



Denman Island Local Trust Committee Regular Meeting Agenda

Date: July 19, 2022
Time: 10:30 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Pages

1. **CALL TO ORDER** 10:30 AM - 10:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **RISE AND REPORT - none**
4. **REPORTS** 10:35 AM - 10:50 AM
 - 4.1. Trustee Reports
 - 4.2. Chair's Report
 - 4.3. Electoral Area Director's Report
5. **DELEGATIONS - none**
6. **TOWN HALL** 10:50 AM - 11:00 AM
7. **MINUTES** 11:00 AM - 11:05 AM
 - 7.1. Local Trust Committee Special Meeting Minutes dated May 30, 2022 - for adoption 4 - 7
 - 7.2. Local Trust Committee Minutes dated May 31, 2022 - for adoption 8 - 18
 - 7.3. Local Trust Committee Public Hearing Record dated May 30, 2022 - for receipt 19 - 21
 - 7.4. Section 26 Resolutions-Without-Meeting Report - none
 - 7.5. Advisory Planning Commission Minutes dated June 14, 2022 - for receipt 22 - 25
8. **BUSINESS ARISING FROM MINUTES** 11:05 AM - 11:30 AM
 - 8.1. Follow-up Action List dated July 11, 2022 26 - 27

8.2.	Enforcement Policy on Unlawful Dwellings - Staff Report	28 - 29
9.	APPLICATIONS, REFERRALS AND BYLAWS	11:30 AM - 11:50 AM
9.1.	DE-DP-2022.1 (MacDonald) - Staff Report	30 - 46
9.2.	Denman Island Proposed Fees Bylaw No. 245 - for consideration of Adoption - Report	47 - 53
10.	LOCAL TRUST COMMITTEE PROJECTS	11:50 AM - 12:20 PM
10.1.	Projects List - Staff Report	54 - 63
10.2.	Denman Housing Regulations Review Project - verbal update	
11.	CORRESPONDENCE	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
12.	NEW BUSINESS	
13.	REPORTS	12:20 PM - 12:40 PM
13.1.	Trust Conservancy Report dated May, 2022	64 - 66
13.2.	Applications Report dated July 11, 2022	67 - 74
13.3.	Trustee and Local Expense Report dated May, 2022	75 - 75
13.4.	Adopted Policies and Standing Resolutions	76 - 80
13.5.	Local Trust Committee Webpage	
14.	WORK PROGRAM	12:40 PM - 12:55 PM
14.1.	Top Priorities Report dated July 11, 2022	81 - 81
14.2.	Projects List Report dated July 11, 2022	82 - 84
15.	INFORMATION ITEMS	
15.1.	The Climate Projections Report for Islands Trust Area https://islandstrust.bc.ca/document/climate-projections-for-islands-trust-area-report-2020/	
15.2.	2022 Community Stewardship Awards	85 - 86
15.3.	Conservancy Current Campaigns https://islandstrust.bc.ca/conservancy/current-campaigns/	

15.4. Resources for Candidates in 2022 Local Election

<https://islandstrust.bc.ca/about-us/governance/2022-local-election/#1655569833235-b0159421-d58a>

16. UPCOMING MEETINGS

- 16.1. Next Regular Meeting Scheduled for Tuesday, September 27, 2022 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

17. CLOSED MEETING

- 17.1. 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) (d) for the purpose of adoption of In-Camera Meeting minutes dated November 2, 2021 and that the recorder and staff attend the meeting.

- 17.2. Recall to Order

18. ADJOURNMENT

12:55 PM - 12:55 PM



Denman Island Local Trust Committee Minutes of Special Meeting

Date: May 30, 2022
Location: Denman Island Community Hall
 1196 Northwest Road, Denman Island, BC

Members Present: Sue Ellen Fast, Chair
 David Critchley, Local Trustee
 Laura Busheikin, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
 Vicky Bockman, Recorder

Others Present: Approximately thirty-five (35) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 6:30 pm. She welcomed the public and acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced Local Trustees, staff and recorder and advised that the meeting is being recorded and will be posted for viewing on the Islands Trust website.

2. COMMUNITY INFORMATION MEETING - Denman Housing Association (DHA) - DE-RZ-2021.1 (Denman Green)

By general consent the agenda was approved as presented.

2.1 Planner Presentation

Planner Zupanec reported that the purpose of this Community Information Meeting (CIM) is to review with the community all the main elements of the proposed bylaw changes to enable the Denman Housing Association's Denman Green project. She advised that this meeting is intended to provide information needed for community members to be able to speak at the Public Hearing which will follow, and will include a question and answer session.

The presentation provided an overview of the density transfers, Denman Green proposal, next steps, changes to the Official Community Plan (OCP) and Land Use Bylaw (LUB); Housing Agreement Bylaw, and Restrictive Covenant; potable water and wastewater plans, and will be available on the Islands Trust website for viewing.

2.1.1 Bylaw Nos. 241, 242 and 243

Summary of Changes to Bylaw No. 241(OCP)

New policies in support of:

- affordable rental housing;
- rental tenure housing being established;
- new dwellings complying with BC Energy Step Code requirements;
- reducing the size of the Commercial Development Permit Area.

Summary of Changes to Bylaw No. 242 (LUB)

- new Affordable Housing zone – R4(1) that regulates siting, size, use, density, parking, etc.;
- new site specific R2(7) zone for the Woodham Road parcel to decrease density;
- new site specific R2(8) zone for the Danes Road parcels to increase density.

Summary of Bylaw No. 243 (Housing Agreement Bylaw)

- construct only duplexes, triplexes or quadplexes;
- be constructed to meet BC Energy Step Code Level 2 efficiency standards;
- be constructed with a Type 3 advanced sewage treatment system;
- rent the 20 units to qualified occupants at an affordable rate;
- follow a tenant selection procedure;
- require annual reporting to the Islands Trust.

2.1.2 Draft Covenant

The Restrictive Covenant would require DHA to:

- install fencing along shared interior lot lines;
- install a datalogger in the well, take readings, and submit to Islands Trust annually;
- construct all dwellings to a minimum of Step 2 of Energy Step Code.

2.2 **Question and Answer Session**

- Will the tenants be required to have special training to minimize use of water and wastewater sewage?
 - The project will have low flow fixtures and will reuse grey water for toilet flushing to save water; tenants will generally receive education on how to use water sparingly.
- Why is the transfer of densities from Woodham Road to Danes Road a part of the Denman Green project?
 - This is the primary mechanism for the parcel on Kirk Road to be transferred to DHA and is the proposal that has come from the applicants for consideration.
- Who is the proponent and who are the people involved in this application?
 - DHA-Denman Green affordable housing project, H. Nielsen-Kirk Road subdivided 0.28 ha lot and Danes Road lots, N. Snyder-Woodham Road lot.
- Can the subdivided 0.28 ha lot on Kirk Road be used for housing? Has the subdivision been approved?
 - The lot is zoned R1 residential and is permitted one dwelling. The subdivision is in the final stages with the Ministry of Transportation responsible for the

subdivision approval. As a part of the process they refer the application to multiple agencies to approve elements such as water and septic.

