



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: March 18, 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 - 10:15 AM
 - 4.1 Trustee Reports
 - 4.2 Chair's Report
 - 4.3 Electoral Area Director's Report
5. **COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 248 and 249 - Housing-Related Temporary Use Permit Review Project** 10:15 AM - 10:30 AM
 - 5.1 Planner Presentation
 - 5.2 Question and Answer Period
6. **PUBLIC HEARING** 10:30 AM - 12:00 PM
 - 6.1 Proposed Bylaw Nos. 248 and 249 - Housing-Related Temporary Use Permit Review
 - 6.2 Recall to Order

~ BREAK 12:00 PM - 12:30 PM ~
7. **CLOSED MEETING** 12:30 PM - 12:50 AM

7.1 Motion to Close the Meeting

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

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

and that the recorder and staff attend the meeting.

7.2 Recall to Order

7.3 Rise and Report

8. PUBLIC COMMENTS 12:50 PM - 1:00 PM

9. MINUTES 1:00 PM - 1:05 PM

9.1 Local Trust Committee Minutes dated January 21, 2025 - for adoption 4 - 11

9.2 Section 26 Resolutions-Without-Meeting Report - none

9.3 Advisory Planning Commission Minutes - none

10. BUSINESS ARISING FROM MINUTES 1:05 PM - 1:20 PM

10.1 Follow-up Action List dated March 11, 2025 12 - 18

11. DELEGATIONS - none

12. APPLICATIONS AND REFERRALS - none

13. LOCAL TRUST COMMITTEE PROJECTS 1:20 PM - 1:40 PM

13.1 Minor Project: Housing-Related Temporary Use Permit Review - Post Public Hearing Staff Report 19 - 24

13.2 Major Project: Denman Housing (Official Community Plan and Land Use Bylaw) Review Project - Staff Report 25 - 45

14. CORRESPONDENCE - none

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

15. NEW BUSINESS - none

16. STAFF REPORTS 1:40 PM - 2:00 PM

16.1 Trust Conservancy Highlights of January 21, 2025 Board Meeting 46 - 47

16.2 Applications Report dated March 11, 2025 48 - 51

16.3	Trustee and Local Expense Report dated January, 2025	52 - 52
16.4	Adopted Policies and Standing Resolutions	53 - 63
16.5	First Nations Relationship Building Update - none	
16.6	Local Trust Committee Webpage	
17.	WORK PROGRAM	2:00 PM - 2:15 PM
17.1	Active Projects Report dated March 11, 2025	64 - 64
17.2	Future Projects Report dated March 11, 2025	65 - 66
18.	UPCOMING MEETINGS	
18.1	Next Regular Meeting Scheduled for Tuesday, May 20, 2025 at 10:00 a.m. at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
19.	ADJOURNMENT	2:15 PM - 2:15 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: January 21, 2025
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

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

Staff Present: Renée Jamurat, Regional Planning Manager
Narissa Chadwick, Island Planner (electronic)
Marlis McCargar, Island Planner
Sonja Zupanec, Island Planner (electronic)
Margot Thomaidis, Planner 2 (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately 7 members of the public and 3 representatives of K'ómoks First Nation present.

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

By general consent, the agenda was approved as presented.

4. REPORTS

4.1 Trustee Reports

Trustee Graham reported the following:

- Attended Committee of the Whole meeting to work on draft Policy Statement;
- Attended Regional Planning meeting to review Bylaw Enforcement Handbook; and
- Will be attending Financial Planning Committee meeting to discuss upcoming budget.

Trustee Borthwick reported the following:

- Attended Committee of the Whole and Regional Planning Committee meetings.

4.2 Chair's Report

Chair Maude reported the following:

- Attended Trust Council quarterly meeting in December; and
- Ongoing attendance at Committee of the Whole meetings to work on draft Policy Statement in preparation for public consultation stage.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

A member of the public spoke to the importance of addressing issues of affordable housing quickly as many residents are living in substandard conditions.

A member of the public noted that it is their understanding the purpose of allowing a second residence on a property is to create affordable housing and asked if there was a mechanism in place to ensure that a second residence will actually be affordable.

Trustees replied that affordability could be accomplished through a housing agreement; however, resources to administer a high number of agreements are not in place. They confirmed there will not be opportunity to subdivide a property with a second residence and short-term vacation rentals are not allowed.

6. MINUTES

6.1 Local Trust Committee Minutes dated December 10, 2024 - for adoption

The following amendments to the minutes were presented for consideration:

- Page 3 of the minutes, second bullet point from the bottom, change word “once” to “one”.

By general consent, the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 14, 2025

A letter of congratulations to K'ómoks First Nation regarding their recent elections has been drafted by Islands Trust Senior Indigenous Advisor and will be forwarded to Chair Maude for signature. The Chair requested staff provide a copy of the letter to Trustees for their information.

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS

9.1 DE-DVP-2024.1 (Nielsen) - Staff Report

The Planner summarized the staff report and highlighted the following:

- Application seeks retroactive approval for multiple setback variances for existing structures;

- Public notification was sent out in December, 2024 and there have been no responses to date; and
- Encroachments are relatively minor.

A member of the public provided a written submission and stated the following:

- They participate in a group that is planning to open up, and mark, as many road allowance beach access points as possible;
- They asked the Local Trust Committee not to approve a variance that reduces the road setback as the reduction makes the road harder to maintain and less safe to drive on; and
- Granting the permit will send a message that it is okay to build on a public right of way and ask for permission to do so only after a complaint is made.

The applicant was in attendance and made the following comments:

- An encroachment permit from the Ministry of Transportation and Infrastructure had been received;
- Encroachment onto the right of way was approximately .18 metres and resulted from an improperly marked survey line; and
- They were asked to rectify the situation by applying for a development variance permit.

Trustees confirmed that the applicant had received an encroachment permit.

DE-2025-001

It was MOVED and SECONDED

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

CARRIED

9.2 DE- RZ-2023.1 (Komas Ranch Ltd.) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The report provides an update on previous requests related to the environmental, archaeological, and cultural heritage protection of the Komas Ranch properties;
- The Local Trust Committee had requested a preliminary field reconnaissance report and the applicant required further details prior to hiring an archaeological consultant to perform the work;
- Draft terms of reference and detailed preliminary field reconnaissance requirements have been informed by ongoing engagement with K'ómoks First Nation archaeology staff;
- The preliminary field reconnaissance seeks to address gaps in cultural and archaeological heritage information and help to inform the creation of a heritage conservation area for the properties;
- Recorded, and unrecorded, archaeological sites are protected through the *BC Heritage Conservation Act*; however, unrecorded sites are likely to be overlooked and damaged, resulting in a need to account for all existing cultural heritage sites prior to any future development; and

- The applicant is in support of protecting the cultural heritage values on the properties but they question the necessity of conducting preliminary field reconnaissance.

A Komas Ranch property owner, representing the ownership group, was in attendance and the following comments were noted:

- The BC Archeology Branch has information about culturally sensitive materials on Long Beak Point and the other properties;
- There have been three extensive archeological digs on the property;
- Land owners are not permitted access to information on file at the Archaeology Branch;
- The preliminary field reconnaissance would not be as extensive as the three digs previously conducted and would not add new information;
- The rezoning is the result of a transfer of authority and property owners should not be responsible for costs associated with providing further archaeological information on the property.

A K'ómoks First Nation Archeologist made the following comments:

- As an archeologist, they have access to the information held at the BC Archeology Branch;
- There have been no significant or extensive excavations done on the property and the Owner's have misunderstood the BC Archaeology Branch's information;
- Information held at the Branch indicates archaeologists were present on site in 1952, hydro pole replacement work was done along the road, and K'ómoks First Nation attended the site to rebury ancestral remains.
- One of the reasons K'ómoks First Nation has recommended a preliminary field reconnaissance is because they identified extensive archaeological material outside of the currently registered site boundary; and
- Some of the development that has occurred on the site has been completed without permits, which have been required since 1994, resulting in infractions to the standards of the *Heritage Conservation Act*.

The Planner provided information about a Section 219 Covenant and noted it is a different tool than the Heritage Conservation Area and would mimic the protection that was provided through the historic land use contract. The covenant would be implemented in addition to zoning and for the purpose of environmental protection
A K'ómoks First Nation Staff Archaeologist provided the following input:

- They are working with the BC Archaeology Branch to increase the registered site boundaries on the properties;
- The property is private and archaeologists have not been able to document the site in the past; and
- A preliminary field reconnaissance will provide an opportunity to thoroughly document the information that is available on the surface and the unpermitted work that has taken place since the *Heritage Conservation Act* came into effect.

Discussion ensued and the following comments were noted:

- A preliminary field reconnaissance is not designed to be intrusive, but applied at the surface level to identify where there may be areas of higher, or lower, sensitivity;
- Many of the early archeological surveys were done by boat and therefore not complete or accurate; and
- K'ómoks First Nations is requesting an opportunity to get a more thorough and broad sense of the cultural heritage values on the site; and
- There are identified gaps in the archeological information on the site and a preliminary field reconnaissance would address those gaps and potentially inform the wording and mapping of heritage conservation protections.

The meeting was recessed for a break at 10:54 a.m. and reconvened at 11:00 a.m.

DE-2025-002

It was MOVED and SECONDED

that 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.

CARRIED

DE-2025-003

It was MOVED and SECONDED

that 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.

CARRIED

DE-2025-004

It was MOVED and SECONDED

that 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.

CARRIED

DE-2025-005

It was MOVED and SECONDED

that 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.).

