

It was MOVED and SECONDED

that the Denman Island Local Trust Committee approve the next steps for completing Denman Island Housing Review Project (Stage 2, Phase 2B).

CARRIED

The meeting was recessed for a break at 12:15 p.m. and reconvened at 12:45 p.m.

14. CORRESPONDENCE

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

- 14.1 Letter dated November 26, 2024 from Denman Conservancy Association regarding ALR Land Development on Denman Island**
Received for information.

15. NEW BUSINESS - none

16. STAFF REPORTS

16.1 Phase 4 Community Engagement Options - Policy Statement Amendment Project - Staff Report

The Senior Policy Advisor summarized the staff report and outlined the options for community engagement following First Reading of the draft Policy Statement.

DE-2024-080

It was MOVED and SECONDED

that Denman Island Local Trust Committee select Engagement Option No. 1 for Phase 4 community engagement about the new draft Islands Trust Policy Statement.

CARRIED

16.2 Draft 2025/2026 Denman Island Local Trust Committee Meeting Schedule - Request for Decision

The Local Trust Committee would like all of their regular meetings to be scheduled to be held in-person.

DE-2024-081

It was MOVED and SECONDED

that Denman Island Local Trust Committee approve their January, 2025 to March, 2025 Meeting Schedule.

CARRIED

16.3 Highlights of the Trust Conservancy November 19th, 2024 Board Meeting
Received for information.

16.4 Trust Conservancy - The Heron - Fall Edition
Received for information.

16.5 Applications Report dated December 5, 2024
Received for information.

16.6 Trustee and Local Expense Report - October, 2024

Received for information.

16.7 Adopted Policies and Standing Resolutions

Received for information.

16.8 First Nations Relationship Building Update

DE-2024-082

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to be ready to draft a letter of congratulations and introduction from the Denman Island Local Trust Committee to K'omoks First Nation following their January, 2025 election and reach out to schedule a meeting between the Local Trust Committee and the Chief and Council at their convenience.

CARRIED

16.9 Local Trust Committee Webpage

No updates are required at this time.

17. WORK PROGRAM

17.1 Active Projects Report dated December 3, 2024

Received for information.

17.2 Future Projects Report dated December 3, 2024

Received for information.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled

The next regular meeting will be held January 21, 2025 at 10:00 a.m. at the Denman Activity Centre, 1111 Northwest Road, Denman BC.

19. ADJOURNMENT

By general consent, the meeting was adjourned 1:15 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder

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 Jan 15 : Waiting on data analysis, expected mid-February.</i>	Michelle Backe Narissa Chadwick	Target: 08-Oct-2024	In Progress
50%	2	- Draft Housing Action Plan - <i>Completed for May 7th Meeting</i> - Draft Bylaw language for review - <i>March 2025</i>	Narissa Chadwick		In Progress

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
50%	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

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
51%	2 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%	3 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
100%	4 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
50%	5 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

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
51%	6 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

13-Aug-2024

Progress	Activity	Responsibility	Dates	Status
88%	1 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. Preference for PH alongside Dec 10 LTC Meeting. <i>Referral period will close late Oct 2024. PH postponed on Dec 10, consider rescheduling for March LTC meeting.</i>	Lisa Millard Marlis McCargar Nadine Mourao		In Progress

Follow Up Action Report

Denman Island

08-Oct-2024

Progress	Activity	Responsibility	Dates	Status
30%	1 Next steps for completing Denman Island Housing Review Project: ·reformat for LUB ·consider adding permission for dwelling units in Institutional and Community Zones ·draft language for alternative dwelling units ·review domestic water systems ·expand secondary suites and ADUs ·cistern requirement ·explore lot coverage maximum and flexible zoning	Narissa Chadwick		In Progress
25%	2 request staff to coordinate an update meeting between the LTC and K'omoks First Nation Chief and Council and that DE host the meeting, if desired by KFN. The LTC authorized up to \$1,000 for arrangements to host a meeting. <i>Oct. 17 update: coordination paused on request of Nation staff and will be revisited in early (Jan/Feb) 2025.</i>	Joe Elliott Renee Jamurat		In Progress

Follow Up Action Report

Denman Island

10-Dec-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 Request staff to return the considerations of TUP review project and amendments to bylaw 249 to a later meeting, following considerations of the broader housing project timelines.	Marlis McCargar		Completed
100%	2 provide a staff report that has options and considerations for the next minor project.	Marlis McCargar		Completed
100%	3 DE LTC approved the next steps for completing Denman Island Housing Review Project (Stage 2, Phase 2B).	Narissa Chadwick		Completed
0%	4 staff to prepare a draft bylaws to amend the OCP and LUB, to enable application PLRZ20240055 (Denman Conservancy Association). Will require bylaw numbers from Leg Clerk.	Marlis McCargar Nadine Mourao		In Progress
0%	5 send an early referral of PLRZ20240055 (Denman Conservancy Association) to the Islands Trust Conservancy and Agricultural Land Commission for comment.	Marlis McCargar Nadine Mourao		In Progress
55%	6 Denman Island LTC selected Engagement Option 1 for Phase 4 community engagement about the new draft Islands Trust Policy Statement.	Jason Youmans		Completed
100%	7 approved the January, 2025 to March, 2026 Meeting Schedule. Requested all in-person meetings.	Lisa Millard Michelle Backe		Completed

Follow Up Action Report

Denman Island

10-Dec-2024

Progress	Activity	Responsibility	Dates	Status
100%	8 Feedback and corrections needed on application report: - DE-SUB-2021.2 - no applicant name - PLSUP20240270 - no description - PLSUP20240290 - no description	Chloe Straw Nadine Mourao		Completed
0%	9 Request that staff prepare a letter of congratulations and introduction from the DE LTC to the K'ómoks First Nation following their January 5, 2025 election. The letter should also extend an invitation to schedule a meeting between the LTC and Chief and Council at their convenience.	Clare Frater Joe Elliott Renee Jamurat	Target: 21-Jan-2025	In Progress

File No.: **DE-DVP-2024.1**
(Nielsen)

DATE OF MEETING: January 21, 2025
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Warren Dingman, Manager of Bylaw Compliance and Enforcement
SUBJECT: **Development Variance Permit DE-DVP-2024.1**
Applicant: Henning Nielsen.
Location: 3223 Lacon Road, Denman Island (PID 004-172-337)

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DVP-2024.1 (Nielsen).

REPORT SUMMARY

The purpose of this staff report is to introduce Development Variance Permit application DE-DVP-2024.1 for consideration by the Denman Island Local Trust Committee (LTC) to authorize the following:

- a) Vary the minimum setback from 4.5m to 3.8m to permit the siting of an existing studio;
- b) Vary the minimum setback from 4.5m to 0.2m to permit the siting of the existing “covered area” structure attached to the “studio”;
- c) Vary the minimum setback from 4.5m to 0.8 to permit the siting of the existing “covered gate” structure;
- d) Vary the minimum setback from 4.5m to 2.7m to permit the siting of the existing “covered area” structure attached to the “2 storey home”;
- e) Vary the minimum setback from 4.5 m to 0.0 m to permit the siting of the existing retaining walls on eastern side lot;
- f) Vary the minimum setback to permit the siting of the existing “retaining walls” on western side lot;
- g) To reduce the minimum setback to permit the siting of the existing “heat pumps”; and
- h) Vary the existing wooden fence with heights varying from 2.1m to a maximum of 2.6m along the eastern exterior side lot line.

Staff are recommending approval of this variance request.

RATIONALE FOR VARIANCE

All the structures for which the variances are requested are already built, and the encroachments are minor in nature. The applicant is seeking a retroactive approval for these encroachments due to bylaw infraction complaints. The structures are largely non-intrusive and have minimal impact on the surrounding area or neighboring properties. The applicant has indicated they have applied for an encroachment permit from the Ministry of Transportation and Transit.

BACKGROUND

The application is the result of a Bylaw Compliance and Enforcement action for works undertaken without a permit, specifically numerous structures in the side yard setbacks and an over height fence. The subject property is 0.77 hectares (1.91 acres) in size and located on Lacon Road as shown on Figure 1. It is zoned Residential (R1).

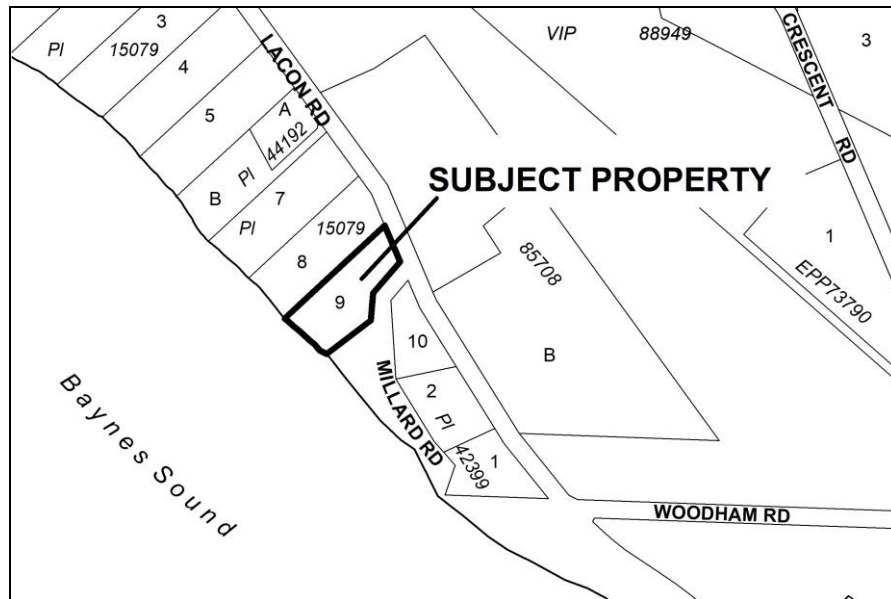


Figure 1 – Subject Property Map



Figure 2 – Orthophoto

The scope of development for the property is shown in Figure 3 and entails:

- Retaining wall structures in the setback
- Over height fence
- Portion of the fence in highway right-of-way
- Accessory buildings and structures in the setback

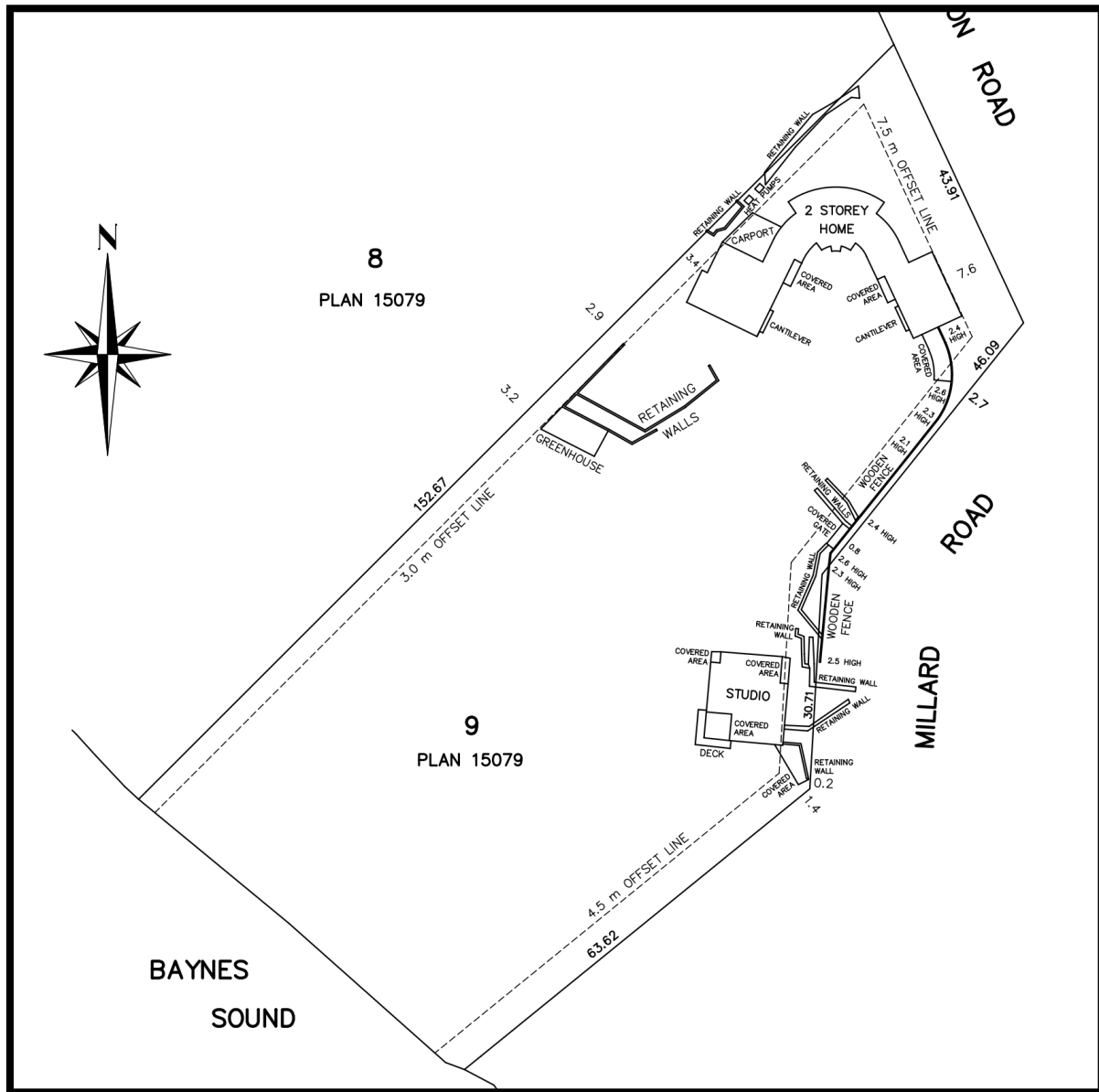


Figure 3: Site Plan

The draft DVP is included as Attachment 2, and the Notice that was circulated to neighbouring property owners is included as Attachment 3.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 1. The policies and regulations that pertain to this application are summarized below.