- Will any properties zoned commercial be replaced downtown to restore the balance since this proposal removes a commercially zoned property from downtown area and replaces it with residential?
 - No additional commercial land is contemplated with this application. The need to develop affordable housing has been considered a priority over the loss of a commercial property. A rezoning application would be necessary to enable another commercially zoned property.
- Who will be in control of Denman Green tenant selection?
 - This Housing Agreement forms the basis of the tenant key selection criteria, regardless of the funding source. Eligibility conditions are proposed to include factors such as time of residence on Denman Island, membership in a First Nation band with ties to Denman Island, work history, residential situation, if there are children.
- Will there be an opportunity in the future to address any concerns about the Denman Green well extraction affecting the aquifer and the testing conditions involving the Kir-Nel water system?
 - The water license application is with the Province now; in that process they will be reviewing impact on adjacent water users. Concerns might be expressed to the water licensing agency before a final decision is made. A professional hydrogeologist was engaged by DHA to conduct a review of the impact of the well on pressure or yield on adjacent properties with no concern expressed. Data was also reviewed by a Ministry hydrogeologist.
- Why is submission of the datalogger data to the Islands Trust being required?
 - This is for information purposes and for oversight that may not be provided by the Province, in this case, of multiple densities on a single lot. The intent is to assure the community that if there is a problem, it would be caught and addressed early.
- Are there any bylaw restrictions to prohibit transfer of densities for a financial gain to an individual or an entity offering community benefit, as may be the case in this proposal?
 - This is not within the scope of a local government's rezoning consideration. DHA is a not-for-profit entity and board members could not individually profit.
- What are the financial criteria for tenant eligibility in the affordable housing? Is it possible to designate a certain percentage of the units for lower income applicants? Will there be some units priced at market rental rates?
 - Housing funders determine on a case-by-case basis how best to achieve their objective of the highest number of units built for the lowest income residents. Putting a requirement on the percentage of units for lower income residents might restrict the necessary flexibility. Market rentals are needed to help subsidize the more affordable units. The range of affordability will be determined by the cost to build the units and the size of the mortgage that will be required.
- Has the Islands Trust discussed the need for affordable housing with potential tenants to balance concerns with need?

- There have been several Community Information Meetings on this proposal, and Local Trustees have taken into consideration the Housing Needs Assessment, applicant's reports, Advisory Planning Commission referral and responses from referral agencies.
- If this application is not approved, what plans are there to meet the known need of housing on Denman Island?
 - Outside of this application, the Local Trust Committee (LTC) has initiated a Housing Review Project to create more flexible housing options through the OCP and LUB.
- Is this the final opportunity to provide input on the bylaws or this project?
 - After the Public Hearing that follows this CIM, input about this entire application can be directed to staff however not to Trustees.
- Has any analysis been done on the Danes Road lots to demonstrate sufficient quantity and quality of water for those lots to justify further subdivision?
 - The applicant was asked to provide sufficient evidence of adequate water and sewage disposal capacity to support an increase in density and was able to demonstrate sufficient minimum water requirements for quality and quantity. The subdivision process will require the applicant to provide sufficient evidence to the approving officer at that time.
- If there is a difference in the agreement between the funding agency and DHA in terms of the affordable units, would that have to come back to the LTC for approval?
 - Any change in the Housing Agreement requires the applicant to come back to the LTC to amend the Bylaw.

3. PUBLIC HEARING - BYLAW NOS. 241, 242 and 243

Bylaw No. 241 (Official Community Plan (OCP)), Bylaw No. 242 (Land Use Bylaw (LUB)) and Bylaw No. 243 (Housing Agreement (HA))

A Public Hearing on Bylaw Nos. 241, 242, and 243 will follow this meeting.

4. ADJOURNMENT

By general consent the meeting was adjourned at 8:00 pm.

Sue Ellen Fast, Chair
Certified Correct:

Vicky Bockman, Recorder



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: May 31, 2022

Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Members Present: Sue Ellen Fast, Chair
David Critchley, Local Trustee
Laura Busheikin, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
Heather Kauer, Regional Planning Manager (via telephone)
Vicky Bockman, Recorder

Others Present: Approximately seven (7) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:38 am. She welcomed the public, introduced Trustees, staff and recorder, and acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- 12.2 - WiFi Upgrade

DE-2022-050

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve the agenda as amended.

CARRIED

3. RISE AND REPORT - IN CAMERA MEETING NOVEMBER 2, 2021

Chair Fast reported that an In Camera meeting was held on November 2, 2021.

4. REPORTS

4.1 Trustee Reports

Trustee Critchley provided a summary of activities and meetings attended including:

- A Special Local Trust Committee (LTC) meeting where a presentation and facilitated question and answer session were conducted on the Farm Regulations Review project;

- A Special electronic LTC meeting where the Denman Green and Housing Review projects were considered;
- A Denman Island Newcomer Event which was well attended;
- Trust Programs Committee where discussion included Trust Policy Statement next steps and recommendations for Community Stewardship Awards;
- BC Ferry update: A meeting in Victoria with the Minister of Transportation and our MLA was well received, however, BC Ferries has communicated that there will not be much change for this year.

Trustee Busheikin provided a summary of activities and meetings attended including:

- Two Special LTC meetings and the Newcomers Event mentioned in Trustee Critchley's report;
- Regional Planning Committee meetings - reviewing scientific work being done on groundwater mapping and protection; and an initiative requesting the provincial government to create a Housing Authority or Housing Body for the Islands Trust Area were discussed;
- Tea with Trustee and calls from community members;
- Information packages on Islands Trust are now available and have been sent out to newcomers.

4.2 Chair's Report

Chair Fast provided a summary of activities and meetings attended including:

- Islands Trust Conservancy meeting – 111 properties in the Trust Area are now protected, and the Species at Risk funding from the Federal Government has been extended for three years;
- Bowen Island Municipal Council;
- Executive Committee;
- Gambier Island LTC;
- The next Trust Council meeting will be held in June.

4.3 Electoral Area Director's Report - none

5. TOWNHALL

- The Islands Trust was encouraged to do all they can and to be creative to make more affordable housing options for people.
- Finding a legal house to rent is almost impossible. Concern was expressed that it is possible to rent a B&B but not rental housing. The Islands Trust was encouraged to explore options other than new buildings, using existing buildings to improve the lack of legal rental housing.

6. DELEGATIONS

6.1 Harlene Holm regarding Carrying Capacity in All Local Trust Committee Decisions

Harlene Holm presented her submission asking the LTC to enact bylaws to set limits on land use and build-out, and to update the Official Community Plan (OCP) to best represent residents' collective stewardship of this finite island; and for Trust Council to call for Trust Area carrying capacity safeguards plus advocacy to extend safeguards to the policies and actions of other levels of government.

The presentation included discussion of water, land, housing and diversity in this context and provided options and possible solutions, pointing out that carrying capacity needs to be defined in terms of protecting the environment.