CARRIED

9.3 Hornby LTC Bylaw No. 176 and 177 Referral Form

DE-2025-006

It was MOVED and SECONDED,

that Denman Island Local Trust Committee interests are unaffected by the Hornby Island Local Trust Committee Draft Bylaw No. 176 and 177.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Island Temporary Use Permit Review Project - Staff Report

The Planner summarized the staff report and highlighted the following:

- Proposed Bylaw No. 249 considers the removal of Temporary Use Permit requirements for secondary dwellings;
- Amendments focus on clarifying whether secondary dwelling units should be permitted on a per lot basis or per primary dwelling;
- The per lot approach limits unintended density increases particularly with lots with multiple dwellings; and
- The Temporary Use Permit Review project addresses immediate housing needs and staff recommend it continue independently from the broader Housing Review project as combining them could delay progress on the development of secondary dwellings.

Discussion ensued and the following comments were noted:

- Trustee Graham stated he would not comment as he lives on a property that contains multiple dwellings;
- The Planner clarified further analysis could be done on properties that might require site-specific zoning, and information would be sent to property owners once any additional areas allowing secondary suites were identified.

DE-2024-007

It was MOVED and SECONDED

that 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.

CARRIED

DE-2024-008

It was MOVED and SECONDED

that 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.

CARRIED

10.2 Minor Project Prioritization - Staff Report

The Planner indicated the staff report summarizes four potential minor projects currently listed on the Local Trust Committee’s Future Projects list as well as a proposed new minor project that aligns with the major housing review project already underway.

The potential new project would seek to accomplish the following:

- Update the Official Community Plan to better reflect community needs and integrate First Nation perspectives;
- Collaborate with K’ómoks First Nation to incorporate their values, history, and priorities into the Official Community Plan preamble;
- Update the Official Community Plan with the most recent demographic and housing needs data; and
- Coordinate outreach with the ongoing Housing Review project to align efforts to educate the community of First Nation land use priorities.

Trustees noted it is a timely project that aligns with the Housing Review project.

DE-2025-009

It was MOVED and SECONDED

that 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.

CARRIED

10.3 Major Project: Denman Housing Official Community Plan and Land Use Bylaw Review Project - verbal update

The Planner stated bylaws were being drafted and would be ready for review in March, 2025 and the Suitable Land Analysis, which will inform areas where expansion of accessory dwellings could be permitted, will be completed at the end of January.

DE-2025-010

It was MOVED and SECONDED

that Denman Island Local Trust Committee schedule an electronic special meeting in February to review the suitable land analysis.

CARRIED

11. CORRESPONDENCE

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

12. **NEW BUSINESS** - none

13. **STAFF REPORTS**

13.1 **Trust Conservancy Report** - none

13.2 **Applications Report dated January 14, 2025**
Received for information.

13.3 **Trustee and Local Expense Report dated November, 2024**
Received for information.

13.4 **Adopted Policies and Standing Resolutions**
Received for information.

13.5 **First Nations Relationship Building Update** - none

13.6 **Local Trust Committee Webpage**
No updates requested.

14. **WORK PROGRAM**

14.1 **Active Projects Report dated January 14, 2025**
Received for information.

14.2 **Future Projects Report dated January 14, 2025**
Received for information.

15. **UPCOMING MEETINGS**

15.1 **Next Regular Meeting Scheduled for Tuesday, March 18, 2025 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

16. **ADJOURNMENT**

By general consent, the meeting was adjourned at 11:45 a.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%	<p>1 Actions for the Major Project - Denman Island Housing Review Project (Project Charter, Business Case, Advisory Planning Commission Terms of Reference):</p> <ol style="list-style-type: none"> 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. 	<p>Chloe Straw Michelle Backe Narissa Chadwick</p>		In Progress

Follow Up Action Report

Denman Island

20-Feb-2024

Progress	Activity	Responsibility	Dates	Status
100%	<p>1 Complete suitable land analysis draft. Schedule meeting with Trustees RE: suitable land analysis.</p> <p><i>PLANNER UPDATE Jan 15 : Waiting on data analysis, expected mid-February.</i></p>	<p>Michelle Backe</p> <p>Narissa Chadwick</p>	<p>Target: 08-Oct-2024</p>	<p>Completed</p>
50%	<p>2 - Draft Housing Action Plan - <i>Completed for May 7th Meeting</i></p> <p>- Draft Bylaw language for review - <i>May 2025</i></p>	<p>Narissa Chadwick</p>		<p>In Progress</p>

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
50%	<p>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.</p> <p>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.</p> <p>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.</p>	Margot Thomaidis		In Progress

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
51%	<p>2 Regarding DE-RZ-2023.1 (Komas Ranch Ltd.) application:</p> <ol style="list-style-type: none"> 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. 	<p>Margot Thomaidis Nadine Mourao</p>		In Progress
0%	<p>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.</p>	<p>Margot Thomaidis</p>		In Progress
50%	<p>4 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.</p>	<p>Joe Elliott Margot Thomaidis Renee Jamurat</p>		In Progress
51%	<p>5 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.</p>	<p>Margot Thomaidis</p>		In Progress

Follow Up Action Report

Denman Island

13-Aug-2024

Progress	Activity	Responsibility	Dates	Status
100%	<p>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 LTC Meeting.</p> <p><i>Referral period will close late Oct 2024. PH postponed on Dec 10, rescheduled for March LTC meeting.</i></p>	<p>Lisa Millard Marlis McCargar Nadine Mourao</p>		Completed

08-Oct-2024

Progress	Activity	Responsibility	Dates	Status
50%	<p>1 Next steps for completing Denman Island Housing Review Project:</p> <ul style="list-style-type: none"> -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 	<p>Narissa Chadwick</p>		In Progress
50%	<p>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.</p> <p><i>March 7: letter requesting meeting sent.</i></p>	<p>Joe Elliott Renee Jamurat</p>		In Progress

Follow Up Action Report

Denman Island

10-Dec-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 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
75%	2 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. Once Letter is drafted and ready for Chair signature please circulate to LTC for review. <i>March 7: Letter sent.</i>	Clare Frater Joe Elliott Renee Jamurat	Target: 21-Jan-2025	Completed

Follow Up Action Report

Denman Island

21-Jan-2025

Progress	Activity	Responsibility	Dates	Status
0%	<p>1 DE-RZ-2023.1 (Komas Ranch Ltd.)</p> <ul style="list-style-type: none"> ·Request staff to prepare draft bylaw language to amend the Denman Island OCP, to introduce a new site-specific Heritage Conservation Area ·Endorsed the draft Terms of Reference letter and directed staff to forward it to the applicant, with a final deadline of December 31, 2025 to provide additional information requested in support of the application. ·Request staff to develop a draft restrictive covenant in consultation with the applicant for application for LTC consideration. ·Enter into a cost recovery agreement, if necessary, with the applicant allowing Islands Trust legal counsel to review a draft restrictive covenant 	Margot Thomaidis		In Progress
25%	<p>2 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.</p>	Marlis McCargar		In Progress



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

DATE OF MEETING: March 18, 2025

TO: Denman Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: Denman Island TUP Review Project – Bylaw Nos. 248 (OCP) and No. 249 (LUB)
– Post Public Hearing

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 by inserting new sections 1.3 and 1.4 and re-numbering the following sections accordingly as follows:**
 - 1.3 **Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 b) is amended by deleting the words “unless otherwise approved by the Local Trust Committee as a condition of the permit” after residence.**
 - 1.4 **Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 d) is amended by deleting the words “unless otherwise approved by the Local Trust Committee as a condition of the permit” after gallons.**
2. **That the Denman Island Local Trust Committee Bylaw No. 248, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2024', be read a second time.**
3. **That the Denman Island Local Trust Committee Bylaw No. 248, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2024', be read a third time.**
4. **That the Denman Island Local Trust Committee Bylaw No. 249, cited as ‘Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024’, be read a second time as amended.**
5. **That the Denman Island Local Trust Committee Bylaw No. 249, cited as ‘Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024’, be read a third time.**

REPORT SUMMARY

This is a post Public Hearing report supporting next steps for proposed Bylaws No. 248 (OCP amendment) and Bylaw No.249 (LUB Amendment). These bylaws seek to:

- remove the requirement for a Temporary Use Permit (TUP) for secondary dwellings in R2 (Rural Residential), F (Forestry), and RE (Resource) zone; and
- remove the density bank.

Staff are recommending the LTC amend Proposed Bylaw No. 249 to remove two references to a temporary use permit in the regulations.

The recommendations above are supported because:

- All statutory requirements have been completed including the required notification and holding of a Public Hearing consistent with the *Local Government Act*;
- Public, government agency or First Nation concerns raised with the proposed bylaws have been considered by the LTC; and
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption.

BACKGROUND

The Denman Island Local Trust Committee (LTC) is considering Bylaw Nos. 248 and 249 that would amend the Official Community Plan (OCP) and Land Use Bylaw (LUB).

Bylaw 248 (OCP Amendment) - amending the OCP to remove the density bank.

Bylaw 249 (Land Use Bylaw Amendment) – amending the LUB to allow secondary dwellings in the Rural Residential, Forestry and Resource zones with a Temporary Use Permit.

Bylaw Nos. 248 (OCP) and 249 (LUB) were given First Reading in August 2024. Bylaw No. 249 was given First Reading again in January 2025, as amended, to clarify that secondary dwelling units should be permitted on a per-lot basis, rather than per primary dwelling. Referrals were sent to agencies and First Nations in August 2024, with a deadline for feedback set for October 2024.

A Public Hearing was originally scheduled for December 2024 but was postponed due to the Canada Post strike. It has since been rescheduled for March 18, 2025. A Public Hearing is a quasi-judicial process, and specific procedures must be followed during and after the hearing.

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

1. Consider Second Reading (which may include amendments to the bylaw).
2. Consider Third Reading.
3. Forward the bylaws to Executive Committee for approval.
4. Forward the OCP amendment to the Ministry of Municipal Affairs for approval.
5. Provide final LTC consideration and adoption.