Denman Island Land Use Bylaw No. 186:

The subject property is zoned as Residential (R1) in the Denman Land Use Bylaw (LUB). Single family residential is a permitted use in that zone. The existing dwelling complies with the LUB regulations. However, the accessory buildings and structures do not comply with Section 3.3, RESIDENTIAL ZONING TABLES, Table 5 – Setbacks, Line 1, the siting and setback regulation for buildings and structures from the exterior and side lot lines. Thus, it is regulation Section 3.3, RESIDENTIAL ZONING TABLES, Table 5 – Setbacks, Line 1 that requires a variance for the siting of the existing buildings and structures. Additionally, the fence does not comply with Section 3.3 RESIDENTIAL ZONING TABLES, Table 4 – Height, Line 3, the “maximum height of a fence” and will require a variance.

Issues and Opportunities

The applicant is requesting a variance to the side and exterior lot line setbacks. These setbacks are designed to ensure that buildings and structures are sufficiently distanced from property lines, promoting safety, privacy, aesthetics, and maintaining a consistent development pattern within the neighbourhood. Specifically, setbacks contribute to fire safety, allow for emergency access, and preserve views and privacy.

The Ministry of Transportation and Transit (MOTT) manages provincial highways and has authority over activities within highway right-of-ways. Property owners with structures or fences located within 4.5 meters from a highway right-of-way must obtain a permit to reduce the setback. The applicant is currently in the process of contacting MOTT to determine whether an encroachment permit is required for the existing fence.

Consultation

Notification

Public notification of the DVP was sent out on December 23, 2024 in accordance with statutory requirements. (Attachment 3). At the time of writing this report, no public submissions were received from neighbouring property owners or tenants in response to the notice.

First Nations

The property does fall within the K’omoks First Nation Area of Potential. At the time the Application was submitted, the Applicant was made aware of the possibility that the lot may contain previously unrecorded archaeological material protected under the *Heritage Conservation Act*. If such material is encountered during development, all work should cease and the provincial Archaeology Branch should be contacted immediately, as a *Heritage Conservation Act* permit may be needed before further development is undertaken. Provincial Chance Find Procedures¹ are in place and must be followed.

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

The K’omoks First Nation (KFN) Archaeology & Referrals Department has confirmed that a Cultural Heritage Investigation Permit (CHIP) is only required for future ground disturbance greater than 10m². This DVP is being sought retroactively for existing structures.

Rationale for Recommendation

Staff are recommending approval of this variance request, as noted on page 1 of this report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation on page 1 of this report:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request further information prior to making a decision on application DE-DVP-2024.1 [specify information requested].

2. Amend the permit

The LTC may choose to amend the permit. If this option is chosen, the LTC should first pass a resolution to amend the permit accordingly and then render a decision on issuance.

3. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are that bylaw compliance and enforcement action will continue and the applicant will be asked to move the structures outside of the lot line setback area and reduce fence heights. The applicant will not receive a refund of the DVP application fee, since a staff report has already been brought forward. If this alternative is selected, the LTC must state the reasons for denial. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee deny application DE-DVP-2024.1 for the following reasons [specify reasons].

NEXT STEPS

Should the LTC concur with staff’s recommendations outlined on page 1 of this report, staff will proceed with issuing the Development Variance Permit as drafted in Attachment 2. Approval of this permit will effectively resolve the current bylaw enforcement action.

Submitted By:	Marlis McCargar, Island Planner	December 20, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	January 8, 2025

ATTACHMENTS

- 1. Site Context
- 2. Draft Development Variance Permit (DVP)

3. DVP Notice

ATTACHMENT # 1 – SITE CONTEXT

FILE No.: DE-DVP-2024.1 (NIELSEN)

LOCATION

Legal Description	LOT 9, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 15079
PID	004-172-337
Civic Address	3223 Lacon Road

LAND USE

Current Land Use	Residential
Surrounding Land Use	Neighbouring properties are residential, ALR to the north and east, ocean shoreline to the west.

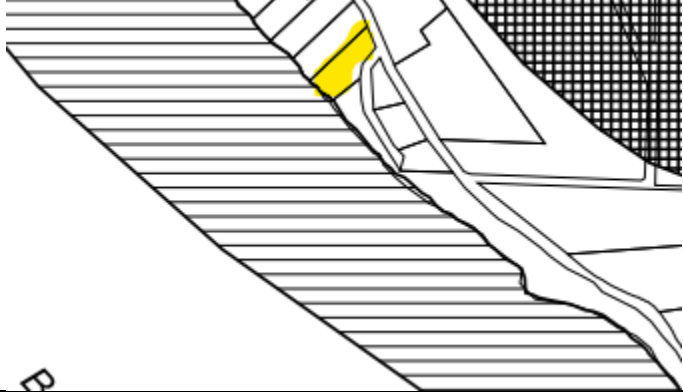
HISTORICAL ACTIVITY

File No.	Purpose
DE-SUP-2024.2	Retroactive SUP application for existing retaining walls, greenhouse, pergola and storage shed. OPEN/concurrent with this DVP application.
DE-SUP-2021.11	SUP issued for new workshop.
DE-SUP-1999.16	SUP issued for dwelling with studio, workshop and gallery for arts and crafts production and sales.
UN-SUP-1992.85	File not retrieved.

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Residential The Residential designation includes the smaller lot subdivisions on the Island in which the existing principal use is single family residential. Not in a DPA or ALR. 
Land Use Bylaw	Zoning: Residential (R1)
Other Regulations	none
Covenants	Restrictive covenant – 372672G
Bylaw Enforcement	DE-BE-2021.7

SITE INFLUENCES

Islands Trust Conservancy	n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Regional Conservation Strategy	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan
Species at Risk	None mapped
Sensitive Ecosystems	None mapped Adjacent to herring spawning area 
Hazard Areas	None mapped
Archaeological Sites	According to provincial information, all coastal areas including the Denman Island Local Trust Area are identified as having the potential to contain recorded or unrecorded areas of archeological and cultural significance. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and the BC Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	This DVP application seeks to lawfully site existing structures on the property and as such does not propose any additional intensity of use or development beyond what is currently permitted by zoning. GHG emissions can be expected to be commensurate with normal levels associated with Single Family Residential development patterns and use, including the use of personal vehicles for transport on and off island.

PROPOSED



DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. DE-DVP-2024.1

TO: Henning Nielsen and Bente Pilgaard

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

PID: 004-172-337

Legal Description: LOT 9, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 15079

- 2.** Pursuant to Section 498 of the *Local Government Act*, the *Denman Island Land Use Bylaw, 2008* is varied as follows:

1. PART 3 ZONE REGULATIONS, Section 3.3 RESIDENTIAL ZONING TABLES, Table 4 – Height, Line 3, the “maximum height of a fence”, is varied:

To permit the existing heights and locations of an existing wooden fence with heights varying from 2.1m to a maximum of 2.6m along the eastern exterior side lot line, as shown on Schedule ‘A’ attached to this permit.

2. PART 3 ZONE REGULATIONS, Section 3.3 RESIDENTIAL ZONING TABLES, Table 5 – Setbacks, Line 1, the “Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy from the exterior side lot line”, is varied for the eastern exterior side lot line adjacent to Millard Road as follows:

A. Studio

- To reduce the minimum setback from 4.5m to 3.8m to permit the siting of an existing studio labeled "STUDIO" as shown on the plans attached as Schedule ‘A’;

B. Covered Area (Studio)

- To reduce the minimum setback from 4.5m to 0.2m to permit the siting of the existing “covered area” structure attached to the “studio”, as shown on the plans attached as Schedule ‘A’;

C. Covered Gate

- To reduce the minimum setback from 4.5m to 0.8 to permit the siting of the existing “covered gate” structure, as shown on the plans in Schedule ‘A’;

D. Covered Area (2 Storey Home)

- To reduce the minimum setback from 4.5m to 2.7m to permit the siting of the existing “covered area” structure attached to the “2 storey home”, as shown on the plans in Schedule ‘A’; and

E. Retaining Walls

PROPOSED

- To reduce the minimum setback from 4.5 m to 0.0 m to permit the siting of the existing retaining walls as shown in Schedule 'A' attached to this permit.

3. PART 3 ZONE REGULATIONS, Section 3.3 RESIDENTIAL ZONING TABLES, Table 5 – Setbacks, Line 1, the "Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy from the rear or side lot line", is varied for the western side lot line as follows:

- To reduce the minimum setback to permit the siting of the existing "retaining walls" as shown in Schedule 'A' attached to this permit; and
- To reduce the minimum setback to permit the siting of the existing "heat pumps" as shown in Schedule 'A' attached to this permit.

3. The proposed development shall be consistent with **Schedule "A" – Site Plan** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Denman Island Land Use Bylaw, 2008 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 202X.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF FEBRUARY 202X, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT

DE-DVP-2024.1

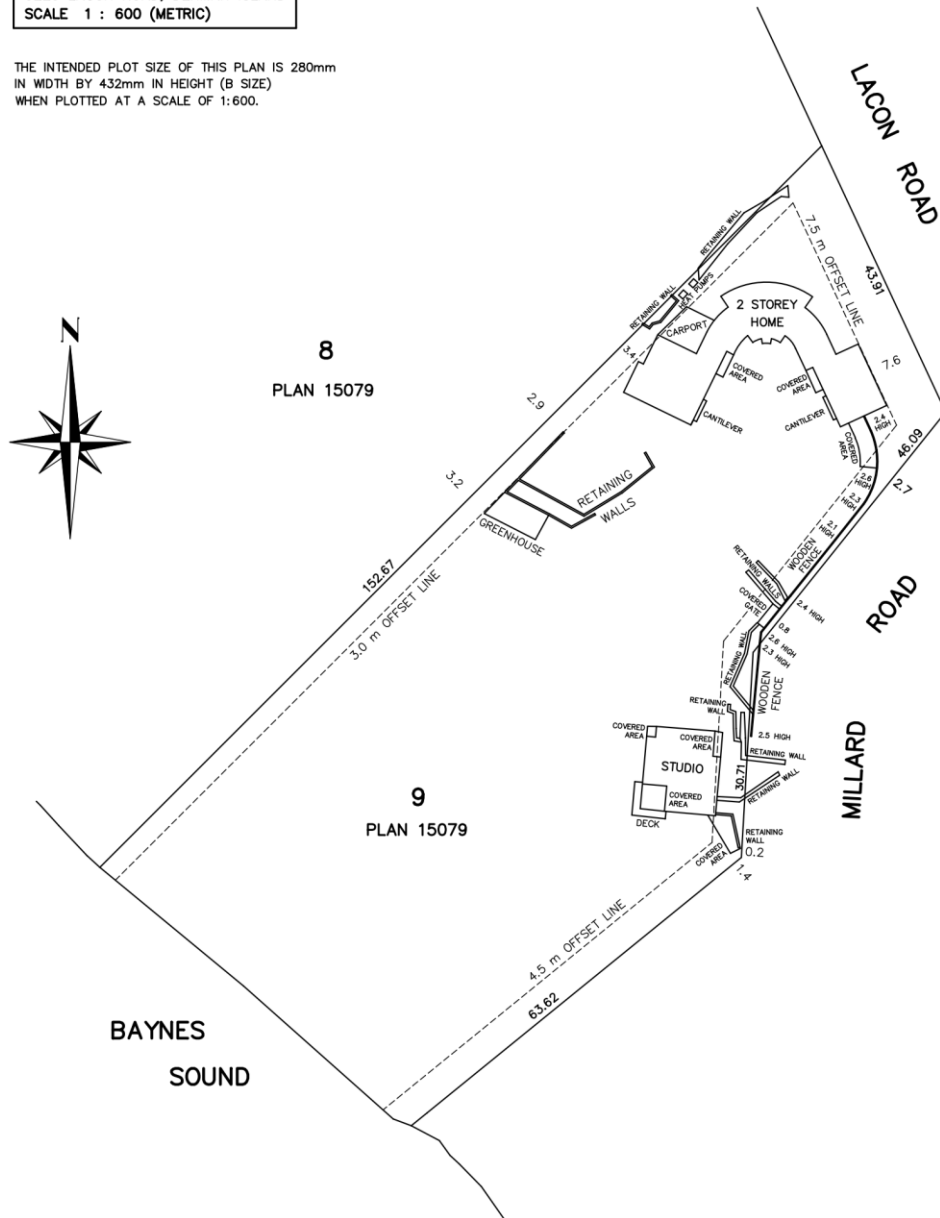
Schedule "A" – Site Plan

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
FOR LOT 9, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 15079.

3223 LACON ROAD, DENMAN ISLAND
SCALE 1 : 600 (METRIC)

P.I.D. 004-172-337

THE INTENDED PLOT SIZE OF THIS PLAN IS 280mm
IN WIDTH BY 432mm IN HEIGHT (B SIZE)
WHEN PLOTTED AT A SCALE OF 1:600.



Eric
Hoerbuerger
8YPFDR

Digitally signed by Eric
Hoerbuerger 8YPFDR
Date: 2024.09.23
10:45:20 -0700

Eric Hoerbuerger
THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
COMPLETED ON THE 18th DAY OF SEPTEMBER, 2024.
ERIC A. HOERBURGER, BCLS #704.

NOTES:

OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.
LOT DIMENSIONS AND OFFSET DISTANCES SHOWN COULD VARY
UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.
THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT.

HOERBURGER LAND SURVEYORS
280-A ANDERTON ROAD, COMOX, B.C.
PH. (250) 890 - 0100 © 2024
FILE: 2449CRT2/187.23 FB. 94/22

NOTICE
DE-DVP-2024.1
DENMAN ISLAND LOCAL TRUST COMMITTEE

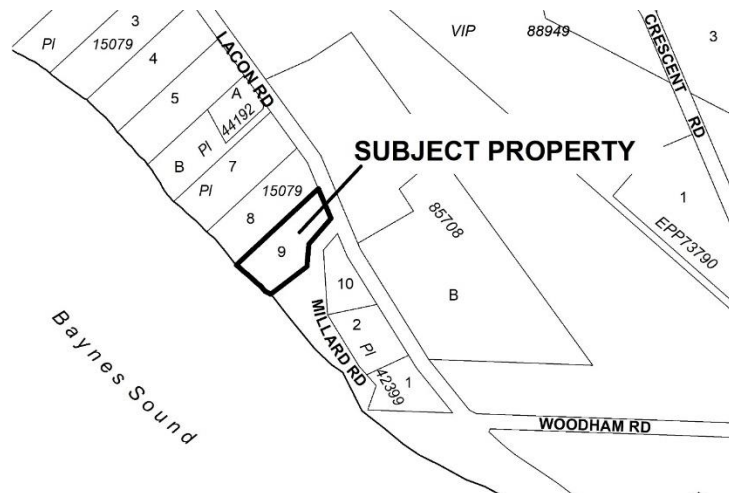
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Denman Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Denman Islands Land Use Bylaw, 2008 by:

- a) Reducing the minimum setback from 4.5m to 3.8m to permit the siting of an existing studio;
- b) Reducing the minimum setback from 4.5m to 0.2m to permit the siting of the existing “covered area” structure attached to the “studio”;
- c) Reducing the minimum setback from 4.5m to 0.8 to permit the siting of the existing “covered gate” structure;
- d) Reducing the minimum setback from 4.5m to 2.7m to permit the siting of the existing “covered area” structure attached to the “2 storey home”;
- e) Reducing the minimum setback from 4.5 m to 0.0 m to permit the siting of the existing retaining walls on eastern side lot;
- f) Reducing the minimum setback to permit the siting of the existing “retaining walls” on western side lot;
- g) Reducing the minimum setback to permit the siting of the existing “heat pumps”;
- h) Reducing the existing wooden fence with heights varying from 2.1m to a maximum of 2.6m along the eastern exterior side lot line.