6.2 Riane Da Silva regarding Agricultural Land Reserve (ALR) Regulations and Secondary Dwellings on ALR Lands

Riane Da Silva presented a petition, signed by hundreds of Denman Island residents and non-resident property owners, asking the LTC to:

1. Change Bylaw No. 228 (Land Use Bylaw (LUB)) and Bylaw No. 229 (OCP) to align with Provincial ALR regulations allowing secondary dwellings on all ALR lands;
2. To impose no restrictions beyond the provincial ones, on these year around dwellings;
3. To ensure that these dwellings are not used for vacation and other short term rentals.

She asked the LTC to make the bylaw changes necessary to allow the secure housing of Denman Island residents and to remove the stress of potential bylaw enforcement at peoples' homes.

7. MINUTES

7.1 Local Trust Committee Minutes dated March 22, 2022- for adoption

By general consent the minutes dated March 22, 2022 were adopted.

7.2 Local Trust Committee Special Meeting Minutes dated April 21, 2022 - for adoption

By general consent the minutes dated April 21, 2022 were adopted.

7.3 Local Trust Committee Special Meeting Minutes dated April 29, 2022 - for adoption

DE-2022-051

It was **MOVED** and **SECONDED**, that the words "as amended" be added to resolution DE-2022-041 after "2021".

CARRIED

By general consent the minutes dated April 29, 2022 were adopted as amended.

7.4 Section 26 Resolutions-Without-Meeting - none

7.5 Advisory Planning Commission Minutes - none

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated May 25, 2022

Received.

8.2 Fees Bylaw No. 245 - Staff Report - for decision

Regional Planning Manager Kauer presented the Staff Report that asks the LTC to consider three readings of Fees Bylaw No. 245 which updates the document, and provides fee options based on the Trust Council (TC) model and recommendations from Trustee Busheikin. She advised that Trust Council has indicated that the model fees

should not be modified by more than 20% and that, as many of the fees recommended by Trustee Busheikin constitute a variation of more than 20%, there is a risk that the bylaw could be rejected by the Executive Committee (EC) when presented to them for approval.

She commented that although the term “Community Benefit” is referenced in the bylaw, she expressed concern that the Denman Island OCP does not define that term which would require staff to make subjective decisions as to what constitutes a community benefit.

Trustee Busheikin spoke to her recommendations with the following noted:

- As Chair of the Regional Planning Committee (RPC) she has worked on this initiative for two years; the intent of the RPC was to allow flexibility to LTCs in their suggested variations from the TC model; the process allows for LTCs to recommend changes and for EC to review and make a decision;
- Many communities have not raised fees for many years and the TC model may represent a change that is too large, too fast;
- Most of these applications are not for development, rather are single family homes, small businesses;
- No increases proposed are more than 50% and respond to the needs of our community;
- She proposed that the LTC forward her recommended changes to the EC and consider a gradual increase of fees over a few years.

Other Trustees commented on the proposed fee changes:

- Support was expressed for the TC model fees, preferring the fees to be uniform throughout the Trust Area;
- A user-pay principal is supported; reducing the fees for applications places a burden on the taxpayers to subsidize development applications.

DE-2022-052

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee By law No. 245, cited as “Denman Island Local Trust Committee Fees By law, 2022”, be read a first time.

When asked by the Chair if there is any discussion on the motion, Trustees requested the following amendments to the motion:

- with the inclusion of a new type of application “Amendment for affordable housing inclusive of change to density or Official Community Plan or Zoning” to have a fee of \$1,500;
- and including the category “Temporary Use Permit for residential uses under 95 square metres through allowing secondary dwellings” and that the fee for this be \$440;

A Trustee commented that this option has only been used once, will be a part of discussion in the upcoming Farm Regulation Review and Housing Review projects. This reduced fee was recommended by the Regional Planning Committee.

- Include: “Temporary Use Permit Renewal for a secondary dwelling” with the fee of \$165.

Trustee Busheikin commented that she feels the increase in fees is too drastic in many areas and she does not share the philosophy of her colleagues. She believes the average income on Denman Island is significantly lower than the Comox Valley average and feels it would have been justified to lower the fees as she recommended.

CARRIED**DE-2022-053****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee By law No. 245, cited as “Denman Island Local Trust Committee Fees By law, 2022”, be read a second time.

CARRIED**DE-2022-054****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee By law No. 245, cited as “Denman Island Local Trust Committee Fees By law, 2022”, be read a third time.

CARRIED**DE-2022-055****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee By law No. 245, cited as “Denman Island Local Trust Committee Fees By law, 2022”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED**9. APPLICATIONS AND REFERRALS****9.1 DE-RZ-2021.1 (Denman Housing Association (DHA) - verbal update - for decision**

Planner Zupanec provided an overview of the Public Hearing that was held, reporting that approximately 35 members of the public were in attendance, approximately 12 written submissions were received, and that there were no specific requests for amendments to the OCP or LUB bylaws.

DE-2022-056**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee By law No. 241, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021”, be read a third time.

Trustee Critchley commented that there was overwhelming support for these bylaws voiced at the Public Hearing. He noted that while some aspects, such as the subsidized rent, have not yet been finalized, overall this is a good project and he commended the applicants for the work that has gone into this proposal. He acknowledged that the need for affordable housing on Denman Island is well documented and significant; rate of child poverty is an issue of troubling concern. He observed that there is more to be done before actualizing the building.

Trustee Busheikin remarked that the Public Hearing had been constructive. She responded to concern regarding the density transfer aspect of this application, indicating that this collaboration of parties will obtain the land which is the difficulty, result in a lasting project addressing a community need. She

explained that the density transfer does not increase density, rather moves them from one area to another.

Chair Fast agreed on the value of this project, noting that communities need all sorts of people and all are valuable members of the community.

CARRIED

DE-2022-057

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 241, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

DE-2022-058

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee forward Bylaw No. 241, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021”, to the Ministry of Municipal Affairs for approval.

CARRIED

DE-2022-059

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 242, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021”, be read a third time.

CARRIED

DE-2022-060

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 242, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

DE-2022-061

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243, cited as “Denman Island Housing Agreement Bylaw No. 243, 2021”, be amended by adding the numbers 241 and 242 in clause B.

CARRIED

DE-2022-062

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243, cited as “Denman Island Housing Agreement Bylaw No. 243, 2021”, as amended, be read a third time.

CARRIED

DE-2022-063

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243, cited as “Denman Island Housing Agreement Bylaw No. 243, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

Trustee Busheikin responded to a comment heard at the Public Hearing that expressed concern that the Local Trust Committee had not heard from community members in need of housing; however, there

have been many communications with those including at the Public Hearing, personally as a Trustee, the Advisory Planning Commission response, and through Denman Housing Association. She did recognize the need to put more energy and resources into increasing community engagement.

CARRIED

Chair Fast invited the applicant to speak. Simon Palmer on behalf of DHA thanked the LTC for their support, and thanked Planner Zupanec for the hard work on this application.

9.1.1 Bylaw No. 241

Received.

9.1.2 Bylaw No. 242

Received.

9.1.3 Bylaw No. 243

Received.

9.1.4 Restrictive Covenant

Received.

By general consent the meeting was recessed at 12:45 pm and reconvened at 1:30 pm.