Following the close of the Public Hearing, the LTC may not hear further submissions without holding a new hearing. If new information is considered by the LTC, all interested parties must be given the opportunity to review and comment on this new material. However, the courts have clarified that this does not mean endless Public Hearings; a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

REFERRAL FROM K'OMOKS FIRST NATION

As of the time of writing, staff have been informed that K'omoks First Nation will be submitting a referral response regarding Proposed Bylaws Nos. 248 and 249. It is anticipated that K'omoks First Nation will request additional time to review the bylaws, incorporating their consideration of the Suitable Land Analysis data and a comprehensive review by their newly established environmental referrals team. Additionally, they may request that the LTC defer consideration of the proposed bylaws until their referral response is reviewed.

As the K'omoks First Nation referral response is likely to be received after the Public Hearing has closed, staff will review the response and inform the LTC if it contains relevant information that should be considered prior to bylaw adoption. This may result in the need for a second public hearing. If the referral response is deemed not to impact the bylaws, staff will recommend proceeding without the LTC considering the referral response. It is also possible that the K'omoks First Nation referral response could be incorporated into the next phase of the Housing Review Project.

SUGGESTED AMENDMENTS TO BYLAW NO. 249 (LUB)

Staff are proposing a minor edit to correct an error in referencing the temporary use permits in the regulations for Secondary Suites and Dwelling Units.

ALTERNATIVES

1. Amend the Bylaw(s)

That the Denman Island Local Trust Committee proposed Bylaw No. 248, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2024" be amended as follows:...

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

2. Forward Bylaw(s) to Executive Committee and the Minister of Municipal Affairs and Housing for approval

The Denman Island Local Trust Committee may choose to forward the bylaws without a referral response from K'omoks First Nation. If the LTC selects this option, K'omoks First Nation's referral response could be incorporated into the next phase of the Housing Review Project.

That the Denman Island Local Trust Committee proposed Bylaw No. 248, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2024' and proposed Bylaw No. 249 cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024', be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

That the Denman Island Local Trust Committee proposed Bylaw No. 248, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2024' be forwarded to the Minister of Municipal Affairs and Housing for approval.

3. Defer Third Reading to a future LTC Meeting

The Denman Island Local Trust Committee may choose to defer consideration of Third Reading to a future LTC meeting. If the LTC chooses this option, no resolution is needed and Bylaw Nos. 248 and 249 will be brought forward at a subsequent meeting.

4. Proceed no further

That the Denman Island Local Trust Committee proceed no further with Bylaw Nos. 248 and 249.

NEXT STEPS

If the recommendations are supported:

- Bylaw Nos. 248 and 249 will be given Second and Third Readings;
- Once the K'omoks First Nation referral response is received, Bylaw Nos. 248 and 249 will be returned to the LTC with a recommendation to forward them to the Islands Trust Executive Committee and the Minister of Municipal Affairs and Housing for approval; and
- Bylaw Nos. 248 and 249 will be returned to the LTC for final adoption.

ATTACHMENTS

1. Bylaw 249 (LUB) – track changes copy

Submitted By:	Marlis McCargar, Island Planner	March 4, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 5, 2025

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 21ST DAY OF JANUARY , 2025

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 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 b) is amended by deleting the words "unless otherwise approved by the Local Trust Committee as a condition of the permit" after residence.

1.21.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 d) is amended by deleting the words "unless otherwise approved by the Local Trust Committee as a condition of the permit" after gallons.

1.31.5 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".

1.41.6 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)".

1.51.7 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.

1.61.8 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.

1.71.9 Part 5 – TEMPORARY USE PERMITS, "Area 2", is deleted in its entirety and is renumbered accordingly.



File No.: 6500-20
(Denman Housing Review
Phase 2)

DATE OF MEETING: March 18, 2025

TO: Denman Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Local Planning Services

COPY: Marlis McCargar, Island Planner/ Robert Kojima, Regional Planning Manager

SUBJECT: Denman Housing Project Update

RECOMMENDATION

1. That the Denman Island Local Trust Committee endorse next steps for Phase 2A and 2B of the Denman Housing Review as discussed.
2. That the Denman Island Local Trust Committee direct staff to schedule a special meeting prior to the May LTC meeting to discuss Denman Housing Review Phase 2C actions and other related items.
3. That the Denman Island Local Trust Committee request that the project charter be revised to prioritize enhancement of the Suitable Land Analysis data sets by:
 - i. Directing staff to engage with local environmental conservation groups to incorporate additional environmental data sets;
 - ii. Directing staff to engage with First Nations on incorporating restricted access data such as archaeology sites, culturally significant sites, areas of potential and including any relevant public access data to support analysis of First Nations priorities;
 - iii. Resourcing the development of a flexible online mapping experience to host the layers, so mapping can be dynamically explored by trustees, staff, and residents.

REPORT SUMMARY

This report provides an update on housing actions identified in the Denman Island Housing Action Plan and identifies areas for further discussion. It includes an update on engagement with K’omoks First Nation, a review of Phase 2A and 2B Actions and introduces questions to be considered for Phase 2B and Phase 2C actions. Staff recommend a Special Meeting to discuss Phase 2C Actions in detail in light of the introduction of the suitable land analysis, concerns and interests being raised by community members and the need to consider K’omoks First Nation’s interests.

BACKGROUND

Stage 2 of the Denman Housing Review Project began in June 2023. The focus has been on increasing housing diversity in an effort to support the building of more affordable housing on the Island. 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/>

At the May 7, 2024 special meeting, the Denman Island LTC endorsed *the revised project charter for Phase 2 of Stage 2 of the Denman Island Housing Review Project following the recommendations in the May 7, 2024 staff report*. The project charter timelines were updated in October 2024. These have been further updated (see Attachment 1).

The project charter divides bylaw amendment actions into three phases. The purpose of the phased approach was to expedite actions that do not require OCP amendments or in-depth analysis and engagement. The phases are as follows:

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

Phase 2A actions were reviewed at the October 8th meeting. As indicated in the action update table (Attachment 2) and in this report, a number of draft amendments to the LUB can be prepared based on previous discussion. However, as supported by the LTC, staff have been working on the reformatting of the land use bylaw in order to make current and future updates more efficient as well and facilitate easier comprehension of LUB zoning provisions. Updates to the LUB should proceed once the revised LUB has been through legal review. See below for more details on the LUB reformatting.

Phase 2B actions were reviewed at the December 10, 2024 LTC meeting. As indicated in the action update table and in this report, a number of draft amendments to the LUB and OCP can be prepared based on previous discussion. However, there are a number of items where additional direction is required from the LTC.

Phase 2C actions are presented in this report and a number of issues and questions are identified for discussion. Staff are recommending scheduling a focussed special meeting to discuss Phase 2C in light of the introduction of the suitable land analysis, the need to consider K'omoks First Nation interests and concerns and interests being raised by the community members.

Land Use Bylaw (LUB) Reformatting

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

This reformatting is expected to significantly reduce the amount of staff time required for future amendments, both for this project and for upcoming LTC initiatives. While the appearance of the Land Use Bylaw has changed substantially, the regulations themselves have remained consistent. It is important to note that no amendments are being proposed that would alter the intent or function of the zones through this reformatting process.

The benefits of the reformatted Land Use Bylaw include:

- Easier amendment processes, as text-based bylaws are more straightforward to amend.
- Improved readability.
- Enhanced structural flexibility, which allows for the inclusion of explanations, exceptions, or conditions that might not fit easily into a table.
- Enhanced legal clarity, reducing potential ambiguities and ensuring a clearer understanding of the bylaws.

This reformatting has provided an opportunity to simplify some of the zoning language. Some zoning regulations were overly prescriptive and have been reconsidered as part of this process. For example, horticulture has been removed in zones that previously included both horticulture and agriculture, as the definition of agriculture includes the growing of plants, making it unnecessary to have both.

Many permitted uses have been removed from individual zones and have been placed in the General Regulations, as these uses are permitted in all zones. Additionally, the permitted buildings and structures section has been removed. If a use is permitted, the related building or structure is inherently permitted. For instance, if residential use is permitted, a dwelling is permitted by default—there is no need to prescribe every possible building or structure associated with that use.

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

Suitable Land Analysis

The suitable land analysis (SLA) was introduced to the Denman LTC on February 25th, 2024. The SLA brings together a variety of data including sensitive ecosystem, watershed resiliency, groundwater recharge and steep slope to help identify areas on the island that are more and less suitable for increase density and intensity of residential land use. The SLA methodology is being introduced into major projects across the trust area (including Denman, Gabriola, Mayne and North Pender).

The SLA presentation to the LTC confirmed that there are constraints for siting additional density across Denman Island's residential zones. The recent introduction of the SLA raised questions from the LTC and Denman Island community members regarding the potential to include locally sourced data. The K'omoks staff, who were also introduced to the SLA recently, expressed interest in seeing layers related to archeological sites and areas of cultural significance added.

Recommended resolution #3 recommends that the LTC to request that staff consider the feasibility of enhancing the SLA data by integrating data from local conservation groups and data related to archeology and culturally significant site as supported by First Nations.

While the SLA is a tool that can be used to help assess whether areas are suitable for increased density and intensity of residential land use, the improvement of the tool itself should not impact the project timelines. Initial introduction has identified other data that should also be included in the analysis. This data can be used independent of being integrated into the SLA.