The property is legally described as:

LOT 9, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 15079 (PID 004-172-337)

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing January 6, 2025 and continuing up to and including January 20, 2025 and is also available on the Islands Trust website here: <https://islandstrust.bc.ca/island-planning/denman/current-applications/>

Enquiries or comments should be directed to Marlis McCargar, Island Planner at (250) 247-2210, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, January 20, 2025.

The Denman Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **10:00 am, January 21, 2025, located at the Denman Activity Centre, 1111 Northwest Road Denman Island, BC.**

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

PROPOSED



DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. DE-DVP-2024.1

TO: Henning Nielsen and Bente Pilgaard

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

PID: 004-172-337

Legal Description: LOT 9, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 15079

- 2.** Pursuant to Section 498 of the *Local Government Act*, the *Denman Island Land Use Bylaw, 2008* is varied as follows:

1. PART 3 ZONE REGULATIONS, Section 3.3 RESIDENTIAL ZONING TABLES, Table 4 – Height, Line 3, the “maximum height of a fence”, is varied:

To permit the existing heights and locations of an existing wooden fence with heights varying from 2.1m to a maximum of 2.6m along the eastern exterior side lot line, as shown on Schedule ‘A’ attached to this permit.

2. PART 3 ZONE REGULATIONS, Section 3.3 RESIDENTIAL ZONING TABLES, Table 5 – Setbacks, Line 1, the “Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy from the exterior side lot line”, is varied for the eastern exterior side lot line adjacent to Millard Road as follows:

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C. Covered Gate

- To reduce the minimum setback from 4.5m to 0.8 to permit the siting of the existing “covered gate” structure, as shown on the plans in Schedule ‘A’;

D. Covered Area (2 Storey Home)

- To reduce the minimum setback from 4.5m to 2.7m to permit the siting of the existing “covered area” structure attached to the “2 storey home”, as shown on the plans in Schedule ‘A’; and

E. Retaining Walls

PROPOSED

- To reduce the minimum setback from 4.5 m to 0.0 m to permit the siting of the existing retaining walls as shown in Schedule 'A' attached to this permit.

3. PART 3 ZONE REGULATIONS, Section 3.3 RESIDENTIAL ZONING TABLES, Table 5 – Setbacks, Line 1, the "Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy from the rear or side lot line", is varied for the western side lot line as follows:

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- To reduce the minimum setback to permit the siting of the existing "heat pumps" as shown in Schedule 'A' attached to this permit.

3. The proposed development shall be consistent with **Schedule "A" – Site Plan** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Denman Island Land Use Bylaw, 2008 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 202X.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XX DAY OF FEBRUARY 202X, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT

DE-DVP-2024.1

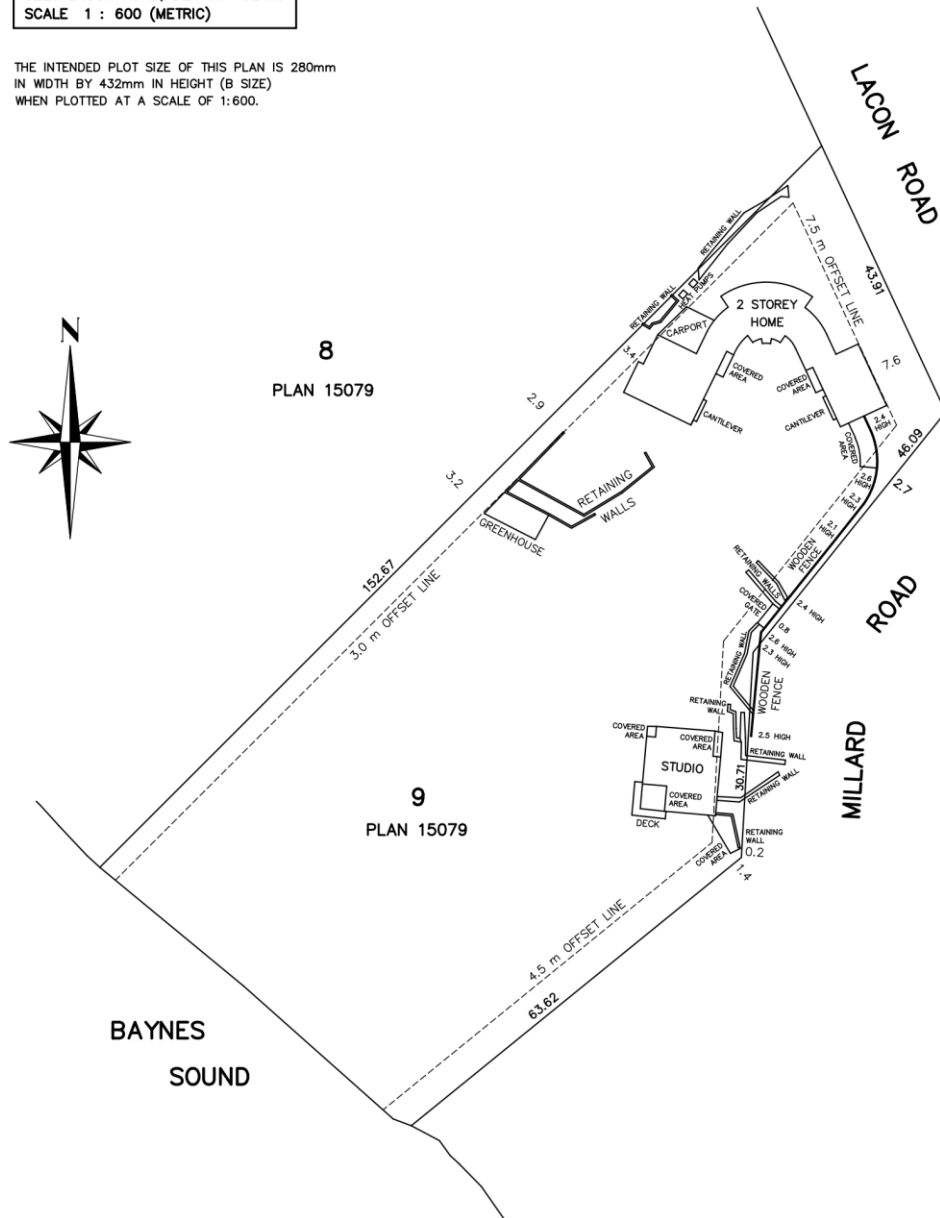
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SCALE 1 : 600 (METRIC)

P.I.D. 004-172-337

THE INTENDED PLOT SIZE OF THIS PLAN IS 280mm
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Eric
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Date: 2024.09.23
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Eric Hoerbuerger
THIS DOCUMENT IS NOT VALID UNLESS
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ERIC A. HOERBURGER, BCLS #704.

NOTES:

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THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT.

HOERBURGER LAND SURVEYORS
280-A ANDERTON ROAD, COMOX, B.C.
PH. (250) 890 - 0100 © 2024
FILE: 2449CRT2/187.23 FB. 94/22

File No.: DE-RZ-2023.1
(Komas Ranch Ltd.)

DATE OF MEETING: January 21, 2025

TO: Denman Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: Application to amend the OCP and LUB – Komas Ranch Land Use Contract Termination
Applicant: Komas Ranch Ltd.
Location: 7161 and 7676 Komas Rd, Denman Island, BC, V0R 1T0
(PIDs 000-211-338, 000-211-320, and 023-096-438)

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee request staff to prepare draft bylaw language to amend the Denman Island Official Community Plan, 2008 (OCP), to introduce a new site-specific Heritage Conservation Area for the subject properties at PIDs 000-211-338, 000-211-320, and 023-096-438, application DE-RZ-2023.1 (Komas Ranch Ltd.) including draft objectives, exemptions, and guidelines.
2. That the Denman Island Local Trust Committee endorse the draft Terms of Reference letter and direct staff to forward it to the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.), with a final deadline of December 31, 2025 to provide additional information requested in support of the application.
3. That the Denman Island Local Trust Committee request staff to develop a draft restrictive covenant in consultation with the applicant for application DE-RZ-2023.1 (Komas Ranch Ltd.) for Local Trust Committee consideration.
4. That the Denman Island Local Trust Committee enter into a cost recovery agreement, if necessary, with the applicant allowing Islands Trust legal counsel to review a draft restrictive covenant for application DE-RZ-2023.1 (Komas Ranch Ltd.).

REPORT SUMMARY

This staff report provides the Denman Island Local Trust Committee (LTC) with an update on previous LTC requests related to the environmental, archaeological, and cultural heritage protection of Komas Ranch as part of the rezoning application.

Staff recommend the LTC proceed with requesting staff to prepare draft bylaw language for a Heritage Conservation Area for the subject properties and that the LTC approve a Terms of Reference letter detailing additional information requests for the applicant as part of the rezoning application. Staff also recommend the LTC direct staff to develop a draft Section 219 restrictive covenant for environmental protection, and enter into a cost recovery agreement with the applicant, if necessary, for legal review of the draft covenant.

This report also includes the applicant's response to the LTC's requests for additional information regarding archaeological material (Preliminary Field Reconnaissance) and the use of local government tools for cultural heritage protection on the subject properties (see **Attachment 3**).

BACKGROUND

Staff are seeking additional direction from the LTC regarding the following three topics/resolutions that were passed at the June 4 Denman LTC meeting, as detailed below.

1. *Heritage Conservation Areas*

DE-2024-044 It was MOVED and SECONDED

that the Denman Island Local Trust Committee 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.

CARRIED

Attachment 1 contains a draft summary of background information regarding the importance of implementing a Heritage Conservation Area for cultural heritage protection. This information, although still in draft form, is intended to apply broadly to any LTC in the Islands Trust area, and is applicable to the three properties at Komas Ranch. Staff recommends the preparation of draft bylaw language introducing a site-specific Heritage Conservation Area for LTC consideration. The use of this *Local Government Act* tool to define site-specific draft objectives, exemptions, and guidelines can ensure that any future development and land alterations at Komas Ranch are conducted in a manner which protect the significant heritage resources of the subject properties.

2. *Preliminary Field Reconnaissance*

DE-2024-045 It was MOVED and SECONDED

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.

CARRIED

After discussing the LTC's initial request for a post-impact Preliminary Field Reconnaissance (PFR) with the applicant, it was made clear that the applicant requires more detailed information about the request in order to proceed. **Attachment 2** contains a draft Terms of Reference (TOR) detailing the specific additional information required.

The initial recommendation to request a PFR was based on comments heard during early engagement with the K'ómoks First Nation, identifying gaps in archaeological information for all three subject properties. The Terms of Reference letter is therefore intended to clarify the LTC's request for a PFR to the applicant, including the reporting requirements and geographical scope.

The applicant has the opinion that the Preliminary Field Reconnaissance is out of scope for their application, as detailed in their letter to the LTC dated January 9, 2025 in **Attachment 3**. They have requested that the LTC remove the request to conduct a Preliminary Field Reconnaissance.

3. Section 219 Covenants

At the June 4, 2024 meeting the LTC also passed the following resolution:

DE-2024-042 It was MOVED and SECONDED

That the Denman Island Local Trust Committee 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.

CARRIED

The applicant has confirmed that a Natural Area Protection Tax Exemption Program (NAPTEP) covenant will not be pursued for parts of the northern parcel, as detailed in their letter to the LTC dated January 9, 2025 (**Attachment 3**). The Terms of Reference therefore addresses the potential for further conditions of rezoning to be established as part of a Section 219 covenant, instead.

A Section 219 covenant is a charge secured against the title to a property in favour of the Islands Trust to impose a positive or negative obligation on the property owner, as per the provisions of Section 219 of the *Land Title Act*. The LTC could enter into Section 219 covenants with the property owners to regulate regarding the use of land or the construction of structures or buildings, as part of the development approval process. This is to ensure the protection, preservation, conservation, maintenance and/or restoration of land and/or other specified features within the Local Trust Area.

Staff recommend that a Section 219 covenant be drafted now in consultation with the applicant in order to advance the application and ensure the preservation and protection of parts of the property that were previously protected in the Land Use Contact. This process could also include drafting a Section 219 covenant for other parts of the properties that require additional preservation and protection, in consultation with the applicant. As part of this covenant drafting process, legal review may be necessary for which a cost recovery agreement may be required.

Rationale for Recommendation

Staff are recommending approval of the draft Terms of Reference to provide clarity to the applicant regarding the requirement for additional information. Staff are also recommending that the LTC direct staff to prepare draft bylaw language for a site-specific Heritage Conservation Area that includes additional protection of cultural heritage for the three properties. Staff are recommending that a Section 219 covenant be drafted for nature preservation and protection in consultation with the applicant, and that the LTC enter into a cost recovery agreement with the applicant if necessary.

ALTERNATIVES

1. Receive for information.

The LTC may receive the report for information.

2. Request more information.

The LTC may wish to consider additional information on the options and implications for long term, sustainable cultural heritage protection measures on the subject property as part of this rezoning application. If this alternative is selected the following resolution is recommended:

“That the Denman Island Local Trust Committee request staff to report back on (specify request) for application DE-RZ-2023.1 (Komas Ranch Ltd).”

3. Proceed no further.

The LTC can choose this alternative at any stage in a bylaw amendment application. If this alternative is selected the following resolution is recommended:

“That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2023.1 (Komas Ranch Ltd) for the following reasons (insert rationale).”