9.2 Bylaw No. 240 - Siting and Use Bylaw - Staff Report - for consideration of adoption

DE-2022-064

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 240 cited as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021", be adopted.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Island Farming Regulation Review Project - Staff Report - for decision

Planner Zupanec presented the Staff Report that asks the LTC to consider endorsing a special LTC meeting to review the consultant's findings and review proposed next steps. She suggested that the meeting could be held electronically with a limited agenda including the Farming Regulation Review project and a Town Hall.

DE-2022-065

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to set up an electronic special meeting for late June or early July to consider further steps in the Denman Island Farming Regulations Review project.

CARRIED

A Trustee commented that there is significant community interest in the topic of secondary dwellings and suites and there has been concern expressed that secondary

dwelling on ALR lands may not be used for the intended purposes of farm staff housing, extended family housing, or stable housing for community members. Staff was asked to consider if there are tools or ways to shape the regulations to ensure secondary dwellings on ALR lands are not used for other purposes.

Trustees suggested that discussing agenda item 11.1 at this time might be warranted.

Trustee Busheikin declared a potential conflict of interest due to her position as a Director of Triple Rock Land Cooperative and left the meeting at 1:45 pm.

Planner Zupanec advised that the email from R. Dickson on behalf of Triple Rock Land Cooperative (TRLC) requests expanding the scope of the Farming Regulations Review Project Charter to include a site specific zoning amendment for their parcel. She reported that this would normally be a site specific application, and has not been included as a part of the consultant's work contract.

LTC members discussed the request and process, noting that public consultation has already begun on this project, and expressed the preference to conduct and complete the Farming Regulation Review project as planned, and to look at individual properties on a separate basis.

DE-2022-066

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to write to the Triple Rock Land Cooperative advising them that the Local Trust Committee has decided not to proceed with an amendment to the Denman Island Farming Regulations Review Project Charter at this time and that they are encouraged to make a bylaw amendment application.

CARRIED

Trustee Busheikin returned to the meeting at 1:55 pm.

11. CORRESPONDENCE

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

11.1 Email dated May 20, 2022 from R. Dickson on behalf of Triple Rock Land Cooperative (TRLC) – Formal Request Regarding Amendments on the TRLC Property

This was discussed at agenda item 10.1.

12. NEW BUSINESS

12.1 Annual Report - Staff Report - for decision

DE-2022-067

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

that the Denman Island Local Trust Committee endorse the following text for inclusion in the 2021-2022 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.

“The Denman Island Local Trust Committee (DEILTC) held four regular business meetings, three special business meetings and one special meeting/Community Information Meeting in the 2021/22 fiscal year, for a total of eight meetings.

Work for this period focused on advancing two bylaw amendment applications for affordable housing projects and reviving the Denman Farm Plan implementation project. The DEILTC was also successful in acquiring Trust Council budget approval to advance an Official Community Plan (OCP)/Land Use Bylaw project in 2022/23 focused on housing.

The DEILTC also amended their Fees bylaw and Meeting Procedures bylaw to allow all LTC meetings to be electronic when needed.

From April 1, 2021 to March 31, 2022, staff reviewed 15 siting and use permits, one crown lease referral, one Agricultural Land Reserve referral, and two subdivision referrals in the Denman Island Local Trust Area for a total of 19 referral reviews.”

CARRIED

12.2 WiFi Upgrade

Trustee Critchley spoke of the WiFi limitations at this meeting location.

DE-2022-068

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

that the Denman Island Local Trust Committee request staff to research the possibility of the Islands Trust upgrading the WiFi at the Denman Activity Centre.

Trustee Critchley spoke to the motion, suggesting that a financial contribution might be made to upgrade the WiFi at this location in order to improve communications with constituents.

CARRIED

13. REPORTS

13.1 Trust Conservancy Report dated March 22, 2022

Received.

13.1.1 The Heron - Spring 2022

Received.

13.2 Applications Report dated May 25, 2022

Planner Zupanec responded to questions from the Trustees that arose.

13.3 Trustee and Local Expense Report dated March, 2022

Received electronically.

13.4 Adopted Policies and Standing Resolutions

Trustee Busheikin advised that at the March 22, 2022 meeting Standing Resolutions regarding bylaw enforcement of unlawful dwellings was deferred. She advised that there is no staff report to reference, however, she did speak to Bylaw Enforcement staff and received their concurrence that this suggested change provides clarity and makes explicit the way enforcement is currently carried out.

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend Standing Resolution No. 7. DE-2021-015:

by adding the following: after d) "and that the Islands Trust will not issue eviction notices and will balance the need for bylaw enforcement compliance with consideration of personal and community impacts of the current housing crisis, seeking to avoid contributing to homelessness, and that site inspection for the purpose of gathering information and communication with property owners will continue."

and

by replacing the sentence "This Standing Resolution will be reviewed in one year's time" with the phrase "and that the Denman island Local Trust Committee may change this policy at any given time and may give direction to resume enforcement activities."

Trustees debated the motion and expressed concerns regarding process, wishing to defer consideration of this resolution to a future meeting with Bylaw Enforcement input. The motion was tabled and question on the motion was not called.

DE-2022-069

It was MOVED and SECONDED,

that the motion regarding the Bylaw Enforcement Standing Resolution be postponed until the next regular Denman Island Local Trust Committee meeting.

CARRIED

13.5 Local Trust Committee Webpage

No changes.

14. WORK PROGRAM

14.1 Top Priorities Report dated May 25, 2022

Planner Zupanec provided an update on the Housing Review project, advising that staff investigated, however, were not able to secure additional funds for the project. Staff are engaging with potential consultants and will have an update shortly.

14.2 Projects List Report dated May 25, 2022

Received.

15. INFORMATION ITEMS

15.1 Islands Trust Council Decision Highlights - March 8-10, 2022

Received.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Tuesday, July 19, 2022 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

17. CLOSED MEETING - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:26 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Denman Island Local Trust Committee Public Hearing Record

REGARDING PROPOSED BYLAW NOS. 241, 242, AND 243

Date: May 30, 2022
Time: 8:00 pm
Location: Denman Island Community Hall, 1196 Northwest Road, Denman Island, BC

Members Present: Sue Ellen Fast, Chair
David Critchley, Local Trustee
Laura Busheikin, Local Trustee

Staff Present: Sonja Zupanec, Island Planner
Vicky Bockman, Recorder

Others Present: Approximately thirty-five (35) members of the public

1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 8:00 pm. She welcomed the public, introduced Trustees, staff and recorder and acknowledged that this Public Hearing was being held in traditional territory of the Coast Salish First Nations.

She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw Nos. 241 cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2020", proposed Bylaw No. 242 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021", and proposed Bylaw No. 243 cited as "Denman Island Housing Agreement Bylaw No. 243, 2021".

2. PROPOSED BYLAW NOS. 241, 242 AND 243

Planner Zupanec reported that a copy of the Public Hearing Notice was advertised in two consecutive editions of The Islands Grapevine and noted that all notification requirements have been completed. She advised that the Public Hearing binder is available for review during this Hearing, pointing out the location of the binder, and on the Islands Trust website.