Recent Engagement with K’omoks Nation

At a recent meeting with K’omoks staff to discuss current referrals related to the removal of TUP requirements for ADUs on Denman and proposed bylaws to expand permission for ADUs on Hornby as well as the introduction of the SLA, the K’omoks requested additional time to review the bylaw in order to incorporate their consideration of the Suitable Land Analysis data and a comprehensive review by their newly established environmental referrals team. KFN may be requesting that the LTC defer consideration of the proposed bylaws until their referral response is reviewed.

Considering the above, commitment to consider K’omok’s interests may require additional time for the review of the bylaws related to the housing review then was originally anticipate, in particular those actions related to private property owners increasing residential impact on the land. These are predominantly Phase 2C actions. A draft of K’omoks overall land use interests is included in Attachment 4 and discussed in the next section of this report.

Bylaw Drafting and Review Process

Given the timing of the LUB update, the timing of Phase 2A actions has been delayed. In light of this staff are encouraging the LTC to move forward with Phase 2A and Phase 2B actions together while keeping Phase 2C actions separate. See the updated Project Charter for timing updates (Attachment 1).

REVIEW, UPDATES AND ANALYSIS

Attachment 3 contains the October 2024 revision of the Denman Island Housing Action Implementation Plan (will be updated for Special Meeting). Attachment 2 provides a full list of all the land use related actions, and information updates (all the actions that can be addressed by, or have influence on, LUB regulations and OCP policies).

Each of the actions listed in Attachment 2 are discussed below. The action are organized in the same sequence as the table in Attachment 2 with the actions listed each under goals to the greatest extent possible as well as Phases where applicable.

GOAL 1 - Updates to Inform Housing Project -INFORMATION

	ACTION	STATUS	NEXT STEPS
1.	Update Housing Needs Assessment	Awaiting consultant work	Include with Phase 2A and 2B amendments.
2.	Water Balance Assessment	Not included in 2025/26 Business Case	LTC to decide whether to support for 2026/27
3.	Workshop on Suitable Land Analysis	Held February 25 th , 2025	LTC to decide next steps

Needs Assessments – Amendments to the Local Government Act require updated Housing Needs Reports. Islands Trust is currently waiting for this work to be completed by a consultant by the end of March. The amendments to be drafted will include updated needs assessment data. Bylaw amendments related to needs assessment can be incorporated into the Phase 2A and 2B process.

Water Balance Assessment – A methodology is currently being developed and applied to Gabriola Island. This work is anticipated to be completed by the summer 2025. The LTC can decide at that time whether they want to proceed with this work for Denman.

Suitable Land Analysis – See further discussion as it relates to Phase 2C actions.

GOAL 2 – Incorporating FN Interest in Land Use Decision Making - RECONCILIATION

Islands Trust Staff have been working with K’omoks First Nation (KFN) staff over the past year with a focus on understanding their land use interests related to both Denman and Hornby Islands. This approach will help inform the housing project as well as other LTC projects.

	ACTION	STATUS	NEXT STEPS
4. FN	Identify FN Interests	Summary of interests to date provided	Draft bylaws to incorporate draft interests

A first draft summary of staff-to-staff engagement with the KFN is presented to the LTC in Attachment 4. Further work on this summary is anticipated to be completed in the spring and summer 2024 to incorporate environmental considerations as the Nation has recently been able to hire environmental staff to support the engagement project for Denman and Hornby Islands.

A number of the interests identified in the draft engagement summary (land acknowledgement, overview of context of significant KFN ancestral village sites and other areas of cultural significance, impact of patterns of settlement on FN rights and title, LTC commitment to reconciliation) will be addressed through the Denman Island minor project that was endorsed by the LTC at their January 21, 2025 LTC meeting. The resolution was as follows:

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.

The potential project would seek to accomplish the following:

- Update the Official Community Plan to better reflect community needs and integrate First Nation perspectives;
- Collaborate with K’omoks First Nation to incorporate their values, history, and priorities into the Official Community Plan preamble;
- Update the Official Community Plan with the most recent demographic and housing needs data; and
- Coordinate outreach with the ongoing Housing Review project to align efforts to educate the community of First Nation land use priorities.

The project charter for the minor project will be prepared for the special meeting (if special meeting is endorsed by the LTC) or for the May 20th, 2025 LTC meeting. As previously discussed, the amendments related to this project can move forward with the housing project, most likely with Phase 2C bylaws. Other interests identified in the draft engagement summary can be addressed through separate projects.

MINOR PROJECT – ACTION UPDATE (Goal 2: Diversifying Housing Options)

	ACTION	STATUS	NEXT STEPS
5. M1	Remove TUP requirement for ADUs	Minor project (Public Hearing March 18, 2025)	Bylaw reading or alternative direction provided by LTC
6. M1	Eliminate or update Density Bank		

PHASE 2A – ACTION UPDATE (GOAL 3: Diversifying Housing Options – LAND-USE)

Phase 2A actions are limited to technical changes and LUB amendments requiring limited analysis.

The actions below are related to technical changes.

	ACTION	STATUS	NEXT STEPS
7. P2A	Reformatting Land Use Bylaw Regulations	Attached, for legal review	Use reformatted LUB as framework for bylaw amendments
8. P2A	Review and update definitions	Initial list of new definitions provided in October 8, 2024 staff report. Further updates provided.	Definitions to be updated as needed

.....

The following actions are related to bylaws amendments reviewed at the October 8, 2024 LTC meeting. For a majority of these actions draft policy language was endorsed by the LTC.

	ACTION	STATUS	NEXT STEPS
9. P2A	Existing site specific exemptions in light of TUP changes	Has been reviewed	No further steps required
10. P2A	Permit Dwelling units in community service zone	Options approved	Draft bylaw amendment
11. P2A	Consistency with ALC regulations	No change required	No change required
12. P2A	Permit Alternative Types of units (RVs, Yurts etc.)	Draft bylaw language approved	Draft bylaw amendment*
13. P2A	Limiting Vacation Rental Permission to BnB	Draft bylaw language approved	Draft bylaw amendment
14. P2A	Expand secondary suite permissions into water service areas	Re-evaluate in light of SLA.	LTC direction required** Move to P2C?
15. P2A	Include policies related to ALR exclusion for affordable housing	Draft bylaw language approved	Draft bylaw amendment

* **AltDUs** -LTC indicated that they would like bylaws to reflect that domestic water supply can be derived from cisterns. Staff note that in the absence of building permit requirement oversight related to quality of drinking water from wells and rainwater cisterns is very limited.

****Secondary suite permissions** – Secondary suites are currently permitted in R2, A, F and RE zones. The intention of this action is to allow secondary suites in R1 for those properties that are serviced with community water systems (The Schmidt Improvement District, Graham Lake Improvement District and Parnell System, see Attachment 5). The rationale is that water service providers provide oversight over the use of water and can determine if a secondary suite can be accommodated. At the October 2024 LTC meeting the LTC identified that they wanted to explore supporting ADUs in water districts as well as secondary suites.

The OCP currently stipulates that: “Where water is supplied to a secondary suite or a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity prior to the issuance of any permits to allow the use”. This measure would ensure that adequate water is available to ADUS and secondary suites. However, there are other considerations.

Staff note that the preliminary SLA results identify that all three water districts fall in areas that are identified as not having high or medium suitability for additional density. Also, because the lots in the Graham Lake Improvement District and Parnell System are coastal they may have high cultural heritage value so it will be important to have K’omoks Nation input. Given this, staff encourage the LTC to move this action to P2C in order to be part of a more detailed analysis of overall impact.

The following Phase 2A actions relate to **Goal 4- Minimize the Environmental Impact on Land –LAND-USE**

	ACTION	STATUS	NEXT STEPS
28 P2A	Reduce lot coverage (to include floor area and impervious surfaces)	Trustees indicated interest in max floor area for single dwellings	Confirmation/direction on supported combined max floor area required
29 P2A	Cistern Requirements for new builds	Bylaw language approved	Draft bylaw amendment

Reduce lot coverage – At the October 2024 LTC meeting, staff proposed that total maximum floor area for dwellings (single or multiple) be similar to those proposed for flexible housing on Mayne. Additional suggestions for lots >5 ha (12.35 acres) is provided for discussion. Originally, the LTC had indicated interests in a lot coverage maximum for all impervious surfaces. Staff recommend the LTC to focus on dwellings and accessory buildings at this time.

Lot Area	Total Max Floor Area of dwellings (single or multiple combined)	Total Max Combined Floor Area of accessory buildings
Lots < 0.6 ha (1.5 acres)	232m ² (2500ft ²)	500?
Lots > 0.6 ha (1.5 acres) up to 1.2ha (3acres)	325m ² (3,500ft ²)	1000?
Lots >1.2 ha (3 acres) – 5 ha (12.35 acres)	436m ² (4,750 ft ²)	1500?
Lots > 5 ha (12.35 acres)	464.5m ² (5000 ft ²)	1500?

Policy 4 In the Agriculture designation and in the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing ~~multi-family~~ affordable housing subject to Agricultural Land Commission approval.

Village -Policies

Subdivision

Policy 4 - In the Village designation, the size of new lots created by subdivision should not be less than 1.0 hectare ~~except for lots created for the purposes of allowing affordable housing.~~

Proposed Definition

The following definition of “affordable housing” would ensure that the affordability of the housing is secured over time.

Affordable Housing is housing, secured by a housing agreement where costs (including rent or mortgage, utilities, and other related expenses) that do not exceed 30% of a household's gross income, ensuring basic needs can still be met without financial hardship.

.....

Permitting subdivision (where not currently permitted) in exchange for donation of land to a not for profit organization, government organization or First Nations for the purposes of building not for profit housing was an action that was removed at the October LTC meeting. Staff did not identify this option at the December LTC meeting but is bringing it back now for consideration.

The policy drafted below permits the potential for subdivision of a parcel of land in all land use designations for the purposes of donating a parcel to a Not for Profit Organization, First Nation or government agency.