NEXT STEPS

Should the LTC move forward with staff recommendations, staff will send the Terms of Reference letter to the applicant, advising of the necessary next steps, and prepare draft LUB and draft OCP bylaw amendments for LTC consideration, including draft bylaw language for a site-specific Heritage Conservation Area. Staff will also begin drafting a Section 219 covenant in consultation with the applicant, including drafting a cost recovery agreement if necessary.

Submitted By:	Margot Thomaidis, Planner 2	January 10, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	January 10, 2025

ATTACHMENTS

1. DRAFT Heritage Conservation Area Background Information
2. DRAFT Terms of Reference
3. Applicant Letter Dated January 9, 2025



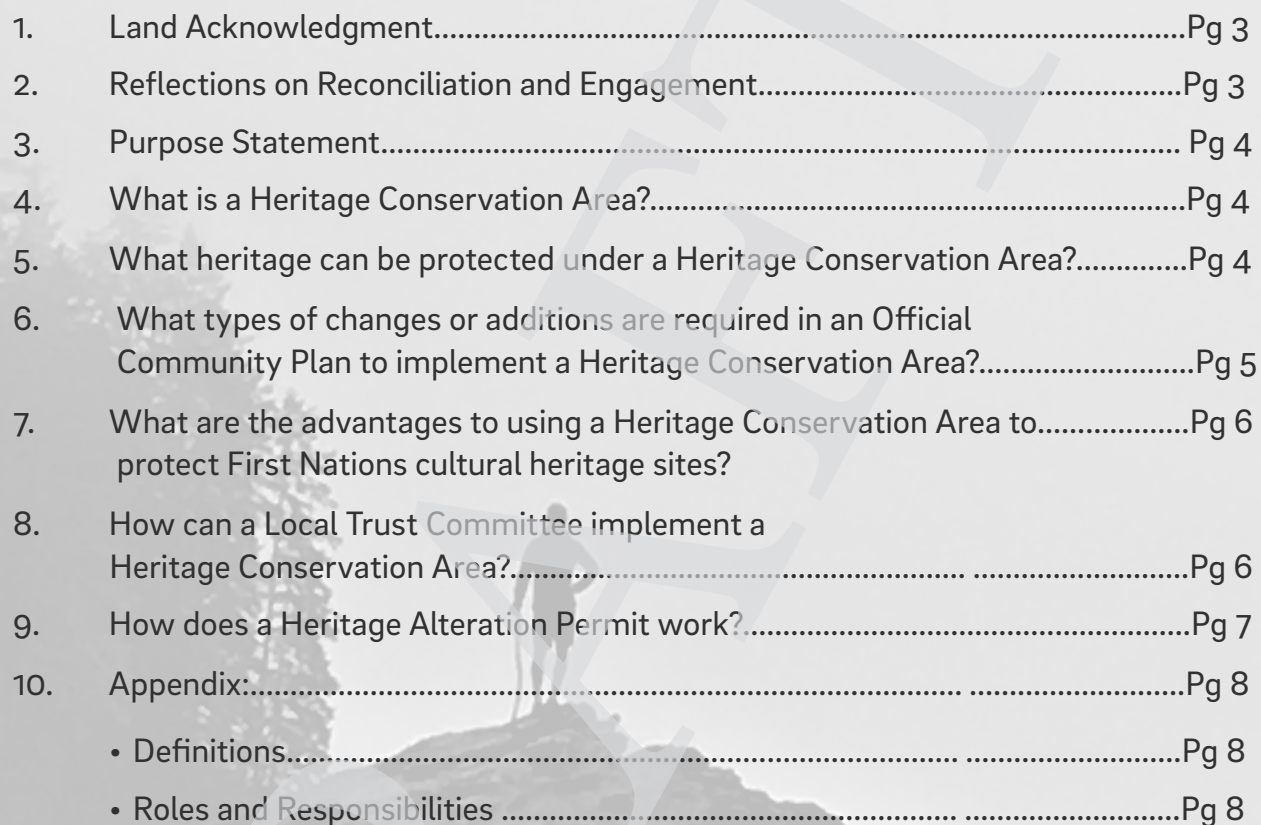
Islands Trust

ATTACHMENT 1

Implementing Heritage Conservation Areas in the Islands Trust Area

DRAFT

Implementing Heritage Conservation Areas in Islands Trust Areas



1.	Land Acknowledgment.....	Pg 3
2.	Reflections on Reconciliation and Engagement.....	Pg 3
3.	Purpose Statement.....	Pg 4
4.	What is a Heritage Conservation Area?.....	Pg 4
5.	What heritage can be protected under a Heritage Conservation Area?.....	Pg 4
6.	What types of changes or additions are required in an Official Community Plan to implement a Heritage Conservation Area?.....	Pg 5
7.	What are the advantages to using a Heritage Conservation Area to..... protect First Nations cultural heritage sites?	Pg 6
8.	How can a Local Trust Committee implement a Heritage Conservation Area?.....	Pg 6
9.	How does a Heritage Alteration Permit work?.....	Pg 7
10.	Appendix:.....	Pg 8
	• Definitions.....	Pg 8
	• Roles and Responsibilities	Pg 8

Land Acknowledgment

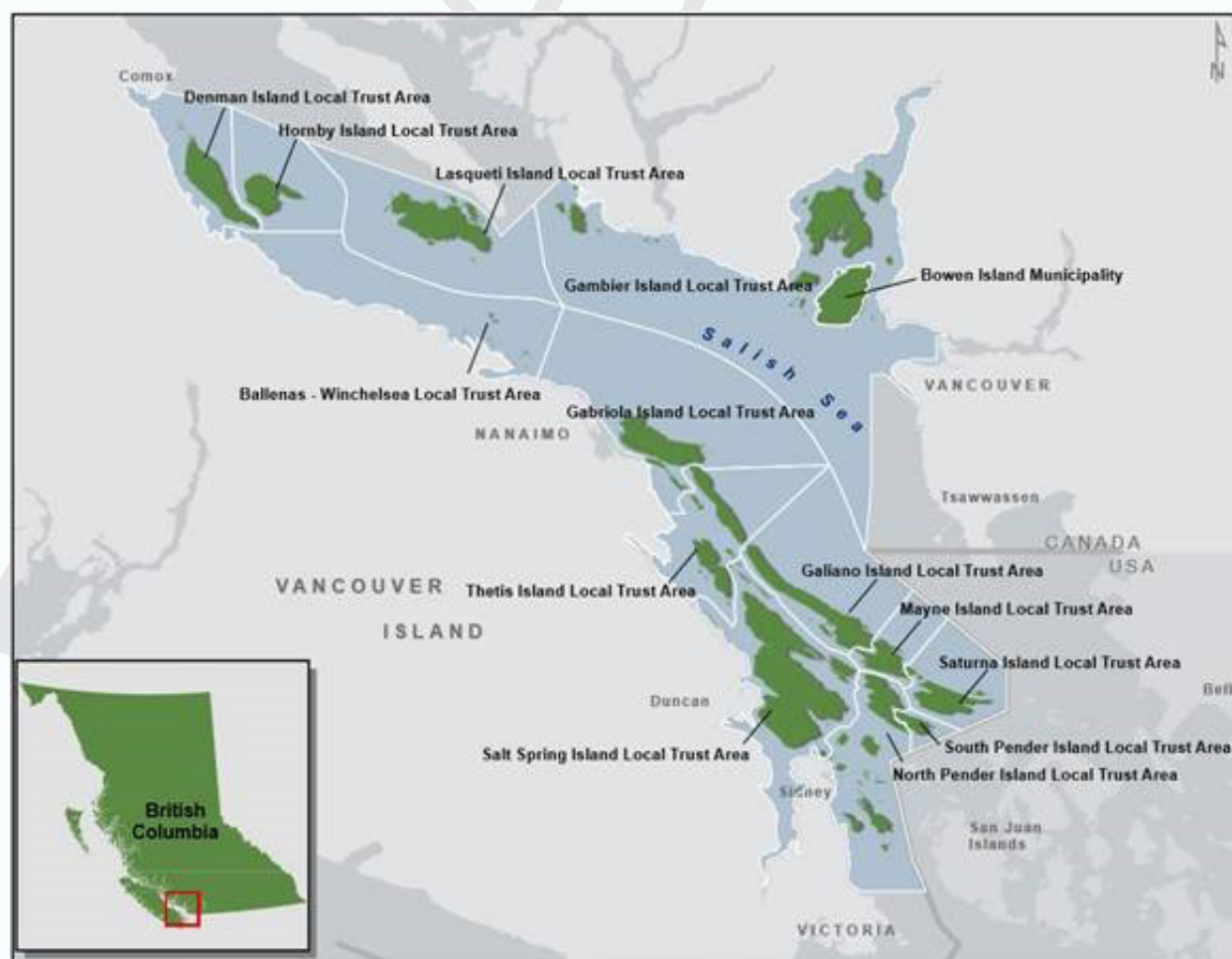
Islands Trust and Islands Trust Conservancy respectfully acknowledge that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial. We are committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea. The Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scə́waθən, sə́lilwətał, SEMYOME, shishálh, Škw̓xwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth, STÁUTW, Stz'uminus, Łaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̓JOŁEŁP, W̓SIKEM, Xeláltxw, Xwémalhkwx, Xwsepsum, and xʷməθkʷəy̓əm First Nations.

Reflections on Reconciliation and Engagement

In 2019, Islands Trust Council passed a Reconciliation Declaration that commits the organization to “establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous Peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long term relationship-building and healing process.”

This journey begins by acknowledging the history and impacts of colonialism, and the systemic racism against Indigenous Peoples. The journey also involves acknowledging that while the Islands Trust Area represents one of the most well-known and densest concentrations of recorded archaeological sites in British Columbia, Islands Trust has not previously prioritized the protection of heritage sites and values. It also entails taking meaningful action to preserve and protect the Indigenous homelands on which Islands Trust resides and operates, while being mindful of our roles in these endeavors.

Throughout its work to advance Reconciliation the Islands Trust intends to foster meaningful connections and promote understanding.



Purpose Statement

The purpose of this document is to guide and inform the use of heritage conservation area designations to protect the cultural heritage of the Islands Trust Area.

For decades, the Islands Trust Council and local trust committees have had the powers to recognize and protect the cultural heritage and historical significance of the area, but have generally failed to act. This has resulted in the cultural heritage of the region being desecrated, destroyed, and impacted as settler communities built on top of Indigenous village sites, and extracted resources from culturally significant areas. It has also resulted in heritage structures of those who came to this region more recently— the Chinese, European, Hawaiian, Japanese and others—being impacted and destroyed.

This document also outlines the organization's commitment to advancing Reconciliation by providing guidance that honours Indigenous principle and the organization's commitment to public engagement.

What is a Heritage Conservation Area?

A Heritage Conservation Area (HCA) is a key heritage conservation tool outlined in the [Local Government Act \(section 614\)](#) that is available to local governments, regional districts, and Islands Trust. HCAs provide a legal and enforceable method for communities to identify, record, and ensure long-term protection of valued heritage sites. They offer flexibility for Local Trust Committees (LTCs) or island municipalities to achieve a variety of development and planning goals while prioritizing heritage conservation.

An HCA is implemented in a manner similar to a Development Permit Area, but focuses specifically on preserving heritage. Subdivisions, developments or land alterations in a Heritage Conservation Area may require a heritage alteration permit.

In collaboration with First Nations/Indigenous Governing Bodies, Islands Trust staff planning staff recommend that LTCs/Bowen Island Municipality implement HCAs as a way to preserve and protect culturally and spiritually significant places on the islands.

What heritage can be protected under a Heritage Conservation Area?

Heritage is a broad and multifaceted concept that holds different meanings for various groups and decision-makers. It encompasses not only physical resources like buildings and structures but also intangible elements such as stories, cultural values, and the use of landscapes and ecosystems. Heritage encompasses building and structures, as well as elements of the landscape associated with intangible cultural heritage traditions such as stories and cultural practices and traditions. Heritage can reflect a wide array of historical, cultural, and ecological significance, making it essential to recognize both tangible and intangible forms of heritage.

An HCA can be used to protect special features or characteristics of an area such as sites, features, buildings or structures that have significant heritage value worthy of preservation. Each HCA can be

uniquely tailored to the specific island heritage it seeks to protect, and can be a crucially important tool for preserving the heritage of the islands for future generations. It is important to acknowledge that all types of heritage can be included in the physical conservation aspects of the HCA.

By adding a well-drafted HCA designation, developed through engagement with Indigenous Governing Bodies, to an Official Community Plan, a local trust committee or Bowen Island Municipality can offer a needed layer of heritage protection beyond what is available through the provincial Heritage Conservation Act, which only protects archaeological sites, or individually designated heritage sites. The Local Government Act permits a local trust committee or Bowen Island Municipality to designate any place with cultural heritage values, whether physical or not, as a heritage conservation area so long as it describes the special features or characteristics that justify the designation.

What types of changes are required in an Official Community Plan to implement a Heritage Conservation Area?

The protections, restrictions and geographic boundaries that apply to an HCA must be described in the Official Community Plan, or as an addendum to a Official Community Plan. This includes:

- **Designation:** geographic designation described with text or shown on a plan (e.g. specific buffer areas such as 200m from high water mark; specific parcels; or an entire island).
- **Justification:** description of the overall heritage significance that justifies the designation
- **Objectives:** statement of the objectives of the designation
- **Description of special features and characteristics:** a list of the features or characteristics that contribute to the heritage value and character of the area
- **Guidelines:** a list of guidelines, that can be listed in the Land Use Bylaw, that clarify the objectives that are to be achieved (i.e. requirements that any subdivision, alteration of land, or construction must adhere to in order to minimize impacts of heritage resources). Examples include guidelines around protection of the ground surface from heavy machinery movement or replanting any disturbed areas with native vegetation, or guidelines on what types of septic systems can be used to limit disturbance
- **Exemptions from Permit Requirements:** a list of circumstances, that can be listed in the Land Use Bylaw, when a heritage alteration permit is NOT required (i.e. internal renovations; no ground disturbance; removal of trees smaller than xx cm; DBH etc)

What are the benefits to using Heritage Conservation Area designations to protect First Nations cultural heritage sites?