She explained that the purpose of proposed Bylaw No. 241, if adopted, is to amend the Denman Island Official Community Plan (OCP) to enabling the transfer of density from one parcel to another for the purposes of enabling a multi-family affordable housing proposal to proceed, require Energy Step Code compliance for new dwellings as a result of rezoning or density transfer, and allow for geographically specific revisions to redesignate the receiver parcel from Commercial to Residential for Affordable Housing.

The purpose of Bylaw No. 242, if adopted, is to amend the Denman Island Land Use Bylaw (LUB) to reduce the maximum permitted density on the donor parcel from seven dwellings to four and increase the Danes Road lots from two to five, and amend the Denman Green Affordable Housing parcel to a site specific Affordable Housing R4(1) zone.

Bylaw No. 243 is the Housing Agreement.

She identified the 24 referrals that were sent out for comment, noting that responses received are available on the Islands Trust website.

3. PUBLIC COMMENTS

Chair Fast explained that this is the opportunity for the public to comment on the proposed bylaws.

- Bill Engleson – spoke individually and on behalf of the Hornby/Denman Health Care Society in support of this project, stating that Denman and Hornby Islands need an increase in affordable housing and this project meets a significant aspect of that need; hopefully this project will spur on more housing.
- David Graham – supports the application. It addresses the lack of affordable and acceptable housing on Denman Island, and although it does reduce the number of commercial properties the need is greater for affordable housing. Involvement of a government funding agency is unfortunate, however, he hopes it proceeds.
- John Kirk – supports the application. He observed that a previous owner of the property attempted unsuccessfully to subdivide that property and he hopes Denman Green succeeds with fewer of the conditions that led to the failure of the previous attempt to subdivide.
- Alan Friesen – supports this affordable housing application and hopes the Local Trust Committee (LTC) will approve it.
- Pam Willis – strongly favours this application. Affordable housing is not a new issue, however, is worse now and everything must be done, with fewer obstacles, to see that people are well housed.
- Ron Sakolsky – as a matter of public policy principal, he is wary of developer-driven affordable housing solutions. He supports projects initiated by those in need rather than by those benefiting.
- Noah Ross – supports this project. Tying the average income figure on Denman Island to that of Comox Valley is not representative of those most in need here. BC Housing has alternative options for affordable housing that have not been put forward by proponents and he would like to see that information added.
- Charles Kinch – expressed concern with the structure of this proposal. Densities for affordable housing being increased while only being considered with density transfers that increase the value of other densities seems to be opposed to the fundamental Islands Trust mandate to preserve and protect the Gulf Islands from excessive high density development.
- Riane Da Silva – this project will provide housing for people who need housing and for those people we need on Denman Island. Having all questions answered before moving forward has kept things from advancing and all people need to be safe at home.
- C. Urquhart - is the liaison between Denman Housing Association and potential renters of the project. People are in desperate situations; this project and more need to go forward. She urged the LTC to approve these proposed bylaws.

- Sandra Martindale – understands the assistance that government funded projects can mean to those in need. She commented on the excellent location of this proposal and supports the project.

4. **ADJOURNMENT**

Chair Fast thanked the public for their submissions. She asked three times for comments from the public and hearing none the Public Hearing was closed at 8:27 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

Vicky Bockman, Recorder

Minutes of the Denman Island Advisory Planning Commission

Date of Meeting: Tuesday, June 14, 2022

Location: Denman Activity Centre
1111 Northwest Rd. Denman Island, BC

APC Members Present: Edi Johnston, Member
George McRae, Member
C Urquhart, Member

Staff Present: Marlis McCargar, Island Planner
Katherine Vogt, Recorder by Zoom

Others Present: Ione Smith, Consultant by Zoom

1. CALL TO ORDER

Acting Chair McCargar called the meeting to order at 10:13 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced staff and invited Advisory Planning Commission (APC) members to introduce themselves.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Denman Island Advisory Planning Commission Draft Minutes dated August 14, 2020 for adoption.

The following correction to the minutes was presented for consideration:

Member McRae noted an error in the minutes on page 6 regarding the motion DE-APC-2020-005, which was not actually carried because three Advisory planning Commission (APC) members had been against it. APC members at the time: George McRae, Tom Zawila, and Anne de Cosson were against it, had noted the discrepancy in the draft minutes, and had brought it up with the APC Chair. It was not remembered who had abstained from voting. Chair Forsyth had deferred the issue to a next APC meeting.

By general consent, the minutes were adopted as corrected.

4. BUSINESS ITEMS

4.1 Election of Chair, Vice-Chair and Secretary

DE-APC-2022-001

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission defer nominations until the next business meeting and requests that background and orientation information be provided at a date to be determined.

CARRIED

Chair McCargar noted that one APC member had indicated that they would not be available for the next 6 months, which would leave 4 APC members available for meetings.

5. REFERRAL FROM DENMAN ISLAND LOCAL TRUST COMMITTEE-Denman Island Farming Regulations Review Project Presentation by Consultant Ione Smith

Chair McCargar explained that APC members were being asked to review public and stakeholder comments gathered through previous public engagement processes regarding enhancing and preserving local farming activities; and to give direction to the Local Trust Committee (LTC) for their upcoming July 13, 2022 special meeting, by indicating support of or objection to certain proposed regulations, definitions and directions.

Chair McCargar introduced Consultant Ione Smith from Upland Consulting who gave a power point presentation entitled “Denman Island Farm Regulations Review: Engagement Summary and Key Directions.”

Ione Smith noted the following:

- Previous public engagement included presentations to the APC and LTC; community information meetings, a mail-out, a questionnaire that received 164 responses; and 8 interviews, four of which were local farmers; and input from the Growers and Producers Alliance.
- Intensive agriculture is a contentious subject and a misleading term. A chicken coop or a barn could be considered an intensive agriculture structure.
- Local governments can restrict intensive agriculture only on properties outside of the ALR.
- It is being recommended that Intensive agriculture could be restricted on R1 and R2 zoned lots or restricted on lots less than 2 hectares (approximately 5 acres) because smaller lots are more likely to result in problems with neighbors. Once enclosed structures are permitted, it is hard to enforce livestock or chicken numbers; existing structures could be exempted. Of note, 11% of R1 and 82% of R2 parcels on Denman are greater than 5 acres.
- Intensive agriculture is permitted on Resource zoned properties.
- There are 454 R1, 300 R2, and 8 RE (resource) zoned properties on Denman Island.

- There are 164 parcels of land in the Agriculture Land Reserve (ALR); 52 lots have farm tax status; 38 of the farm-status lots are in the ALR.
- The Agriculture Land Commission (ALC) formerly restricted secondary dwellings to family members and farm workers, but this restriction has been removed; also, farm tax status is no longer required. Farm worker accommodation is considered separately from second dwellings.
- The province has specific definitions of agri-tourism within the ALR, accommodations must relate to farm activities, and farm tax status is required. Up to 10 accommodation units such as tents, RVs or cabins are permitted. Local governments may prohibit or restrict them. Community feedback has been divided: 30% support them, 45% want restrictions; 25% want to prohibit.
- The Provincial Code of Practice for Environmental Agriculture Management already provides laws around farming near water systems, but local governments may require additional restrictions. Community feedback was apprehensive but open to discussion.
- Resource zones were kept outside of the scope of this project because they are not in the ALR and were not affected by recent ALR changes to second dwellings.
- R3 zones were also not included in the project.