Proposed OCP Policy

Housing (Use and Density)

In all land use designations, provisions should be made by regulation to permit the subdivision of a parcel of land for the sole purpose of giving a portion of the parcel to a Not for Profit Organization, First Nation or government agency for the purposes of building affordable housing.

.....

The action below relates to flexibility for proof of water for rezoning and subdivisions related to cooperatives. At the December 2024 LTC meeting staff identified that more research was needed.

	ACTION	STATUS	NEXT STEPS
18. P2B	Add policies to support development variance for proof of water for cooperatives	Staff has provided recommendation	Remove from list

While the COHO community is an example of how a community can be supported by rainwater for a majority of needs, staff caution dependence on water sources other than ground or surface water given the uncertainty of sustaining rainwater capture levels needed. Given this, a development variance permit for proof of water can be considered on a case by case basis. No policy change is recommended.

.....

Home based assisted living and clustered small unit housing is the focus of the actions below.

	ACTION	STATUS	NEXT STEPS
19. P2B	OCP Policies to support home based assisted living	Draft policy language supported by LTC at December 2024 LTC mtg.	Draft bylaw amendments
20. P2B	OCP Policies to support tiny home villages		Draft bylaw amendments
21. P2B	Allow for variations in housing that support shared facilities (e.g. podhouse)		Draft bylaw amendments

Homebased assisted living – staff recommended this use be added as a home occupation and related policies be similar to home-based guest accommodation. The LTC added that home based assisted living should also be permitted in accessory buildings.

“Clustered small unit affordable housing” was a term introduced at the December 2024 meeting in the context of tiny home villages and “podhouses”. The LTC supported the draft policy language provided by staff.

The LTC identified that they wanted to ensure that “clustered small unit housing” would not be used for the purposes of vacation rentals. This will be achieved given that the definition of “affordable housing” is directly linked to housing agreements. As well, the home based guest accommodation policies restrict home-based guest accommodation to the “principal dwelling unit”.

Definition for consideration

Clustered Small Unit Affordable Housing is a group of dwelling units within a maximum combined floor area that is concentrated within a specific area on a lot.

Phase 2C Actions

Phase 2C Actions include OCP and LUB amendments that require more detailed consideration, analysis and engagement. They relate to increases in density and intensity of residential land use by private landowners. As indicated in the recommended resolution, staff recommend that approaches to addressing the following actions be discussed at a special meeting to be held before the May 2025 LTC meeting.

	ACTION	STATUS	NEXT STEPS
22. P2C	Expansion of Accessory Dwellings Unit permission	Focused analysis which considers evaluation of the suitability of land, consideration of First Nations interests and the interests of the Denman community is required.	Options for addressing these actions to be discussed at a special meeting to be held before the May 2025 LTC meeting.
23. P2C	Expansion of Secondary Suite Permission (SLA)		
24. P2C	Allow Multiple Dwelling Units with Max Combined floor area (Flexible Housing)		
25. P2C	Additional dwelling units if land is conserved/housing agreement is in place		

Analysis considerations:

- The recent Suitable Land Analysis (SLA) data demonstrates there are few areas suitable for increased residential use in large amounts. The LTC should discuss how they would like to use the SLA in the consideration of options that help balance housing need with interests in preserving and protecting the natural environment.
- In the absence of mandatory building inspection services on the island there are no assurances that new construction or housing will meet or exceed provincial requirements for structural integrity, fire safety, energy efficiency, septic system compliance, and water sustainability. These issues should be considered when permitting additional density and intensity of residential land use.
- Increase in residential density and intensity poses a significant risk to the integrity of archaeological and cultural heritage resources. The KFN recommendation for exploring an island-wide Heritage Conservation Area (see Attachment 4) warrants careful consideration in lieu of building inspection services, to ensure that all land use alterations respect and preserve areas, ecosystems and landscapes of importance to the Nation..
- Community members are formally (Through letters to the LTC) and informally identifying concerns regarding increasing density and intensity of residential land use without sufficient analysis of cumulative impacts to the environment and the community. Staff have reached out to the Denman Conservancy and are in the process of organizing a meeting with them.
- The LTC has recently received a proposal for a “COHO” type approach to providing an affordable option for housing on a 42 acre piece of property (see letter from Richard Day and Joan Donaghey in correspondence). The proposal considers the transfer of land to a not-for-profit housing cooperative established under the BC Cooperatives Act as well as placing a conservation covenant on a portion of the land. The timing of this proposal provides the opportunity to include the consideration of a site specific zone to support this approach within the larger housing project.
- Finding the right balance will be challenging. Increasing cost of housing has resulted in a number of problems including an increasing number of people living in conditions that are unhealthy for

themselves as well as the environment. There is a risk that if more affordable housing isn't available Denman community cohesion and volunteerism that contributes to the health and safety of the environment and community will be threatened.

Questions for the LTC to consider for discussion at the special meeting:

- Use the suitable land analysis?
- Additional information needed to engage in a focussed conversation about what land is suitable for increase density and intensity of residential land use?
- How to engage the Denman community in the conversation related to expanding permissions for private landowners to build additional units?
- Would the LTC like to consider the proposal for a "COHO" type approach to be further examined by for its viability and potential inclusion in the Phase 2C of the housing project.
- Is the LTC willing to wait for feedback from K'omoks First Nation if it means timelines will be impacted?

Rationale for Recommendation

- Moving Phase 2A and 2B together in advance of Phase 2C will be the most efficient way to move forward.
- A special meeting prior to the May LTC meeting will support the momentum of the project.
- Recommendations related to the SLA will help support the evolution of a more accessible tool that includes First Nations and interests as well as local knowledge.

ALTERNATIVES

1. The LTC may choose to move forward with Phase 2A and 2B separately

This will be less efficient as it will require more administrative time on the part of staff given that these phase of the project are now at a similar stage.

2. The LTC may choose not to hold a special meeting

This will delay important discussions related to Phase 2C to the May 2024 meeting.

3. The LTC may choose not to support the SLA related recommendations

This will limit the use of the SLA to what currently exists as incorporation of additional data and the movement of the tool to a more accessible platform will require both staff and financial resources.

NEXT STEPS

If there recommendations are endorsed:

- Staff will schedule a special meeting
- Staff will draft bylaw for Phase 2A and 2B as discussed

Submitted By:	Narissa Chadwick, RPP, MCIP	March 11, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 11, 2025

ATTACHMENTS

1. Project Charter (revised)
2. Action Update Table
3. Denman Housing Action Implementation Plan
4. Draft K’omoks Engagement Summary
5. Map of water systems

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

Denman Island Local Trust Committee (LTC)

Date: February 2025 (update)

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

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

Objectives

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

In Scope

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

Out of Scope

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

Workplan Overview

Deliverable/Milestone	Date
Phase 2A – Land Use Bylaw Amendments Requiring Limited Analysis	
First Nations Engagement	Jan 2024 – May April 2025
Draft Bylaw Language/ Community Engagement where required	July 2024- October 2024
Bylaw Referral/Readings	May 2025 December – 2024 – July February 2025
LTC Approval	August March 2025
Phase 2B – OCP Amendments Requiring Limited Analysis	
First Nations Engagement	Jan 2024 – May April 2025
Draft Bylaws Language/ Community Engagement where required	Feb. - March 2025
Legal Review/ CIM	Feb – March 2025 <u>May- June 2025</u>
Bylaw Reading/PH/ EC Approval	March – May <u>June – September</u> 2025
Provincial Referral	May <u>October</u> 2025
Phase 2C – Options Requiring More Detailed Analysis and Engagement	
First Nations Engagement	Oct. 2 2024 – December 2025
Suitable Land Analysis Introduction	October 2024 <u>February 2025</u>
Draft Options/Community Engagement where required	January – May 2025 <u>4- August 2025</u>
Drafting Bylaws	April 2025 – June <u>July - September</u> 2025
Bylaw readings/ CIM/PH/ EC Approval	June 2025 – Sept. <u>September – December</u> 2025
Provincial Referral	October <u>December</u> 2025

Project Team

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

Budget

Budget Sources:		
2025/26	Consultation	\$5,000
2025/26	Public Hearing	\$2,000
2025/26	Communications	\$3,000
2025/26	Legal Contingency	\$2,000
	Total	\$12,000

ATTACHMENT 2- ACTION UPDATE TABLE (March 2025)