- **Increased public awareness** of what cultural heritage values are present on the Islands which can help to build a culture of conservation
- **Increased recognition and protection** of post-1846 places of significance to Indigenous Peoples including continuing cultural uses and significance of the islands (sites not well-protected under the Heritage Conservation Act)
- **Increased recognition and protection** of heritage structures of those who came to this region more recently. Settler heritage may have significant heritage – the Chinese, European, Hawaiian, Japanese, and others
- **Opportunities to work closely with Indigenous Governing Bodies** in formally reviewing HAPs using agreements which clarify roles and responsibilities of staff and elected officials in the issuance of heritage alteration permits
- **Encouraging a broad focus** promotes a broad focus on heritage protection, rather than a narrow focus limited to the boundaries of previously documented archaeological sites, which allows for a more integrated approach to conservation. Expanding the focus to include heritage aligns well with ecological conservation efforts, creating opportunities for mutual support between these areas. This approach can also tie heritage conservation efforts to existing Official Community Plan (OCP) guidance on environmental conservation, potentially bringing certain conservation activities under local rather than solely provincial jurisdiction

What steps are needed for a local trust committee or island municipality to implement a Heritage Conservation Area?

To implement a Heritage Conservation Area (HCA), a Local Trust Committee (LTC) or Island Municipality should:

1. Request staff to engage with provincial Heritage Branch planners and legal counsel during drafting of the HCA. This ensures that the final HCA is legally sound and aligns with provincial guidelines.
2. Engage with Indigenous Governing Bodies to collaborate on drafting objectives, statements, guidelines, exemptions, and the geographic area to which the HCA will apply.
3. Engage with community members and organizations about proposed heritage conservation areas. This includes, at a minimum, holding a public hearing and giving notice to the owner of each property that is to be included in a Heritage Conservation Area.

Official Community Plan and Land Use Bylaw amendments about HCA designations must go through a series of routine bylaw development steps, including First Reading, referrals, public hearing, Second and Third readings, and Adoption.

Finally, within 30 days of adopting the bylaw, the local trust committee or island municipality must notify the Land Title Office and the Heritage Branch about the new Heritage Conservation Area.

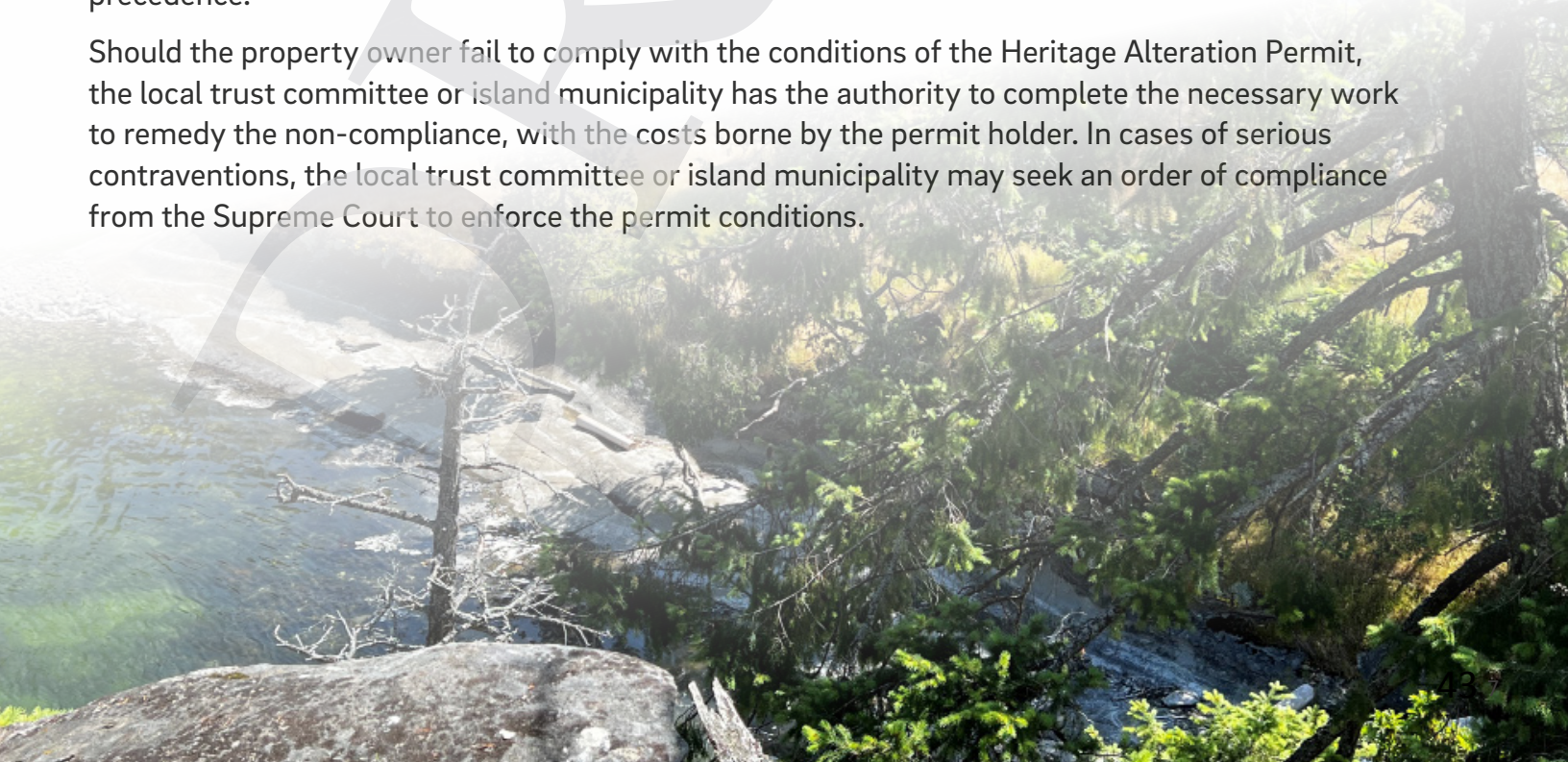
How does a Heritage Alteration Permit work?

A Heritage Alteration Permit is required when a property owner wishes to make alterations to a designated heritage site prior to subdivision, construction, or land modifications. The application must detail the proposed changes and can be submitted alongside other permits, such as building permits, siting and use permits, or development variance permit applications.

The Heritage Alteration Permit process does not allow for changes to the use or density provisions of the Land Use Bylaw, nor can it alter residential tenures or floodplain specifications. Once the application is submitted, the local trust committee or island municipality evaluates the proposed alterations and decides whether to approve or deny the issuance of the Heritage Alteration Permit. The local trust committee or island municipality may also choose to engage with Indigenous Governing Bodies or delegate the review authority to staff, who may work with an Indigenous Governing Body under a letter of understanding or protocol agreement for further review. The local trust committee or island municipality can also recommend to an applicant or property owner to take measures to mitigate impacts and/or require that applicants or property owners take mitigation measures as a condition of issuing a Heritage Alteration Permit.

The local trust committee or island municipality can deny the Heritage Alteration Permit if the proposed alterations are inconsistent with the heritage protection guidelines set out by the Heritage Conservation Area. However, local trust committee or island municipality cannot refuse to issue a Heritage Alteration Permit solely to prevent legitimate property development. If the permit is issued, a notice is registered with the Land Title Office, and if there is any conflict between the Heritage Alteration Permit and the Land Use Bylaw, the terms of the Heritage Alteration Permit will take precedence.

Should the property owner fail to comply with the conditions of the Heritage Alteration Permit, the local trust committee or island municipality has the authority to complete the necessary work to remedy the non-compliance, with the costs borne by the permit holder. In cases of serious contraventions, the local trust committee or island municipality may seek an order of compliance from the Supreme Court to enforce the permit conditions.



Contact

Regional Planning Team

Islands Trust

info@islandstrust.bc.ca

T 250.246.2063



 Islands Trust www.islandstrust.bc.ca	Northern Office 700 North Road Gabriola Island, BC V0R 1X3 Ph: 250-247-2063 northinfo@islandstrust.bc.ca DENMAN, GABRIOLA, GAMBIER, HORNBY, LASQUETI, THETIS	Victoria Office 200 - 1627 Fort Street Victoria, BC V8R 1H8 Ph: (250) 405-5151 southinfo@islandstrust.bc.ca GALIANO, MAYNE, NORTH PENDER, SATURNA, SOUTH PENDER	Salt Spring Office 1 – 500 Lower-Ganges Road Salt Spring Island, BC V8K 2N8 Ph: (250) 537-9144 ssiinfo@islandstrust.bc.ca SALT SPRING BALLENAS-WINCHELSEA
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ATTACHMENT 2

January XX, 2025

File Number: DE-RZ-2023.1 (Komas Ranch Ltd)

Attn: John Andrew, Agent for Komas Ranch Owners

Via email: [REDACTED]

Dear Mr. Andrew

Re: Rezoning Application DE-RZ-2023.1 (Komas Ranch Ltd) - Terms of Reference – 7161 and 7676 Komas Rd, Denman Island, BC, V0R 1T0 (PIDs 000-211-338, 000-211-320, and 023-096-438).

The Denman Island Local Trust Committee (LTC) received a preliminary report for rezoning application DE-RZ-2023.1 (Komas Ranch Ltd) at the June 4, 2024 LTC meeting. At that meeting, the LTC passed resolutions to proceed with the application, including the drafting of amending bylaws and requesting additional information in support of the draft bylaws.

The objective of this Terms of Reference (TOR) is to identify and request any anticipated information from the applicant in as detailed a manner as possible.

The information received by Islands Trust in your application package so far includes:

1. Completed application form
2. Survey plan depicting all residential areas proposed for rezoning
3. Statement of Title Certificate and copies of all title charges
4. Water and Septic documentation

Additional information required to proceed with your application includes:

1) **Preliminary Field Reconnaissance (PFR) for Archaeological Material**

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. In this case, there are significant registered archaeological sites located on the subject properties near the proposed areas of rezoning (DjSf-1 and DjSf-4), and archaeological potential identified on other areas of the subject properties.

The primary goal of the archaeological PFR is to clarify the currently recorded boundaries of the archaeological sites located at Komas Ranch (DjSf-1 and DjSf-4), and to record archaeological features evident on the surface of the site. Given the history of development in absence of required archaeological permits and associated investigations, this PFR is necessary to provide critical baseline information regarding the current state of the archaeological remains on the property.

The PFR must include:

- A pedestrian survey by a **qualified archaeologist** and a K'ómoks First Nation **archaeological monitor**, operating under a K'ómoks First Nation Cultural Heritage

Investigation Permit (CHIP), across the entirety of the Komasa Ranch properties, including all sites (Sites 1-20), Agricultural Areas, and Conservation Areas (see Attachment 1).

- Within the portion of the Komasa Ranch property that falls within the recorded boundaries of DjSf-1 and DjSf-4, the PFR must include documentation of all surficial archaeological features, such as mounds, ridges, trenches, and house depressions (see Attachment 2).
- Within the portion of the Komasa Ranch property that falls outside of the recorded boundaries of DjSf-1 and DjSf-4, the PFR will identify any archaeological deposits within that area to refine the boundaries of the aforementioned sites or new sites if identified.
- Across the entirety of the Komasa Ranch property, the PFR will identify and document recent and historical impacts to archaeological deposits including driveways, borrow-pits, redeposited shell midden, paths, ditches, garden beds and shoreline erosion.
- In addition to the above, the archaeologist and archaeological monitor will photograph and record the GPS coordinates of any suspected ancestral remains observed.
- Inaccessible areas (e.g., very steep slopes), wetlands, and other areas assessed to have very low archaeological potential by the contracted archaeologist are excluded from the PFR area.

Please Note:

- Current owners may have knowledge of artifacts, ancestral remains, or archaeological features that have been observed at Komasa Ranch in the past, or may have collections of artifacts from the site. An invitation is extended to the Komasa Ranch owners to offer any supplemental information they have regarding the archaeological site to the contracted archaeologist.

2) *Land Title Act* s. 219 covenant

The applicant should be aware that the LTC may seek further conditions of rezoning to be established as part of a s.219 covenant. A s.219 covenant is a charge secured against the title to a property in favour of the LTC to impose an obligation on the property owner, as per the provisions of s.219 of the *Land Title Act*. In this case, a s. 219 covenant could include conditions not captured through rezoning in the LUB such as the inclusion of a detailed site plan, specific construction requirements, environmental monitoring and reporting obligations, and other limits on the proposed land use and development.

Reporting Requirements and Timelines

With respect to any reporting requirements listed above, the applicant and/or professional must, in accordance with generally accepted impact assessment methodology, ensure the reports:

- (a) identify relevant baseline information and document the nature of the resource or other matter;
- (b) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
- (c) make recommendations as to conditions of approval that may be appropriate to ensure that any undesirable impacts are minimized or avoided.

This information must be prepared by a professional or professionals in good standing with his/her professional organization within British Columbia, acting within his/her area of expertise, and with demonstrated and pertinent experience and/or training. The completed report must be submitted to the Islands Trust by December 31, 2025 in order for application DE-RZ-2023.1 to be further considered by the Local Trust Committee.

Please also note that the Islands Trust reserves the right to require additional information or clarification in response to the project reports. Any additional requirements will be provided in writing and will identify the additional information required in as clear and specific a manner as possible.

If you have any questions concerning the application or TOR requirements stated above, please do not hesitate to contact me.