Ione Smith offered to send the power point presentation to all APC members.

APC members reviewed the recommendations for directions contained within the Engagement Summary Report: Denman Island Farming Regulation Review Project: June 2022 which were the following:

- Definition of Agriculture
 - APC members agreed to make it more concise.
- Definition of Horticulture
 - APC members agreed to maintain the current definition.
- Definition of Intensive Agriculture
 - APC members agreed to consider keeping the current definition of Intensive agriculture as a permitted use in the ALR and to consider criteria of minimum lot size and livestock stocking density for intensive Agriculture in R1 and R2 with legacy provisions.
 - The APC noted that they would like to see future consideration of Resource zones being made compatible with R1 and R2 zones' restrictions (in particular, around intensive agriculture).
- Principal dwelling size in the ALR
 - APC members agreed to align principal dwelling size limitations to the *Agricultural Land Commission Act* regulations of 500 meters squared maximum.
- Secondary dwellings in the ALR
 - APC members agreed to align secondary dwelling allowances to the *Agricultural Land Commission Act* and regulations; and to ensure that all new secondary dwellings have adequate potable water and septic capacity or equivalent.
- Agri-Tourism Accommodations in the ALR
 - APC members agreed to align agri-tourism accommodation allowances with the *Agricultural Land Commission Act* and regulations and to ensure that all agri-

tourism accommodations have adequate potable water and septic capacity or equivalent.

- B&Bs within a principal dwelling
 - APC members agreed to retain *status quo* regulations with regard to B&Bs contained within a principal dwelling of up to 3 bedrooms.
- Setbacks from Watercourse
 - APC members agreed to revisit this topic at a future date, when the Denman Island land Use Bylaw is updated and revised, along with consideration of other Development Permit Areas.
 - An APC member expressed that watercourse setbacks should be a priority issue.

Ione Smith left the meeting at 11:50.

DE-APC-2022-002

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission supports the directions contained within the Engagement Summary Report: Denman Island Farming Regulation Review Project of June 2022.

CARRIED

APC members noted that only 3 out of 5 APC members were present at the meeting.

APC members also recommended to the LTC that future consideration be given to Resource (RE) Zones. In particular, considering the impact of making RE zones compatible with the zoning in other residential zones, recognizing that it is currently outside of the scope of this current Farm Project.

By general consent, the meeting was adjourned at 12:00 pm.

Marlis McCargar, Chair

Certified Correct:

Katherine Vogt, Recorder

Follow Up Action Report

Denman Island

08-Sep-2020

Activity	Responsibility	Dates	Status
1 Staff to bring back a staff report for LTC consideration regarding DE-SUP-2020.3 and the landowner's request to build in the covenanted area identified in Archaeological Covenant CA7485176.	Stephen Baugh		In Progress

02-Nov-2021

Activity	Responsibility	Dates	Status
1 Defer consideration of BL TC 183 until the completion of Trust Council formal consultation process.	Becky McErlean		In Progress

22-Mar-2022

Activity	Responsibility	Dates	Status
1 LTC request for staff to assist Trustee Busheikin in reviewing proposed changes to the wording of Standing Resolution #7 (see March 22 minutes) for future LTC consideration.	David Marlor Warren Dingman		In Progress

31-May-2022

Activity	Responsibility	Dates	Status
1 Fees Bylaw 245 amended as per the minutes; given 2nd and 3rd reading and forward to EC.	Becky McErlean Heather Kauer		Completed

Follow Up Action Report

Denman Island

31-May-2022

Activity	Responsibility	Dates	Status
2 BL 241 (OCP) be read a third time and forward to EC; BL 242 (LUB) read a third time and forward to EC; 243 (housing agreement) be amended with Bylaw #s in clause B - be read a third time as amended and forward to EC.	Becky McErlean Sonja Zupanec		Completed
3 BL 240 (Siting and Use Permit) adopted as presented.	Becky McErlean Heather Kauer		Completed
4 Denman Farming Regulations Review Project: schedule a special meeting end of June/early July. Provide morning and evening options due to Trustee B. travel schedule conflict. <i>Electronic meeting scheduled for July 13 @ 10:30am</i>	Becky McErlean Marlis McCargar Wil Cottingham		Completed



DATE OF MEETING: July 19, 2022
TO: Denman Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance & Enforcement Manager
Northern Team
SUBJECT: Enforcement Policy on unlawful dwellings

RECOMMENDATION

1. That the Denman Island Local Trust Committee not amend the current enforcement policy on unlawful dwellings.
2. That the Denman Island Local Trust Committee request staff prepare a report on the legal authority of staff to issue eviction orders for residential tenancies.

REPORT SUMMARY

The purpose of this report is to provide an update on compliance and enforcement files for unlawful dwellings and to provide recommendations on enforcement policies.

BACKGROUND

There are currently only five open files for unlawful dwellings on Denman Island. There is a 2011 file, and the other four have been opened in the past three years. Due to concerns over enforcement during COVID, and concerns over the availability of housing on Denman, all of the files are currently on hold. There have been no new complaints in 2022 regarding unlawful dwellings, and there have been no new complaints for the current files that would have resulted in further investigation.

The current standing resolution on unlawful dwellings temporarily withholds enforcement unless one of the four conditions below are met.

- a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property;*
- b) It appears that there is more than one unlawful dwelling on a lot;*
- c) An unlawful dwelling appears to be larger than 90 square meters; or*
- d) An unlawful dwelling appears to be located within a Development Permit Area;*

On March 22, 2022, the Denman Island Local Trust Committee adopted the following resolution and requested input from the Manager of Bylaw Enforcement:

that the Denman Island Local Trust Committee request the Manager of Bylaw Enforcement to provide commentary on the advisability of adding to Standing Resolution No. 7. DE-2021-015 the following: after d) that the Islands Trust will not issue any eviction notices and will balance the need for bylaw enforcement compliance with consideration of personal and community impact of the current housing crisis, seeking to avoid contributing to homelessness, and that the statement 'This Standing Resolution will be reviewed in one year's time' be removed.

ANALYSIS

The current enforcement policy was adopted after concerns about the availability of housing on Denman. The policy is restrictive and only permits enforcement in very specific cases, and this makes the need for amendments unnecessary at this time.

There is currently no active enforcement efforts for the unlawful dwelling files as the files have been placed on hold, and we have received no new complaints that would result in further investigation.

I also have concerns that the proposed amendment gives the impression that bylaw staff are issuing eviction notices. We are not, and I do not interpret current legislation as authorizing staff to issue eviction notices under the *Residential Tenancy Act*. The Act states the landlord's notice can be given for cause if they receive an order from a regional or municipal authority to vacate a rental unit. Islands Trust bylaw staff cannot issue *orders*: I am unaware of legislative authority that would give staff the authority to do so. This is a matter that should be further investigated and staff should report back to the Local Trust Committee so there is a clear understanding of what enforcement measures staff can take when it comes to residential tenancies.