	ACTION	COMMENTS/NEXT STEPS
Goal 1: Updates to Inform Housing Project -INFORMATION		
1. I	Update Housing Needs Assessment	To include with Phase 2A&2B amendments
2. I	Housing Needs Assessments	To be included in Phase 2Aand 2B
3. I	Workshop of Suitable Land Analysis	Held February 25, 2025
Goal 2: Incorporate First Nations Interests in Land use Decision Making – RECONCILIATION		
4. FN	Identify FN interests	Summary of interest to date provided.
Goal 3: Diversifying Housing Options – LAND-USE		
5. M1	Remove TUP requirement for ADUs	Minor project (Public Hearing March 18, 2025)
6. M1	Eliminate or update Density Bank	
7. P2A	Reformatting Land Use Bylaw Regulations	Attached, for legal review
8. P2A	Review and update definitions	Ongoing
9. P2A	Existing site specific exemptions in light of TUP changes	Has been reviewed, no further steps required
10. P2A	Permit Dwelling units in community service zone	Options identified
11. P2A	Consistency with ALC regulations	No change required
12. P2A	Permit Alternative Types of units (RVs, Yurts etc.)	Draft bylaw language approved
13. P2A	Limiting Vacation Rental Permission to BnB	Draft bylaw language approved
14. P2A	Expand secondary suite permissions into water service areas	LTC direction required. Moved to P2C?
15. P2B	Include policies related to ALR exclusion for affordable housing	No changes at this time
16. P2B	Permit reduction of min parcel size to facilitate land for donation to NGO/Govt	Bylaw language drafted for approval
17. P2B	Permit subdivision (where not currently permitted) in exchange for donation	REINTRODUCE BY STAFF. Draft policy language introduced.
18. P2B	Add policies to support development variance for proof of water for cooperatives	Staff recommend this be removed from lis
19. P2B	OCP Policies to support home based assisted living and tiny home villages	Bylaw language approved
20. P2B	OCP Policies to support tiny home villages	Bylaw language approved
21. P2B	Allow for variations in housing that support shared facilities (e.g. podhouse)	Bylaw language approved
22. P2C	Expansion of Accessory Dwellings Unit permission	Options for addressing these actions to be discussed at a special meeting to be held before the May 2025 LTC meeting.
23. P2C	Expansion of Secondary Suite Permission (SLA) beyond water service areas	
24. P2C	Allow Multiple Dwelling Units with Max Combined floor area (Flexible Housing)	
25. P2C	Additional dwelling units if land is conserved/housing agreement is in place	
Goal 4- Minimize the Environmental Impact on Land –LAND-USE		
26. P2C	Use suitable land analysis to identify areas more suitable for additional density	To be discussed at special meeting as they related to increasing density and intensity of land use
27. P2C	Implement maximum combined floor area for multiple dwellings	
28. P2A	Reduce lot coverage (to include floor area and impervious surfaces)	Confirmation/direction on supported combined max floor area required
29. P2A	Cistern requirement for new builds	Bylaw language approved

Attachment 4: Denman Island Housing Action Implementation Plan (Revised October,2024)

Blue – Items Part of Denman Housing Review Stage 2, Phase 2

Green – Items being done at Trust Wide level or require collaboration with CVRD or Province

I – Information

M – Minor Project

P – Phase 2

IT – Islands Trust Responsibility

BL – Bylaw Enforcement

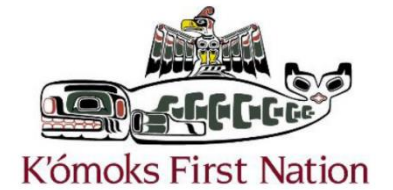
ED – Education

ACTION		Status	Anticipated Timing
Goal 1: Update information to Inform housing project - INFORMATION			
I1	Update Housing Needs Assessment	To be done as part of IT project	TBD once Provincial direction is provided
I2	Water Balance Assessment	Waiting for funding allocation	2025/26 fiscal
I3	Workshop with LTC on Suitable Land Analysis (SLA)	To be Scheduled	June – August 2024
Goal 2: Incorporate First Nations Interests in Land use Decision Making – RECONCILIATION			
P2A,P2B, P2C	Identify FN Interests with respect to housing options and impacts	Capacity Agreement and funding in Place. Engagement advancing. Two site visits an 3 meetings.	ongoing
Goal 3: Diversifying Housing Options – LAND-USE			
M1	Remove TUP requirement for ADUs	Minor Project	Bylaws fall 2024
M1?	Eliminate or update Density Bank	Minor Project ()?	TBD
P2A	Reformatting Land Use Bylaw Regulations	Required	Summer 2024
P2A	Review LUB definitions to ensure consistency with OCP	IT standards being created	
P2A	Review existing site specific exemptions in light of TUP changes	Technical change	Summer 2024 – primary work (exploring questions that might arise, public engagement as required, FN engagement, bylaw drafting)
P2A	Permit Dwelling units in community service zone	Explore options	
P2A	Consistency with ALC regulations	Technical change	
P2A	Permit Alternative Types of units (RVs, Yurts etc.)	Technical change	
P2A	Legalize housing on a site specific basis	*At May7 meeting, LTC suggested this become a separate project	
P2A	Make existing multi-family zoning more flexible	Technical change	
P2A	Limiting Vacation Rental Permission to BnB	Tech change related to legal review	
P2A	Expand secondary suite permissions into water service areas	Requiring connecting with CVRD	
P2B	Include policies related to ALR exclusion for affordable housing	Technical change, engagement related to conditions recommended	
P2B	Permit reduction of min parcel size to facilitate land for donation to NGO/Govt**	*At May 7, 2024 meeting LTC suggested these be removed	
P2B	Permit subdivision (where not currently permitted) in exchange for donation*	** LTC agreed to staff recommendation to bring it back during Dec10, 2024 mtg	
P2B	Allow subdivision only if land is donated for affordable housing**		
P2B	Add policies to support development variance for proof of water for cooperatives	Dependent on review of existing	
P2B	OCP Policies to support home based assisted living and tiny home villages	Technical change	
P2B	Allow for variations in housing that support shared facilities (e.g. podhouse)	Technical change to support existing?	
P2C	Expansion of Accessory Dwellings Unit permission	SLA and early FN engagement recommended	Summer 2024 -SLA
P2C	Expansion of Secondary Suite Permission (SLA) beyond water service areas	SLA and early FN engagement recommended	Fall/winter 2024 – preliminary work

P2C	Allow Multiple Dwelling Units with Max Combined floor area (Flexible Housing)	SLA and early FN engagement recommended; *At May 7,2024 meeting LTC requested tiny homes be considered	amendment option can be drafted before locations identified FN engagement ongoing
P2C	Additional dwelling units if land is conserved/housing agreement is in place	SLA and early FN engagement recommended;	Bylaws 2025
IT1	Expedite Approvals for multi –unit housing rezoning applications	To be done at Trust Wide level as part of Trust Wide Housing Action Plan Implementation	TBD
Goal 4- Minimize the Environmental Impact on Land –LAND-USE			
P2C	Use suitable land analysis to identify areas more suitable for additional density	Suitable land analysis if in process	Summer/Fall 2024
P2C	Implement maximum combined floor area for multiple dwellings	Maximum combined floor area (MCFA) to be discussed, staff to provide options	Fall/Winter 2024 – MCFA to be identified
P2A	Reduce lot coverage (to include floor area and impervious surfaces)	Maximum combined floor area to be discussed.	Summer/Fall – draft bylaw language
P2A	Cistern requirement for new builds	Cistern size to be discussed, staff to provide options	
Goal 5 – Implement Affordability Measures – AFFORDABILITY CONTROLS			
IT2	Allow additional units if they are being rented affordably	The only way to guarantee affordability into the long-term is through housing agreement. Requires increasing administration of HAs by the Islands Trust or CVRD developing administrative function.	TBD Fall 2024 -Can be included as advocacy policy
Goal 6 – Address Bylaw Enforcement Issues Related to Housing –BYLAW ENFORCEMENT			
BL1	Identify challenges and options to address	Trust Council Bylaw Enforcement Review currently underway	TBD
Goal 7 – Provide Education and Engagement on costs/options/environmental alternatives -EDUCATION			
ED1	Education re: costs to build, water capture and other alternatives	This could be done on a Trust Wide basis, CVRD or as a LTC minor project.	Fall 2024- Can be included as advocacy policy
ED2	Identify opportunities for CVRD to develop education materials	Meet with the CVRD to advance action plan	Fall 2024- Can be included as advocacy policy, meeting with CVRD
Goal 8 – Advocate for Support for Infrastructure Needs – ADVOCACY			
ED1	CVRD expansion of water and sewage services	Meetings with CVRD required	Fall 2024- Can be included as advocacy policy, meeting with CVRD
ED2	Advocate for support for Cistern purchase	Meeting with CVRD and Province required	Fall 2024- Can be included as advocacy policy, meeting with CVRD
ED3	Advocate for Municipal and Regional District Tax (MRDT) to be collected to support affordable housing development	Meeting with CVRD required	
ED4	Advocate to province for additional revenue to support housing	Item in Trust wide Housing Action Plan	Fall 2024- Can be included as advocacy policy
ED5	Advocate to Island Health to support waste disposal alternatives	Item in Trust wide Housing Action Plan	
ED6	Advocate to Province re: small water system sharing	Could be included in Trust wide Housing Strategy Action Plan	TBD re: advancing action

Denman Island and K’omoks First Nation Engagement Summary –

March 2025 DRAFT



The following table has been prepared by Islands Trust (IT) planning staff in collaboration with K’omoks First Nations (KFN) technical staff. This table summarizes KFN’s recommendations for the Denman and Denman Island OCP/LUB Review Projects. These recommendations reflect insights gained through several meetings and discussions between IT planning staff and staff from the KFN between 2024 and March 2025. **The primary focus of these engagements has been to identify and prioritize land use planning tools that align with KFN protocols and values to protect threatened cultural heritage sites from further development and land alterations on both Denman and Hornby Islands. KFN has identified specific priorities to guide the Local Trust Committees (LTC) in implementing these recommendations in a manner that supports reconciliation within scope, honours KFN’s inherent rights and upholds respect for their cultural heritage and land protocols.**

Recommended actions have been categorized below as high, medium or low priorities for the Denman Island Local Trust Committee’s (LTC) consideration of implementation for land use planning in general = . These priorities reflect the shared goal of implementing effective land use planning measures that align with KFN protocols and values. Action items are being recommended for LTC implementation to protect cultural heritage and support reconciliation efforts on both islands.