Sincerely,

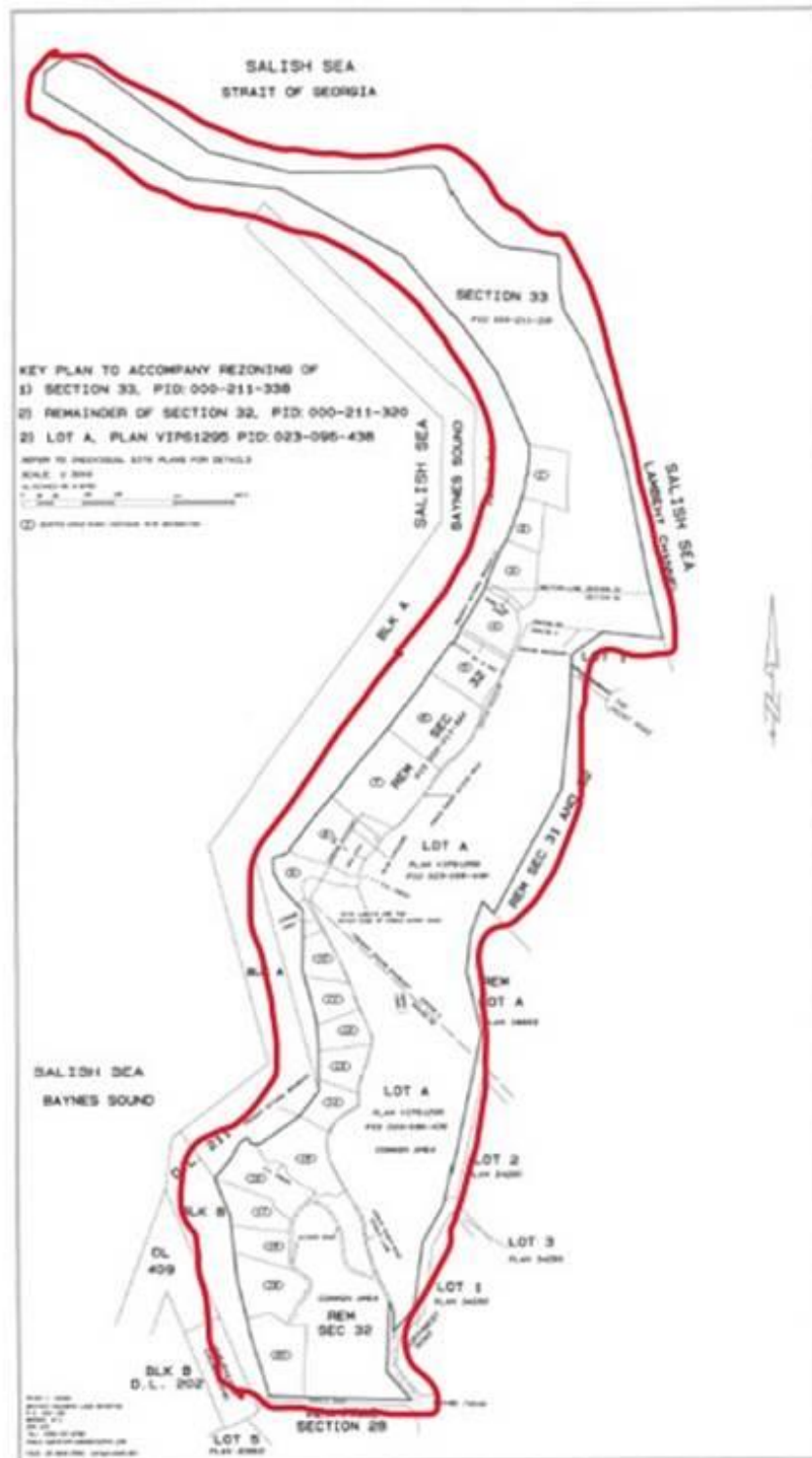
Margot Thomaidis
Planner 2

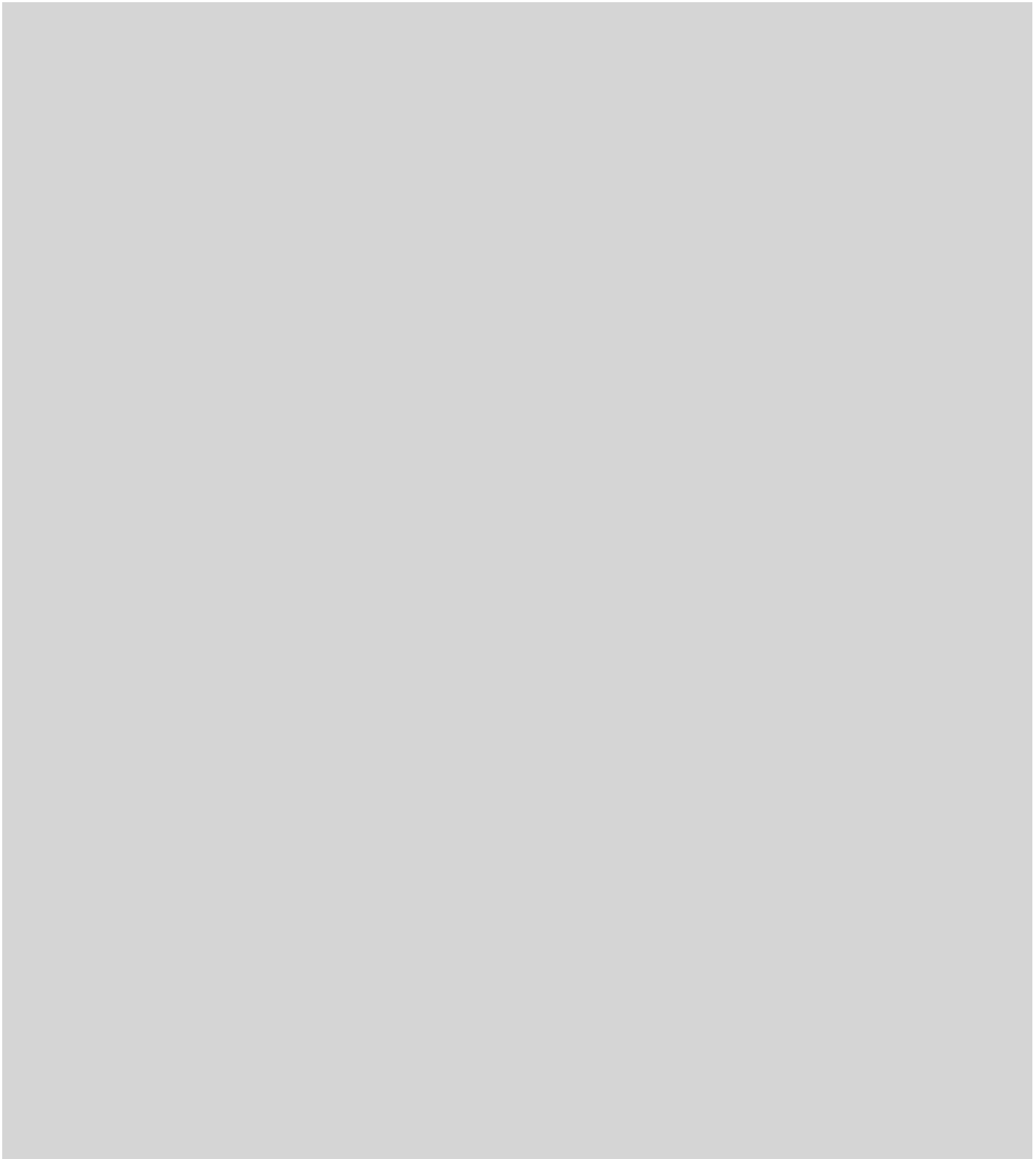
Attachment 1. Extent of Proposed PFR for Komas Ranch

Attachment 2. Recorded Archaeological Site Boundaries of DjSf-1 and DjSf

cc: *Renée Jamurat, Regional Planning Manager*

Attachment 1
Extent of Proposed PFR for Komas Ranch (in Red)





From: John Andrews
Sent: Thursday, January 9, 2025 4:43 PM
To: David Graham; David Maude; Sam Borthwick
Cc: Margot Thomaidis; Renee Jamurat
Subject: Fwd: Data Request: Komas Ranch Staff Report and Attachments

ATTACHMENT 3

Local Trust Committee
David Graham
Sam Borthwick
David Maude
January 8th, 2025

Greetings from Komas Ranch

The Board of Directors of Komas Ranch are writing to you about about some of the ongoing issues related to the application for rezoning of our lands. The Staff Report that that was presented at the June LTC meeting had a number of recommendations. Komas has complied with a number of the requests. It has become apparent that some of the recommendations are simply not feasible. For example there is a request for a Natural Area Protection Tax Exempt Program (NAPTEP).

It turns out that a NAPTEP requires that a property applying for the program must be zoned R1 and that makes no sense when we are trying to have our property made conforming under R2. It also requires the agreement of all owners and that will never happen on Komas. Islands Trust Staff has indicated that they will drop that recommendation and pursue a Heritage Protection Covenant.

Komas would like to see our property protected in perpetuity and the Heritage Covenant seems like a reasonable method to do so.

Another recommendation was that Komas conduct a Preliminary Field Reconnaissance (PFR) to determine where heritage sites are located. Below we have included a report we received from the BC Archaeology Branch about the Komas Ranch lands. This report in in response to a request for what information that the Branch had relating to Komas Ranch. We were surprised about the depth and the detail of the information that has been researched. The report is quite extensive and Komas did not know about much of this information. The Arch Branch also indicated that they had more information that was researched in 1956 and again in the mid 1960's and we gather that the extensive research that was done then determined the areas marked Red Zones in the maps below. We believe that excavations were also done as recalled by some of our original

owners. The exact data that BC Arch has is not available to the public or even to owners. The reason BC Arch will not release specific information is to stop the threat of site disturbance and the pilfering of heritage material.

The recommendation for Komas to conduct a PFR is a very expensive request. It would involve surveying all of our property yet again, the hiring of archaeologists and the preparation of reports. The PFR is also only a surface examination involving an archaeologist walking over the property and making a visual determination of heritage sites. A PFR does not involve any excavations or disturbance of the land. The BC Arch Branch already has all of this information as noted in the report below plus the they have the exact details of every heritage site on our land but that information is "classified" and not available.

We ask that the Local Trust Committee remove the recommendation that Komas conduct a Preliminary Field Reconnaissance and that you pass a motion to that end at the next LTC meeting on January 21, 2025

Yours,
John Andrew
Komas Ranch Board of Directors

Begin forwarded message:

From: "Arch Data Request FOR:EX" <ArchDataRequest@gov.bc.ca>
Subject: RE: Data Request: John Andrew and Komas Ranch - owner
Date: November 21, 2024 at 12:53:05 PM PST
To: 'John Andrew and Komas Ranch ' [REDACTED]

Hello John,

Thank you for your archaeological information request regarding the following four properties:

- PID 000211338, SECTION 33 DENMAN ISLAND NANAIMO DISTRICT;
- PID 000211320, SECTION 32 DENMAN ISLAND NANAIMO DISTRICT EXCEPT THOSE PARTS OUTLINED IN RED ON PLANS 1656R AND 26016;
- PID 023096438, LOT A, SECTION 32, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 16663 EXCEPT PARTS IN PLANS 26016 AND 34280; and



Islands Trust

BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Hornby Island Local Trust Area Bylaw No.: 176 (OCP) and 177 (LUB) Date: August 12, 2024

You are requested to comment on the attached Bylaws for potential effect on your Nation/Agency's interests. We would appreciate your response within 90 days, by November 22, 2024. If you require support in reviewing this referral, our project planner is available to schedule a virtual meeting at your earliest convenience. Please contact our office directly with any questions. A Public Hearing to consider the Bylaws is anticipated prior to March 31, 2025.

APPLICANTS NAME / ADDRESS:

Hornby Island Local Trust Committee

PURPOSE OF BYLAW:

Phase 1 2024/2025 includes targeted amendments to Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) to:

- permit secondary suites in residential zones where adequate septic and groundwater is available;
- regulate vacation rentals in dwelling units through Temporary Use Permit and updated guidelines;
- exempt cisterns from setback regulations; and
- permit chickens for personal use while prohibiting roosters in residential zones.

GENERAL LOCATION:

Island wide

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

The Hornby Island Local Trust Committee gave First Reading to proposed Bylaw No. 176 (OCP) and No. 177 (LUB) on August 9, 2024. These two bylaws are the FIRST set of amendments in this targeted project to update the OCP and LUB.

First Nations engagement is currently underway to inform the 2025/26 drafting of a SECOND set of OCP/LUB amendments specific to First Nations references in the OCP while addressing First Nations interests and concerns with updated policies and regulations. These will be referred to you separately and in the next fiscal year.

A copy of the most recent staff report, project charter and the proposed bylaws are included in this referral for background information. All relevant background information, including staff reports and public correspondence received is posted to the Hornby Island Projects webpage: <https://islandstrust.bc.ca/island-planning/hornby/projects/>

Please direct any communications regarding this referral to Nadine Mourao at 250-247-2206, or by email to nmourao@islandstrust.bc.ca.

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

Nadine Mourao

(Your Signature)

Your
Name:

Nadine Mourao

Your Title:

Legislative Clerk / Deputy Secretary

This referral has been sent to the following First Nations and agencies:

First Nations

K'omoks First Nation
Cowichan Tribes (Tsu'uubaa-asatx and Cowichan Lake First Nations)
Qualicum Indian Band
Halalt First Nation
Lyackson First Nation
Nanwakolas Council
Penelakut Tribe
Stz'uminus First Nation

Federal Agencies

N/A

Provincial Agencies

N/A

Regional Agencies

Comox Valley Regional District

Tla'amin First Nation
Snuneymuxw First Nation
We Wai Kai Nation
We Wai Kum Nation
Tlowitsis First Nation
Da'naxda'xw/Awaetlala First Nation
Mamalilikuulla First Nation

Island Health

Adjacent Local Trust Committees and Municipalities
Denman Island Local Trust Committee

Non-Agency Referrals
School District No. 71
Hornby Island Advisory Planning Commission

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

☐ Approval Recommended for Reason(s) Outlined Below

☐ Approval Recommended Subject to Condition(s) Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason(s) Outlined Below

Additional Comments:

Hornby Island Trust Area
(Island)

(Your Signature)

(Date)

176 (OCP) and 177 (LUB)
(Bylaw Number(s))

(Print Your Name, Your Title)

(First Nation/Agency)

File No.: 6500-20
(Denman TUP Review)

DATE OF MEETING: January 21, 2025
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Denman Island TUP Review Project

RECOMMENDATION

1. **That the Denman Island Local Trust Committee Bylaw No. 249, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024”, be amended as follows:**
 - i. Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the R2 column, placing “n/a” in all other columns, and renumbering accordingly.
 - ii. Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the A, F and RE columns, and renumbering accordingly.
2. **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 as amended.**

REPORT SUMMARY

This report provides proposed amendments for the Denman Island Local Trust Committee (LTC) to consider for Proposed Bylaw No. 249, Temporary Use Permit (TUP) Review Project. The amendments focus on clarifying whether secondary dwelling units should be permitted on a per-lot basis or per primary dwelling. This clarification is recommended to address ambiguities in the current Land Use Bylaw (LUB) regarding secondary dwellings. Staff recommend adopting a per-lot approach to ensure consistency and alignment with sustainable land use practices but seek direction from the LTC to confirm their preferred approach. The revised bylaw proposal is attached for LTC review.