Rationale for Recommendation

The current policy provides for enforcement in only the most serious cases, and with the small number of files, there has been no justification in escalating enforcement to gain compliance with the Land Use Bylaw, or requiring a need to amend current policies.

ALTERNATIVES

That the Denman Island Local Trust Committee amend the standing resolution DE-BE-2021.015 by adding the following:

f) that the Islands Trust will not issue any eviction notices and will balance the need for bylaw enforcement compliance with consideration of personal and community impact of the current housing crisis, seeking to avoid contributing to homelessness, and that the statement 'This Standing Resolution will be reviewed in one year's time' be removed.

Submitted By:	Warren Dingman, Bylaw Compliance and Enforcement Manager	July 8, 2022
Concurrence:	Heather Kauer, Regional Planning Manager, Northern Office	July 11, 2022



File No.: DE-DP-2022.1
(MacDonald – Shroo's
Holdings Co.)

DATE OF MEETING: July 19, 2022
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Development Permit Application for DPA 5 – Village
Applicant: David MacDonald, Shroo's Holdings Co.
Location: 3676 Denman Road, Denman Island; PID 005-242-193

RECOMMENDATION

- 1. That the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2022.1 for LOT C, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 10674 (PID 005-242-193).**

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application for the construction of a single family dwelling and a veterinary clinic on the subject property located within the Development Permit Area No. 5 – Village (DPA 5). Pursuant to Section 4.5 of the [Denman Island Land Use Bylaw No. 186](#) (LUB), a DP is required to be issued by the LTC prior to development occurring within DPA 5.

Staff is recommending issuance of the DP as presented.

BACKGROUND

The 0.12 hectare (0.3 acre) subject property is located on Denman Road, as shown in Figure 1. The applicant proposes to construct a single family dwelling and accessory building to be used as a veterinary clinic. The siting of the proposed development activities are within DPA 5 and therefore, a DP is required to be issued by the LTC prior to development occurring.

A Siting and Use Permit (SUP) (DE-SUP-2020.14) was issued for the subject property in November 2020. At that time, the applicant was proposing development of a single family dwelling and accessory building garage. It was determined that a DP was not required because there was no commercial activity use proposed. The single family dwelling and accessory building were partially built and then the subject property changed ownership. The new owner and applicant is proposing to finish construction with some modifications to the original plans and a new proposed commercial use; therefore, the applicant has applied for a DP and SUP (DE-SUP-2022.9).

Information about the subject property is contained within the Site Context in Attachment 1. Applicable DP guidelines are included in Attachment 2. For context, site photos are provided in Attachment 3. The proposed development is shown on the site plan, attached to the draft DP in Attachment 4.

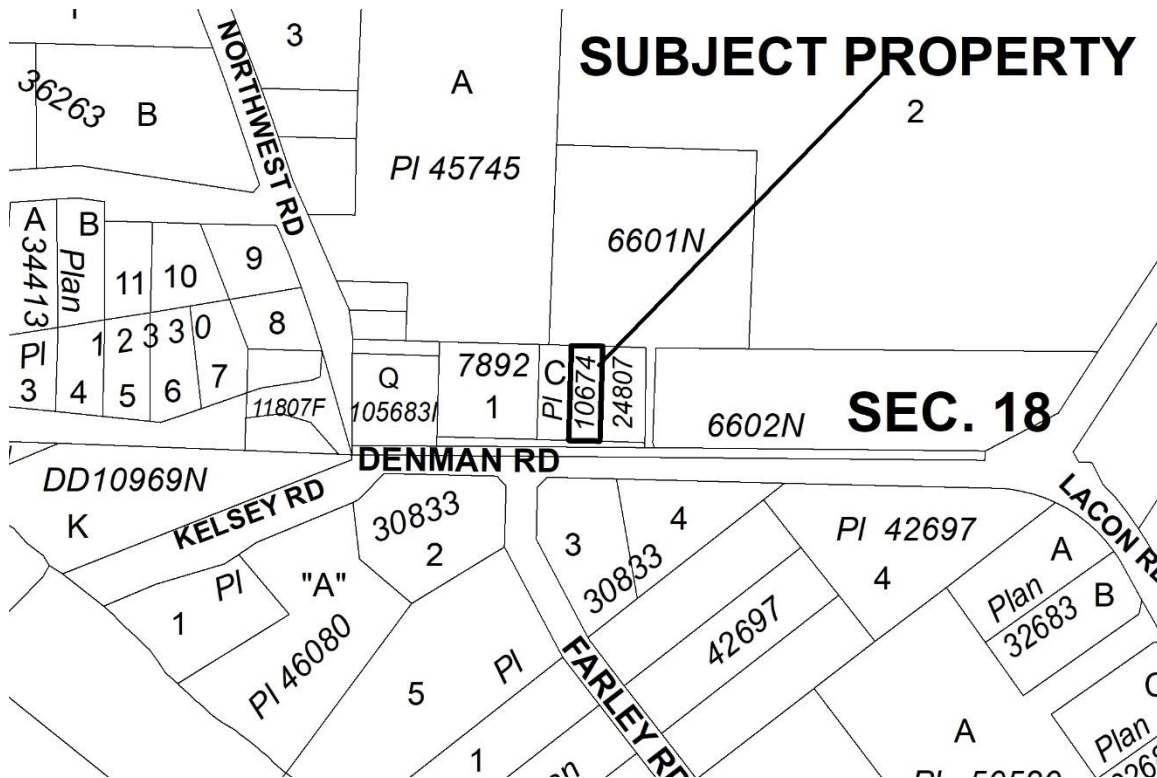


Figure 1. Subject Property Map.



Figure 2. Orthophoto of subject property.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Islands Trust Policy Statement (ITPS) directive policies are relevant to this application:

- 5.7.2 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.*
- 5.8.6 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.*

This application is not contrary to the ITPS.

Official Community Plan:

The subject property is currently designated as Village (V) in the [Denman Island Official Community Plan \(OCP\) Bylaw No.185](#) and is located within the DPA 5 - Commercial.

The objectives of DPA 5 are:

1. To ensure that commercial development is small scale in keeping with the rural character of Denman Island.

The proposed development complies with the objectives and policies of the OCP.

Land Use Bylaw:

The subject property is zoned as Commercial (C) under the LUB. The proposed use is a permitted use in the zone and the proposed siting, height, and lot coverage of the buildings meet the requirements of the zone. As a result, no Development Variance Permit is needed to accommodate the proposed development. The guidelines for DPA 5 are contained within Section 4.5 of the LUB.

The proposed development complies with applicable development permit area guidelines (see Attachment 2).

Issues and Opportunities

The applicant has met all the guidelines in the DPA 5 (Attachment 2). The proposed buildings are low and small in scale. The exterior design is using natural wood materials to keep with the natural aesthetic of Denman Island. The exterior of the buildings will be covered with cedar shingles and cedar board-and-batten.