PRIORITY RATING (High, Med, Low)	K’omoks First Nations Perspectives and Recommendations	Recommended Actions to be Considered by the Denman Island Local Trust Committees (LTC) of the Islands Trust	Engagement Outcomes
TBD	A. Clearly articulate the land use planning function the LTCs conduct within KFN territory and how it respects the KFN values and their inherent rights as Indigenous People who have sustained connections to Denman and Denman Islands.	<ol style="list-style-type: none"> 1. Update OCP and LUB with appropriate land acknowledgment at the beginning of each bylaw. 2. Update OCP with appropriate overview and context of the significance of KFN ancestral village sites and cemeteries on Denman Island and occupation of the island up until present day. Explicitly recognize the impacts of existing patterns of settlement, protected areas and residential development on First Nations rights and title. 3. Update OCP with appropriate context to characterize the reality that despite provincial protections that have been in place since 1994 (Heritage Conservation Act) cultural heritage on the island has been adversely impacted by development and land alterations; many which have occurred without provincial permits, authorizations, investigations or consultation with First Nations. 4. Update OCP with specific LTC commitments to reconciliation as the overarching framework for all policy guidance. Explicitly characterize LTCs jurisdiction and authority in land use planning and commitment to assist First Nations in protecting cultural heritage through implementation of progressive land use planning policies and regulations. 	<p><i>Important to see a stated commitment from local government to reconciliation that prioritizes nation members to re-connect to the land and marine waters of Denman and Denman Islands.</i></p> <p><i>Two core principles underlying KFN’s teachings includes 1) ancestors have to be cared for, including maintain the integrity of burial places and remains of past actions; 2) ancestors will look out for you, including personal health of individuals and enhancing knowledge of how ancestors took care of the land and waters in the territory. These principles guide KFN’s management of cultural heritage. By applying these teachings to KFN’s cultural heritage, the nation works with newcomers to ensure that cultural heritage sites and objects are treated respectfully, that investigation of KFN cultural heritage advances the knowledge of history and supports revival of KFN culture. This must be adequately represented in land use planning documents within the territory.</i></p> <p><i>(KFN Guardians and the Chief and Council may add additional text here)</i></p>

PRIORITY RATING (High, Med, Low)	K'omoks First Nations Perspectives and Recommendations	Recommended Actions to be Considered by the Denman Island Local Trust Committees (LTC) of the Islands Trust	Engagement Outcomes
TBD	<p>B. Address KFN's need for cooperation from local governments regarding protection of Archaeological and Cultural Heritage Resources on Denman and Denman Islands.</p>	<ol style="list-style-type: none"> 1. Explore implementation of shoreline Development Permit Area (DPA – see D3 below) or Heritage Conservation Area (HCA) to be applied island wide or up to 200 m from the setback of the natural boundary of the sea. Inform the DPA or HCA with prescriptive guidelines for low impact foundations, low impact septic tanks and fields, low impact landscaping and low impact access roads/driveways/parking areas. 2. Use a Development Approval Information Bylaw (DAI) to require a Preliminary Field Reconnaissance (PFR), Archaeological Overview Assessment (AOA) or Archaeological Impact Assessment (AIA) (or all three for complex sites) for rezoning applications where increase in density or intensity of uses is being proposed on the islands. Coordinate with the KFN CHIP process requirements and explore archaeological monitoring requirements as a condition of permits/zoning. 3. Use a Development Approval Information Bylaw (DAI) to require a biophysical inventory for rezoning applications where increase in density or intensity of uses is being proposed anywhere on the islands, to identify forest characteristics, sites of highest biodiversity, species at risk. Ensure information sharing with the Nation to build on datasets and enhance quality of the referrals. 4. Explore policy options requiring that all developments within KFN Cultural Heritage sites comply with the CHIP as a condition of any SUP, DVP, DP or Rezoning application OR implement alternative means of protection through building inspection services, special zoning, conservation areas, restrictive covenants. 	<p><i>Improve development approval processes to ensure no further harm or degradation to archaeological sites and cultural heritage resources. Minimizing or eliminating impacts to ALL archaeological sites is KFN's preference as per the Cultural Heritage Policy.</i></p> <p><i>200m buffer within all shorelines is the highest priority for protection, investigation and field assessment. KFN Cultural Heritage Policy requires that a community archaeologist, field technician, or cultural advisor play a part in all aspects of archaeological and heritage investigations - from permit review, permit issuance, field work, laboratory analysis, reporting and report review.</i></p> <p><i>Rising sea levels and intensification of coastal development means archaeological sites and cultural heritage may be inundated/destroyed. This is the most sensitive region of the islands for protection.</i></p> <p><i>Proposed Development Permit Areas or Heritage Conservation Areas should be 200m from the shoreline or be island wide.</i></p> <p><i>Address the four most severely impacted and threatened archaeological sites on Denman and Denman Islands with proactive land use planning tools.</i></p>

PRIORITY RATING (High, Med, Low)	K'omoks First Nations Perspectives and Recommendations	Recommended Actions to be Considered by the Denman Island Local Trust Committees (LTC) of the Islands Trust	Engagement Outcomes
TBD	C. Address KFN's priorities to protect shorelines, watercourses, shorelines, streams, intact ecosystems and biodiversity on the islands.	<ol style="list-style-type: none"> 1. Maintain <u>island wide</u> Development Permit Area (DPA) for streams, watercourses. 2. Consider island wide DPA for protection of biodiversity that would be triggered by any land alterations or new construction. 	<p><i>200 metre buffer along shorelines and watercourses are most sensitive for ecosystems, diversity of species for foraging. Forest ecosystems and prairie oak meadows at high risk alteration. Place high emphasis on land use protection tools for these areas.</i></p> <p><i>Ensure all shoreline development implement green shores principles and strategies to protect biodiversity.</i></p> <p><i>(Guardians and the Chief and Council may add additional text here)</i></p>

REFERENCES:

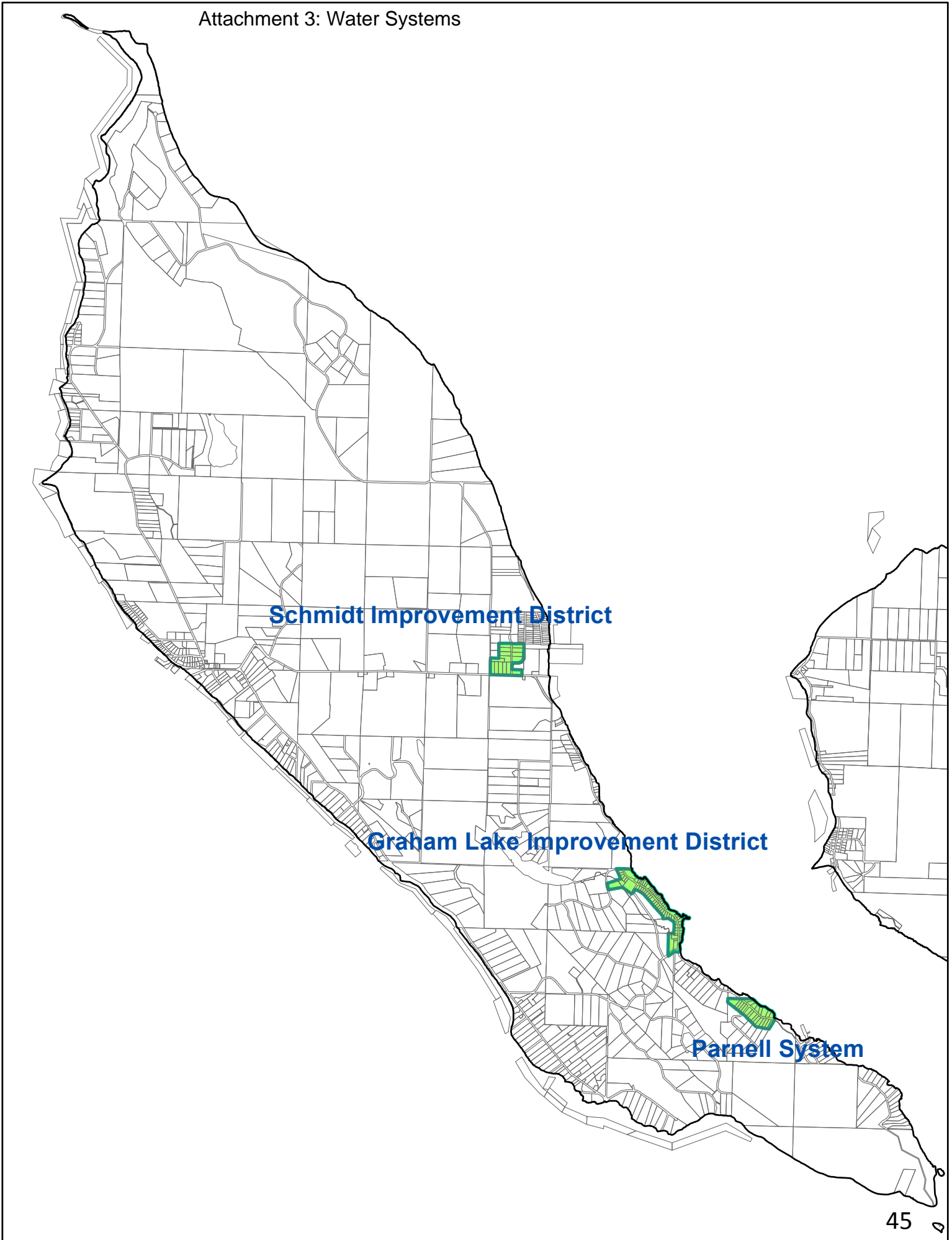
[KFN Cultural Heritage Policy](#) (2010)

[KFN Land Code](#) (2016)

[KFN Treaty Ratification](#) (2024)

UNDRIP Articles 31 and 32

Mitigating Impacts to KFN Cultural Heritage on Denman and Denman islands (2024)





HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JANUARY 21st, 2025 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- An election for Chair and Vice Chair was held. Trustee Gauvreau was elected Chair of the ITC Board. Trustee Timothy was elected Vice Chair.