This report also responds to the LTC's request in December 2024 to defer the consideration of amendments to Bylaw No. 249 to a later meeting, following the consideration of the broader Housing Review Project timelines. It is being recommended by staff that the TUP Review Project continue on its own trajectory, as a minor project, and not be integrated into the larger Housing Review Project at this time.

BACKGROUND

The Housing Review Project, aimed at addressing housing needs, has been the Denman Island Local Trust Committee's (LTC) top priority since 2022. On April 9, 2024, the Denman Island LTC received a staff report outlining

options for a minor project. The LTC decided to advance a small yet significant aspect of the housing work ahead of the major project.

At the August 13, 2024 regular meeting the Denman Island LTC, the following resolutions were passed:

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 (Xwemalhkwu), 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

At the December 10, 2024 regular meeting the Denman Island LTC, the following resolution was passed:

DE-2024-074

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to return the consideration of the Denman Island Temporary Use Permit Release Review Project and amendments to Bylaw No. 249 to a later meeting following considerations of the broader housing project timelines.

CARRIED

Background information regarding the project and the Project Charter can be found on the Denman Project webpage: <https://islandstrust.bc.ca/island-planning/denman/projects/>

ANALYSIS

Consideration of Broader Housing Project Timelines

The LTC requested that staff review the implications of reintegrating the TUP Project back into the broader Housing Review Project. Based on discussions with the project lead, staff recommend that the TUP Review Project continue on its own trajectory and not be integrated into the larger Housing Review Project at this time for the following reasons:

1. **Community Need for Housing**
There is an urgent community need to move forward with certain aspects of attainable housing. Combining the TUP Review Project with the Housing Review Project could delay progress on the development of secondary dwellings, which are critical for addressing local housing needs.
2. **Ability to Revisit via the Housing Review Project**
While staff suggest the TUP review will continue on its own track, there will still be opportunities to revisit relevant aspects of the project through the larger Housing Project, if needed. This approach allows flexibility to adapt as the broader housing project evolves and further data, such as the suitable land analysis, becomes available.
3. **Completion of Major Work**
The bulk of the work on the TUP review has already been completed, meaning the project is near completion. Moving it forward independently ensures that the work will not be stalled while waiting for other components of the Housing Review Project to be finalized.
4. **Implications on Concurrent Rezoning Applications**
There are implications for concurrent rezoning applications that require timely action and decision-making, especially regarding the density bank.

In summary, staff recommend maintaining the TUP review on its current path to meet the immediate community needs and timelines. The review can be revisited as part of the broader housing project at a later stage, as necessary.

Proposed Bylaw No. 249

The proposed bylaw is attached for the LTC's consideration.

1. Removal of Temporary Use Permits for Secondary Dwellings

Per the Denman Island Land Use Bylaw (2008), secondary dwellings may be permitted by Temporary Use Permit (TUP) on R2, A, F, and RE-zoned lands, except on ALR-zoned A properties, where secondary dwellings are allowed outright. Out of the 37 eligible properties (R2, F, RE-zoned), uptake has been low, with only two TUP applications since 2008. Reports from [Vancouver Island University \(VIU\)](#) and the Denman Island [Housing Advisory Committee \(HAPC\)](#) recommend removing TUP requirements to promote long-term rental options, reduce administrative barriers, and better align with community housing objectives.

The LUB is currently unclear on whether secondary dwelling units are permitted per lot or per primary dwelling. Additionally, proposed Bylaw No. 249 does not include specific density regulations for secondary dwelling units. To address this ambiguity and ensure consistent interpretation, staff recommend amending the bylaw to explicitly state that secondary dwellings are permitted per lot rather than per primary dwelling. This approach aligns with sustainable land use goals and limits unintended increases in density that could arise on lots with multiple primary dwellings. For example, 14 properties in the R2 zone currently have more than one civic address, suggesting the potential for multiple-dwelling scenarios. A per-lot standard would provide clear development limits and ensure manageable density.

While staff recommend this approach, we are seeking direction from the LTC to ensure the bylaw aligns with their preferred strategy.

This per-lot approach for secondary dwellings is intended as a provisional solution and can be revisited as part of the larger Housing Review Project, especially with considerations for a flexible housing approach. Once the suitable land analysis is completed and further analysis takes place, this interim approach will provide a foundation for a more detailed examination of density and housing types. Individual areas can then be assessed to determine whether they can support additional density based on their context. This approach is conservative, putting limits on secondary dwelling expansion without a TUP, and addresses the existing ambiguity in the bylaw, refinements to this approach, which could allow more secondary units, can be made as the broader Housing Review Project evolves.

Rationale for Recommendation

Proposed Bylaw No. 249 currently lacks clarity regarding whether secondary dwellings are permitted on a per-lot basis or per primary residence. Staff recommend specifying that secondary dwellings be permitted on a per-lot basis to ensure consistent interpretation, predictable application, and alignment with sustainable land use practices.

ALTERNATIVES

1. Direction to amend the proposed bylaw to permit one secondary dwelling unit per primary dwelling

The LTC may wish to amend the bylaw to allow for a per-dwelling approach to secondary dwelling units. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee Bylaw No. 249, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024”, be amended as follows:

Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per single family dwelling unit”, placing the number “1” in the R2 column, placing “n/a” in all other columns, and renumbering accordingly.

Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per single family dwelling unit”, placing the number “1” in the A, F and RE columns, and renumbering accordingly.

2. Direction to amend the proposed bylaw further

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

That the Denman Island Local Trust Committee amend draft Bylaw No. 249, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024” by...

3. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request staff to provide further information on...

4. Proceed no further

The LTC may choose to make no amendments to the Denman Island OCP and LUB. The project would be removed from the Top Priority List

Submitted By:	Marlis McCargar, Island Planner	December 19, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	January 6, 2025

ATTACHMENTS

1. Proposed Bylaw No. 249 – track changes copy

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 249

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 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 13TH DAY OF AUGUST , 2024

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. 249**

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 replacing with:

Secondary dwelling units are permitted on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource), and on properties in the Agricultural Land Reserve.

Secondary suites are generally permitted within a principal dwelling within these zoning designations.
 - 1.2 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 is amended by deleting “by a Temporary Use Permit”.
 - 1.3 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 1 – Permitted Uses – Accessory Uses is amended by deleting the following asterisk in number 10: “Secondary dwelling units must be approved through a Temporary Use Permit”.
 - 1.4 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables – Table 1 – Permitted Uses – is amended by deleting the following words in item 14 “(requires approval by a Temporary Use Permit)”.
 - 1.5 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the R2 column, placing “n/a” in all other columns, and renumbering accordingly.
 - 1.6 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the A, F and RE columns, and renumbering accordingly.
 - 1.7 Part 5 – TEMPORARY USE PERMITS, “Area 2”, is deleted in its entirety and is renumbered accordingly.

File No.: 6500-02
(Project Planning)

DATE OF MEETING: January 21, 2025
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Local Trust Committee Project Prioritization

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff prepare a project charter for the OCP Technical and First Nations Updates minor project, with scope and objectives as defined by the Local Trust Committee.

REPORT SUMMARY

This report outlines the four projects currently listed on the LTC's 'Future Projects' list as potential minor projects. The LTC can select any of these projects or another project to become a minor project, subject to funding, through LTC resolution.

In addition to these listed projects, staff are suggesting a new project that is not currently on the Future Projects list but aligns with the major project that is already underway. This new project presents an opportunity to complement the major initiative, ensuring better integration and efficiency in achieving LTC objectives.

The Local Trust Committee is being asked to review these potential projects, including the staff recommended project, and confirm the next minor project priority while clarifying the scope and objectives of the selected project.

BACKGROUND

Staff note that the LTC's current minor project, Housing TUP Review Project, is nearing completion and there is an opportunity to advance a project on the 'Future Project' list or identify alternate project priorities.

Potential Projects

By Trust Council policy, an LTC can have one active minor project at a time, approved by LTC resolution, in addition to an active Major Project funded through a business case approved by Trust Council. Denman currently has one active Major Project (Housing Review Project) and one active minor project that is in the final stages of completion.

Project	Summary	Major/Minor Status	Budget	Timeline
Administrative Policy Amendment	DAI Bylaw Review Project: Staff to prepare updates to Development Approval Information BL 149, 2013 and return to LTC for consideration.	Minor	Potential Budget Items: Consultation, Legal Review, Implementation Approx. \$2000-3000	Ideal timing for a DAI bylaw review is post Housing Review Project as there may be changes needed to the DAI bylaw related to that project. Estimated time for project completion is 6-12 months from adoption of project charter.
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	Land Use Bylaw Map Amendment Project: Staff to prepare map amendments to the Denman Island LUB to align with the Denman Island OCP land use designations, as related to the Farm Regulations Review Project. Refer to the Staff Report on the LUB Amendment Bylaw dated June 6, 2023.	Minor	Potential Budget Items: Consultation, Implementation Approx. \$1000-2000	Estimated time for project completion is 6 months from adoption of project charter. *Note: this could be completed within the major project
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	Development Permit Area No. 4 Review Project: A review of DPA 4 (Steams, Lakes and Wetlands, including evaluation of DPA and any gaps. Evaluate the accuracy and completion of surface mapping on Denman.	Minor	Potential Budget Items: Consultation, Legal Review, Implementation Approx. \$4000-5000	Estimated time for project completion is one year from adoption of project charter. Example timeline: LTC Consideration of draft project charter – Summer 2024 Staff Report on issues and options – Fall 2024 Bylaw Drafting and legal review complete – Fall 2024

Project	Summary	Major/Minor Status	Budget	Timeline
				Consultation – early 2025 Report to LTC on results of consultation, potential readings, referral to EC – Spring 2025 Adoption/ Implementation – Summer 2025
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	TUPs for STVRs: To support the establishment of Temporary Use Permits for short-term vacation rentals and other uses. Review STVR regulations and policies and provide options for potential STVR regulation and policy changes.	Minor *outside scope of Housing Review Project	Potential Budget Items: Consultation, Legal Review, Implementation Approx. \$2000-3000	Estimated time for project completion is 6-12 months from adoption of project charter.

Potential Project – Staff Suggestion

Project	Summary	Major/Minor Status	Budget	Timeline
Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendment	OCP Technical and First Nations Updates This project focuses on updating the OCP to reflect current community demographics, housing needs assessment data, and integrate First Nations perspectives in a meaningful and respectful way.	Minor	Potential Budget Items: Engagement, Implementation Approx. \$3000-4000	Amendments will follow the same timeline as the Housing Review Major Project, including readings and referrals, and will be grouped within the same package of amendments. Elements of this project will align with the Housing Review Major Project, with the Island Planner taking the lead.

Staff Suggestion – OCP Technical and First Nations Updates

This proposed project seeks to update the OCP to better reflect current community needs and priorities while meaningfully integrating reconciliation principles. By dovetailing with the ongoing Housing Review Major Project, this initiative builds on the existing momentum, ensuring a cohesive approach to OCP amendments.

Key objectives include:

1. OCP Updates

a. Incorporate First Nations Perspectives:

- Review and revise Part A of the OCP, in partnership with the K’omoks First Nation, to ensure that it is responsive to and respectful of First Nations values, history, and priorities. This process will focus on:
 - Collaborating with the K’omoks First Nation to integrate their perspectives into the OCP.
 - Ensuring that the OCP reflects the cultural, environmental, and historical priorities that are integral to the K’omoks First Nation and broader reconciliation efforts.

b. Update Demographic Data:

- Integrate the latest demographic data to reflect the evolving community profile.
- Incorporate findings from the most recent housing needs assessment to support informed land use planning and ensure alignment with community housing goals and needs.

2. Engagement related to OCP Updates:

- Engagement activities will be coordinated with the Housing Review Major Project, ensuring that both initiatives are aligned in their outreach and community involvement. These activities will include:
 - Providing information and education about the incorporation of First Nations perspectives into the OCP, ensuring community members understand the significance of these updates.
 - Engaging the Denman Island community on First Nations priorities regarding land use and alteration which may include practical guidance for property owners, such as understanding how to respond if artifacts are discovered, fostering cultural awareness, and promoting informed land stewardship.

Staff Rationale for OCP Technical and First Nations Updates Project

This proposed project offers a timely opportunity to update the OCP, creating a more inclusive and future-focused framework that addresses the community’s evolving needs while meaningfully integrating First Nations perspectives.

Aligned closely with the ongoing Housing Review Major Project, this seeks to create efficiencies by integrating the projects rather than treating them as separate initiatives. By bringing together the Island Planner, who will lead the minor OCP update project, and the Regional Planning Team Planner, who is working on the Housing Review Project, both can share insights, coordinate engagement, and maximize overall impact.

This OCP update is a critical component of the larger Housing Review Major Project, which seeks to address housing needs while promoting reconciliation with First Nations. By dovetailing these projects, it will:

- Frame the OCP within a reconciliation context, ensuring that development respects and incorporates First Nations’ perspectives.
- Address the community's housing needs in a way that is culturally sensitive.

PROJECT CHARTERS FOR MINOR PROJECTS

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

Rationale for Recommendation

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

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

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

2. Select an alternative minor project

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

NEXT STEPS

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

Submitted By:	Marlis McCargar, Island Planner	November 22, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	January 6, 2025



Denman Local Trust Committee Open Applications Report

Type	Application Number	Applicant	Address	Description	Planner	Date Received	Status	Most Recently Completed Activity
Subdivision								
	DE-SUB-2018.2	Evan Wind	1300 FARLEY RD, DENMAN ISLAND, BC V0R 1T0	PID: 000-974-081 5 lot subdivision Civic address: 1300 Farley Road, Denman Island, BC. The parent parcel (000-974-081)	Marlis McCargar	10/19/2018	In Abeyance	Generate Complete Application Letter
	DE-SUB-2021.2	Mike Hansen	4201 PARK RD, DENMAN ISLAND, BC V0R 1T0	PID: 006-660-614 - 13 lot subdivision. Civic address: 4201	Stephen Baugh	08/13/2021	In Abeyance	Record and File PLR
	DE-SUB-2022.2	Olivia Bareham	0 SWAN RD, DENMAN ISLAND, BC V0R 1T0; 2900 SWAN RD, DENMAN ISLAND, BC V0R 1T0	PIDs: 006-657-931 and 017-541-115 Lot line adjustment. Civic address: 2900 Swan Road, Denman Island, BC.	Margot Thomaidis	11/09/2022	In Abeyance	Generate Complete Application Letter
	DE-SUB-2024.1	Henning Nielsen	4201 PARK RD, DENMAN ISLAND, BC V0R 1T0; 6800 DANES	Subdivision of 2 lots into 5 parcels at 6800 and 6900 Danes	Marlis McCargar	01/11/2024	In Abeyance	Add Optional Referrals
Siting and Use Permit								
	DE-SUP-2020.21	Chris Durupt	6345 HINTON RD, DENMAN ISLAND, BC V0R 1T0	PID: 024-068-560 Building greenhouse. Civic address: 6345 Hinton Road, Denman Island, BC	Stephen Baugh	11/03/2020	Waiting for Revisions	Generate Notice of Revisions
	DE-SUP-2020.22	Chris Durupt	6351 HINTON RD, DENMAN ISLAND, BC V0R 1T0	PID: 017-449-995 Building a pool. Civic address: 6351 Hinton Road, Denman Island, BC.	Stephen Baugh	11/12/2020	Waiting for Revisions	Generate Notice of Revisions
	DE-SUP-2024.2	Henning Nielsen	3223 LACON RD, DENMAN ISLAND, BC V0R 1T0	PID: 004-172-337 after-the-fact application for existing retaining walls, a greenhouse and a pergola, as well as a pre-fab	Marlis McCargar	01/05/2024	Under Review	Generate Complete Application Letter
	PLSUP20240284	Myles Walters	1721 BAIKIE RD, DENMAN ISLAND, BC V0R 1T0	800 SQF off site built metal prefabricated home built by Orca	Bruce Belcher	10/28/2024	Open	
	PLSUP20240290	Alan Friesen	2470 EAST RD, DENMAN ISLAND, BC V0R 1T0	new home	Bruce Belcher	11/01/2024	Under Review	Add Optional Referrals
Rezoning								
	DE-RZ-2023.1	Andrew John	7676 KOMAS RD, DENMAN ISLAND, BC V0R 1T0	to rezone to replace existing land use contract, which expires soon.	Margot Thomaidis	01/01/2023	Open	Determine Next Steps - PL
	DE-RZ-2024.1	Bushekin Laura	5201 DENMAN RD, DENMAN ISLAND, BC V0R 1T0	Rezone from 15 to 19 units and allow secondary suites in all main	Marlis McCargar	01/03/2024	Under Review	Planning Review



1/14/2025

Denman Local Trust Committee Open Applications Report

Type	Application Number	Applicant	Address	Description	Planner	Date Received	Status	Most Recently Completed Activity
	PLRZ20240055	DENMAN CONSERVANCY ASSOCIATION	0 PICKLES RD, DENMAN ISLAND, BC V0R 1T0	Proposed OCP and rezoning of 4 parcels from Forestry to Conservation	Marlis McCargar	05/30/2024	Under Review	Generate Complete Application Letter
Development Variance Permit								
	DE-DVP-2024.1	Henning and Bente Nielsen and Pilgaard	3223 LACON RD, DENMAN ISLAND, BC V0R 1T0	PID: 004-172-337 variance for fence that is over height allowance, retaining wall that is over side yard setback at 3223	Marlis McCargar	01/05/2024	Under Review	Generate Complete Application Letter
Number of Open Applications	13							

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

615 Denman	Invoices posted to Month ending November 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	1,039.04	1,480.96
65210-615	LTC - Local Exp - APC Meeting Expenses	3,500.00	892.84	2,607.16
65220-615	LTC - Local Exp - Communications	900.00	600.00	300.00
TOTAL LTC Local Expense		<u>6,920.00</u>	<u>2,531.88</u>	<u>4,388.12</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	46.98	2,453.02
TOTAL Project Expenses		<u>18,000.00</u>	<u>93.96</u>	<u>17,906.04</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms; - The location of the proposed establishment and the subject site; - The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - How public comments may be submitted to the Local Trust Committee.
2.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
3.	November 20, 2018	DE-2018-104	Cannabis License applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust

				Committee regular meeting agenda package.
4.	February 7, 2019	DE-2019-012	First Nations Reconciliation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
5.	June 6, 2019 *Amended January 19, 2021 *Amended July 19, 2022	DE-2019-056 DE-2021-015 DE-2022.072 DE-2022-075	Bylaw enforcement against unlawful dwellings	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following

				conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' And that site inspections for the purpose of gathering information and communication with property owners will continue; And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.
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6.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May 19 th for background	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘Residential Density Bank’ of the Denman Island Official Community Plan: Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur: a. The Denman Official Community Plan ‘Residential Density Bank’ in Appendix D has last added or transferred to the bank on <u>January 31, 2017</u> and has a cumulative total of residential densities of <u>14</u>; (**for accurate density number, see updated resolution from 2023**) b. The Denman Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately <u>5 percent</u> beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1. The baseline density that was permitted by zoning at the time of adoption of the Official Community Plan was 994 densities based on the Subdivision Potential Map 2010; 1026 total densities less 32 from Parks, Institutional and Conservation designations where residential use is not permitted. Five percent of 994 is <u>49 densities</u>. Since adoption of the Official Community Plan on May 15, 2009 the following densities have been utilized: <table><tr><th>Authorizing Bylaw/Temporary Use Permit</th><th>Date Utilized</th><th>Number of Residential Densities Utilized</th><th>Cumulative Total of Residential Densities Remaining</th></tr><tr><td colspan="3">Baseline Density at time of adoption of the Denman OCP on May, 2009</td><td>49</td></tr><tr><td>BL 199 (Official Community Plan) BL 200</td><td>August 15, 2011</td><td>14</td><td>35</td></tr></table>	Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining	Baseline Density at time of adoption of the Denman OCP on May, 2009			49	BL 199 (Official Community Plan) BL 200	August 15, 2011	14	35
Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining													
Baseline Density at time of adoption of the Denman OCP on May, 2009			49													
BL 199 (Official Community Plan) BL 200	August 15, 2011	14	35													

				(Land Use Bylaw) BL 204 (Land Use Bylaw) DE-TUP-2016.2	September 24, 2013 March 31, 2017	1 1	34 33
7.	September 27, 2022	DE-2022-097	Model Strategy for Antenna Systems	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the “Model Strategy for Antenna Systems” dated May 3, 2018 prepared by the Local Planning Committee of the Islands Trust, as the Denman Island Local Trust Committee strategy to assess any future potential tower proposals in the Denman Island Local Trust Area.			
8.	January 17, 2023	DE-2023-012	Human Right to Housing	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Local Trust Committee acknowledges and affirms its commitment to the human right to housing as laid out by the United Nations Declaration of the Human Right to Adequate Housing.			
9.	November 14, 2023	DE-2023-073	Available Residential Densities	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, “Residential Density Bank” of the Denman Island Official Community Plan: Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur: a. The Denman Island Official Community Plan “Residential Density Bank” in Appendix D has last added or transferred to the bank on February 7, 2023 and has a cumulative total of residential densities of 7; b. The Denman Island Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately 5 percent beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1			
10.	April 9, 2024	DE-2024-027	Unlawful Short-Term Vacation Rentals (STVRs)	It was MOVED and SECONDED, That the Denman Island Local Trust Committee direct staff to use the following policy in dealing with unlawful Short-Term Vacation Rentals (STVRs), or other forms of commercial vacation rentals:			

				1. There will be proactive monitoring, investigation, and reporting to the Local Trust Committee regarding Short-Term Vacation Rentals on Denman Island. 2. Bylaw Officers will prioritize the investigation of Short-Term Vacation Rentals in the following manner: a) There are issues related to health and safety on the property; b) There are written complaints regarding nuisance issues such as noise or parking congestion related to Short-Term Vacation Rental operation; c) There are operations by persons who have not established a residential use on the same property as the Short-Term Vacation Rentals; and d) Accessory buildings or structures are being used as part of a Short-Term Vacation Rental operation. 3. It is understood that home-based guest accommodation home occupations complying with section 2.4 of the Denman Island Land Use Bylaw No. 186 are not interpreted to be Short-Term Vacation Rentals, or commercial vacation rentals, and that those home-based guest accommodations may be operated year around.
11.	June 4, 2024	DE-2024-053	Compliance & Bylaw Enforcement Policy	Revision No. 1 Purpose To establish policies and procedures for bylaw enforcement in the Denman Island Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., that are within the authority of the Local Trust Committee to enforce, and that will ensure policies and procedures are efficient, transparent, reasonable, and consistent with local community standards. PART A 1.0 Application This policy will apply to the Denman Island Local Trust Area and the enforcement of the Denman Island Official Community Plan Bylaw No. 185, Land Use Bylaw No. 186 and the Denman Island Siting and Use Permit Bylaw No. 240, and the use of the Denman Island Bylaw Enforcement Notification Bylaw No. 232. 2.0 Definitions & Abbreviations BEN – bylaw enforcement notice

				LUB – Land Use Bylaw LTC – Local Trust Committee Minor structure – any structure that does not require a siting and use permit, and that is not located in a development permit area or located within any other environmentally sensitive area SUP – siting and use permit Respondent – a property owner whose property is subject to a bylaw enforcement complaint 3.0 References Denman Island Land Use Bylaw No. 186 Denman Island Siting and Use Permit NO. 240 Denman Island Bylaw Notice Enforcement Bylaw No. 232 4.0 Priorities 4.1 Enforcement on short-term vacation rentals that have no resident owner or operator on the property are a priority and proactive enforcement is authorized. 4.2 Enforcement on non-compliant dwellings will be deferred unless there are contraventions in development permit areas, or other environmentally sensitive areas, or there are concerns about health and safety, or the lack of an approved septic system. 5.0 Inspection 5.1 At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands. 5.2 If a Respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance. 5.3 If a Respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required. 5.4 Bylaw Enforcement Officers will give a minimum of 24 hours notice before conducting a site inspection to gather evidence and they will schedule a mutually agreeable time with the property owner. 5.5 If a Respondent has not replied to a notice letter from Bylaw Enforcement regarding arranging a time for a site inspection, or they will not agree to a mutually agreeable time, notice of inspection can be given at the door. There will be no site inspection or gathering of evidence when notice is given at the
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				door. 5.6 If Bylaw Enforcement Officers have contact with neighbouring property owners while investigating a complaint, they will advise them of the reason for the contact and that they are not subject to complaint or investigation, and that they are not collecting evidence. 5.7 If Bylaw Enforcement Officers discover a bylaw contravention on a neighbouring property during an investigation, and proactive enforcement is authorized for that contravention by either Trust Council Policy, or LTC Enforcement Policy, they will advise the property owner that a file may be opened and that they will receive written notice if a file is opened. 6.0 Enforcement Procedures 6.1 If a bylaw contravention is confirmed, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant bylaw. 6.2 Bylaw Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year. 6.3 If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the Respondent to cease the use or activity immediately. 6.4 If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and they will arrange a meeting to discuss the feasibility of such an application. 6.5 If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated with reporting to the LTC and this may include a request for legal action or the use of the BEN. 7.0 Closing Files 7.1 If the identity of the complainant cannot be confirmed during the course of an investigation, the file will be closed. 7.2 If it determined that the complainant used a false name to file the complaint, the file should be closed. 7.3 If the contravention is for a minor structure that has only received one written complaint from one person, the file should be closed. 7.4 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers can use their
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				discretion to close the file. 7.5 If a contravention has been identified that is subject to deferred enforcement by the LTC, the file should be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety. 7.6 If the Respondent is financially unable to comply with the LUB or the SUP, the Manager of Bylaw Compliance and Enforcement can use his discretion to close the file. 7.7 If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement will use their discretion to close the file unless there is work on a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns. 7.8 The LTC will be notified when any file is closed. 8.0 Siting and Use Permits 8.1 If buildings or structures are discovered during an investigation that do not have a SUP, but the construction is more than 25 years old, enforcement should not proceed unless there are contraventions in environmentally sensitive areas, development permit areas, or there are health and safety concerns. 8.2 If new construction is discovered without a written complaint, a file should be opened to investigate, and enforcement should proceed if a SUP is required. 9.0 Communications 9.1 When a file is opened, Respondents will be advised of the Trust Council Policy that authorized the opening of the file, and if they are subject to proactive enforcement. 9.2 Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant. 9.3 The Manager of Compliance and Enforcement will communicate with Trustees or the LTC if there are questions or concerns regarding individual files. 10.0 Reporting 10.1 The LTC will receive regular reporting for open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended. 10.2 The Manager of Compliance and Enforcement will report to the
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				LTC any concerns, trends, or issues with enforcement on Denman Island that they believe the LTC needs to be aware of. 10.3 The Manager of Compliance and Enforcement will maintain the Denman Island Bylaw Compliance and Enforcement Policy and will report to the LTC if amendments are recommended or required. PART B Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy Appointment of Screening Officers Pursuant to section 7.2 of the Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 232, 2019, (the Bylaw) the persons holding the following positions are appointed as screening officers: 1) Regional Planning Manager; 2) Bylaw Compliance and Enforcement Manager; and 3) Bylaw Compliance and Enforcement Assistant. Screening Officer Powers and Duties The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Denman Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows: 1) Regional Planning Manager. In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw; 2) Bylaw Compliance and Enforcement Manager. In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Bylaw Compliance and Enforcement Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw; 3) Bylaw Compliance and Enforcement Assistant. In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw. Authorized Reasons to Cancel Bylaw Violation Notices The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist: 1. Voluntary compliance has been achieved. 2. The Bylaw Violation Notice was issued to the wrong person;
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				3. The Bylaw Violation Notice was not completed properly. 4. It is unreasonable for the person to pay the penalty; 5. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists; 6. A permit exists or has been obtained that authorises the alleged contravention; 7. There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons: a. The evidence is inadequate to show a contravention; b. Incorrect information was relied on in issuing the Bylaw Violation Notice; c. The disputant intends to challenge the bylaw with a legal argument that is ill suited to the adjudication process or the legal arguments are too complicated to be decided by an adjudicator. 8. It is not in the public interest to proceed to adjudication for one of the following reasons: a. The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention; b. An LTC resolution has deferred enforcement on the specific contravention; c. The LTC has closed the file. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.
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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.