2. STRATEGIC PLANNING/ADMINISTRATION

- Acting Manager Stewart provided an overview of the 2025-26 Annual ITC Work Plan items for the ITC team.
- The ITC Board approved the letter of support for Raincoast Conservation Foundation's application to Intact Insurance's Climate Resilience Grant and directed staff to provide it on behalf of the ITC Board.
- The ITC Board passed a resolution to provide an updated 2025/26 budget request to the Financial Planning Committee and Trust Council that addresses the changes and comments made by the Board.
- Trustee Elliott provided the Executive Committee update to the ITC Board by email. There was no Governance Committee update provided as the Governance Committee has not met since the last ITC Board meeting.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved spending up to \$2,000 from existing budgets towards the cost of an Ecological Gifts Program appraisal for a Natural Area Protection Tax Exemption Program (NAPTEP) covenant on Gabriola Island.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board approved Part II of the Sallas' invasive plant management plan for Burnt Snag (ES65741), Dragonfly Pond (ES065747), Kingfisher Pond (ES065749), and Woodpecker Pond (ES65743) covenant areas, and issued a temporary waiver of covenant terms 3.2(d) and 3.2(k) subject to terms and conditions, consistent with the approved Forest Restoration Strategy of the Sidney Island Ecosystem Restoration Plan.
- The ITC Board discussed updating the Ruby Alton process in the ITC Annual Work Plan by hiring a demolition company that completes all work on the house as one package, including an estimate, hazmat analysis, permits, demolition, and removal of the house and all structures.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- The ITC Board accepted the third-party 2024 monitoring report for Owl's Call NAPTEP Covenant, Salt Spring Island, and directed staff to add a summary of this report to the 2024 ITC NAPTEP Covenant Monitoring Report as an addendum.
- The ITC Board approved the request by the Galiano Conservancy Association to include Vanilla Leaf Land Nature Reserve, Galiano Island, in Galiano Conservancy Association's application for a Section 11 Change Approval under the Water Sustainability Act. Any work to be done in Vanilla Leaf Land Nature Reserve will be subject to further information and approval by the ITC Board if and when the application is approved.
- The ITC Board directed staff to draft a letter to the Bowen Municipality regarding Referral BO-DP-2024-0196 including their comments to ensure the project will not negatively impact the David Otter Nature Reserve.
- The ITC Board directed staff to respond to the Bowen Island Municipal Council referral regarding bylaw 671 and 672 with their comments.

5. COMMUNICATIONS AND OUTREACH

- Staff are considering the creation of a Priority Acquisitions Fund that would act as a source of funds for ITC to use if a priority acquisition arises that ITC may wish to acquire.
- Staff are in communication with the McRae NAPTEP Covenant (Gabriola Island) Holder regarding off-leash dogs, and are pursuing an article for the local newspaper.

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>



Denman Local Trust Committee

Open Applications

Report

Print Date: March 11, 2025

Rezoning

Application Number	Applicant Name	Date Received	Address	Purpose
DE-RZ-2024.1	Bushekin Laura	1/3/2024	5201 DENMAN RD, DENMAN ISLAN	Rezone from 15 to 19 units and allow secondary suites in all main dwellings.

Planner	Status	Most Recent Completed Activity
Marlis McCargar	Under Review	Add Optional Referrals

Application Number	Applicant Name	Date Received	Address	Purpose
PLRZ20240055	Denman Conservancy Association	5/30/2024	0 PICKLES RD, DENMAN ISLAND,	Proposed OCP and rezoning of 4 parcels from Forestry to Conservation

Planner	Status	Most Recent Completed Activity
Marlis McCargar	Under Review	Generate Complete Application Letter

Application Number	Applicant Name	Date Received	Address	Purpose
DE-RZ-2023.1	Andrew John	1/1/2023	7676 KOMAS RD, DENMAN ISLAND	to rezone to replace existing land use contract, which expires soon.

Planner	Status	Most Recent Completed Activity
Margot Thomaidis	In Abeyance	Determine Next Steps - PL

Denman

Siting and Use Permit

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUP-2020.21	Chris Durupt	11/3/2020	6345 HINTON RD, DENMAN ISLAND	PID: 024-068-560 Building greenhouse. Civic address: 6345 Hinton Road, Denman Island, BC
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		Waiting for Revisions	Generate Notice of Revisions	

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUP-2020.22	Chris Durupt	11/12/2020	6351 HINTON RD, DENMAN ISLAND	PID: 017-449-995 Building a pool. Civic address: 6351 Hinton Road, Denman Island, BC.
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		Waiting for Revisions	Generate Notice of Revisions	

Denman

Subdivision

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUB-2024.1	Henning Nielsen	1/11/2024	4201 PARK RD, DENMAN ISLAND,	Subdivision of 2 lots into 5 parcels at 6800 and 6900 Danes Road, Denman Island.

Planner	Status	Most Recent Completed Activity
Marlis McCargar	In Abeyance	Add Optional Referrals

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUB-2021.2	Mike Hansen	8/13/2021		PID: 006-660-614 - 13 lot subdivision. Civic address: 4201 Park road, Denman Island, BC.

Planner	Status	Most Recent Completed Activity
Stephen Baugh	In Abeyance	Record and File PLR

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUB-2022.2	Olivia Bareham	11/9/2022	0 SWAN RD, DENMAN ISLAND, BC	PIDs: 006-657-931 and 017-541-115 Lot line adjustment. Civic address: 2900 Swan Road, Denman Island, BC.

Planner	Status	Most Recent Completed Activity
Margot Thomaidis	In Abeyance	Generate Complete Application Letter

Denman

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUB-2018.2	Evan Wind	10/19/2018		PID: 000-974-081 5 lot subdivision Civic address: 1300 Farley Road, Denman Island, BC. The parent parcel (000-974-081) went through a natural boundary adjustment with the Surveyor Generals office in 2019 or 2020. This cancelled the original lot and created a new lot with an up to date present natural boundary. The new PID is 030-859-166.
Planner		Status	Most Recent Completed Activity	
Marlis McCargar		In Abeyance	Generate Complete Application Letter	

Islands Trust
 LTC EXP SUMMARY REPORT F2025
 Invoices posted to Month ending January 2025

615 Denman	Invoices posted to Month ending January 2025	<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	1,560.85	959.15
65210-615	LTC - Local Exp - APC Meeting Expenses	3,500.00	892.84	2,607.16
65220-615	LTC - Local Exp - Communications	900.00	712.50	187.50
TOTAL LTC Local Expense		<u>6,920.00</u>	<u>3,166.19</u>	<u>3,753.81</u>
Projects				
73001-615-4025	Denman Housing Review	15,000.00	5,428.23	9,571.77
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>5,475.21</u>	<u>12,524.79</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	<p>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:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> o Name of the applicant and a description of the proposal in general terms; o The location of the proposed establishment and the subject site; o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and o How public comments may be submitted to the Local Trust Committee.
2.	October 9, 2018	DE-2018-096	Application processing	<p>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.</p>
3.	November 20, 2018	DE-2018-104	Cannabis License applications	<p>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</p>

				Committee regular meeting agenda package.
4.	February 7, 2019	DE-2019-012	First Nations Reconciliation	<p>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:</p> <p>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:</p> <ul style="list-style-type: none"> 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	<p>It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution:</p> <p>'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</p>

				<p>conditions apply:</p> <ul style="list-style-type: none">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; ord) An unlawful dwelling appears to be located within a Development Permit Area; <p>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.'</p> <p>And that site inspections for the purpose of gathering information and communication with property owners will continue;</p> <p>And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.</p>
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6.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May 19 th for background	<p>It was <u>MOVED</u> and <u>SECONDED</u>, 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:</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>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:</p> <table border="1" data-bbox="1052 1170 2043 1461"> <thead> <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> </thead> <tbody> <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> </tbody> </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)	September 24, 2013	1	34
				DE-TUP-2016.2	March 31, 2017	1	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:			

				<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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	<p>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 polices and procedures are efficient, transparent, reasonable, and consistent with local community standards.</p> <p>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</p>

				<p>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</p> <p>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</p> <p>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.</p> <p>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</p>
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				<p>discretion to close the file.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7.8 The LTC will be notified when any file is closed.</p> <p>8.0 Siting and Use Permits</p> <p>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.</p> <p>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.</p> <p>9.0 Communications</p> <p>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.</p> <p>9.2 Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.</p> <p>9.3 The Manager of Compliance and Enforcement will communicate with Trustees or the LTC if there are questions or concerns regarding individual files.</p> <p>10.0 Reporting</p> <p>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.</p> <p>10.2 The Manager of Compliance and Enforcement will report to the</p>
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				<p>LTC any concerns, trends, or issues with enforcement on Denman Island that they believe the LTC needs to be aware of.</p> <p>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.</p> <p>PART B</p> <p>Bylaw Enforcement Notice Bylaw Screening Officer’s Powers and Duties Policy Appointment of Screening Officers</p> <p>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:</p> <ol style="list-style-type: none"> 1) Regional Planning Manager; 2) Bylaw Compliance and Enforcement Manager; and 3) Bylaw Compliance and Enforcement Assistant. <p>Screening Officer Powers and Duties</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>Authorized Reasons to Cancel Bylaw Violation Notices</p> <p>The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:</p> <ol style="list-style-type: none"> 1. Voluntary compliance has been achieved. 2. The Bylaw Violation Notice was issued to the wrong person;
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				<ol style="list-style-type: none">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:<ol style="list-style-type: none">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:<ol style="list-style-type: none">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. <p>The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.</p>
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Active Projects Report

Denman Island

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

Responsible

Dates

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.

Chloe Straw

Rec'd: 19-Jan-2021

Narissa Chadwick

Renee Jamurat

2. Minor Project - Housing Related TUP Review

Responsible

Dates

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.

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

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.
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