The applicant has indicated there will be landscaping and screening between the commercial property and the residential property to the east.

The applicant has indicated the parking area on the site plan. The proposed development meets the parking requirement of three (3) parking spaces for the commercial space and one (1) parking space for the residence, as per Section 2.5.16 of the LUB. The requirements for four (4) bicycle parking spaces, as per Section 2.5.17, are indicated on the site plan.

Consultation

A community information meeting and/or public consultation and notification are not required for development permit applications.

First Nations

Remote Access to Archaeological Data (RAAD) mapping does indicate an archaeological site near to the subject property. A Komoks First Nation Cultural Heritage Investigation Permit (CHIP) is required for all projects within 200 metres of the boundaries of registered archaeological sites. A referral to Komoks First Nation was sent on June 9, 2022. No response has been received at the time of preparing this report, but may be received before or during the LTC meeting.

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

Staff advises that the guidelines for DPA 5 appear to be satisfied.

Staff recommends issuance of the Development Permit as noted in the recommendation listed on page 1 of the staff report.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust [requested information to be provided by the LTC].

2. Determine that the guidelines are not met

The LTC may determine that the DPA guidelines are not met. If this is the case, the LTC should request that the applicant revise their proposal in specific ways that would meet the guidelines. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request that the applicant of DE-DP-2022.1 submit [indicate requested site plan revisions] as the current proposal does not comply with [list specific guidelines and how the proposal does not comply with the applicable guidelines].

NEXT STEPS

If the LTC resolves to issue the Development Permit, the permit will be issued as presented in the staff report.

Submitted By:	Marlis McCargar, Island Planner	July 4, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	Select Date.

ATTACHMENTS

1. Attachment 1 – Site Context
2. Attachment 2 – Development Permit Area Guidelines
3. Attachment 3 – Site Photos
4. Attachment 4 – Draft Development Permit with attachments

LOCATION

Legal Description	LOT C, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 10674
PID	005-242-193
Civic Address	3676 Denman Road



Figure 1. Subject Property

LAND USE

Current Land Use	Partial construction of a single family dwelling
Surrounding Land Use	Single family homes and commercial.

HISTORICAL ACTIVITY

File No.	Purpose
DE-DP-1997.1	Permit denied.
DE-DP-2000.8	Create 5 parking spots.
DE-DP-2020.2	File closed. Determined DP not needed for residential dwelling.

DE-SUP-2020.14	Permit issued for a proposed single family dwelling. Construction was not completed.
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POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Village – V Development Permit Area: DPA 5 – Commercial
Land Use Bylaw	Zone: Commercial See Attachment 2 of this report for DPA Guidelines.
Other Regulations	n/a
Covenants	none
Bylaw Enforcement	none

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) -owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Species at Risk	None mapped.
Sensitive Ecosystems	None. Developed area.
Hazard Areas	None.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does indicate an archaeological site near to the subject property. A referral to Komoks First Nation was sent on June 9, 2022. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Not Applicable
Shoreline Classification	Not Applicable

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

DE-DP-2022.1 (MACDONALD, SHROO'S HOLDING CO.)

DENMAN ISLAND DPA No. 5 VILLAGE

Guideline	Complies	Planner Comments
Guideline 1 A development permit is required for the following: 1. construction or alteration to existing structures if the size of the alteration adds any floor area to the building or structure, or if additional off-street parking is required (according to the Land Use Bylaw); 2. modifications to existing buildings and structures that involve replacing the siding or roofing using a different material. All other land alteration or development including subdivision is exempt from the requirements of this development permit area.	yes	1. This Development Permit application is for the construction of a single family dwelling and an accessory building to be used as a veterinary clinic.
Guideline 2 General 1. Building heights should be in keeping with local bylaws and surrounding structures. Minor height variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities. 2. Building setbacks should be in keeping with local bylaws. Setback variances may be considered if such a variance achieves an objective of this development permit area by providing more outdoor space for landscaping or public amenities; however, setback relaxations will not be considered for property lines abutting the Rural Residential 1 (R1), Rural	yes	1. Proposed building height is under 9m for principal building and 6m for accessory building, as set out in Land Use Bylaw No.186. No variance needed. 2. No building setback variance required.

Residential 2 (R2) and Agriculture (A) zones 3. The use of natural materials, such as wood and stone, is encouraged for building finishes and such materials should be capable of blending in with the aesthetic qualities of the natural surrounding. 4. The form of the development should incorporate low, small scale building designs with such amenities as public walkways and outdoor open spaces for use by visitors. 5. All rooftop mechanical equipment, including but not limited to air conditioning units, communication devices and vents, should be screened from view. 6. Vending machines or other product storage areas located outside the building should be screened in such a way that they are not visible from a public right-of-way or an adjacent property		3. The exterior of the buildings will have cedar shingles and cedar board-and-batten. Some of the trim and cedar will be painted and some will be left to weather naturally. 4. The proposed buildings are small-scale and single storey. A public walkway currently exists along the road. Customers will be able to use the walkway to access the clinic. The outdoor amenity space will consist of a shelter with a bench. The area around the bench will be landscaped. 5. No rooftop mechanical equipment. The roof will be metal. 6. No vending machines or product storage.
Guideline 3 Landscaping 1. Natural vegetation and trees should be maintained for screening of parking, storage and loading areas and to enhance the privacy and rural character of public open spaces. 2. Developments on lots adjacent to residential properties should contain a vegetation buffer of a height and thickness to adequately screen the residential use from the development and any on-site parking. Fences may be considered, but only if it can be demonstrated that a vegetation buffer is not suitable. 3. Fencing should be constructed of natural materials and designed to blend with the overall character of the development.	yes	1. Presently there is very little vegetation on the property. The plans are to plant ornamental trees and bushes in front of the house, the vet clinic and also along the parking area. 2. There is a single family dwelling to the east side of the property. The applicant plans to plant additional vegetation to screen the property from this home. 3. Fencing will line the driveway to the clinic. It will be cedar post and rail fencing.

- Landscaping next to the Dora Drinkwater Creek should be left natural. - If lighting is desirable, it should be designed to illuminate walkway and parking areas for safety purposes. Light fixtures should be low to the ground, incorporate devices to reduce light leakage and designed in such a way so as to not illuminate an adjacent property or right-of way.		- Not applicable. - Low intensity solar lighting on fence posts lining the driveway.
Guideline 4 Signage - Should be grouped and made of materials and be of a character that match the natural materials of the development. - Neon or internally lit signs should not be permitted, except that a small neon sign that advertises a business as open or closed may be permitted. - Signs should be located in such a way that they enhance the appearance of the development and are of a scale and height suitable for a pedestrian environment.	yes	- Wood sign (approx.. size 55x100 cm) - No neon signs proposed. - Sign is small scale and made of cedar. It will be located by the driveway/entrance to the parking area.
Guideline 5 Parking - Off-street automobile parking should be located away from public open spaces. Parking requirements may be reduced to permit landscaping to meet the objectives of this development permit area. - Parking access onto any road should be approved by the Ministry of Transportation. - Parking access should be directed away from non-commercial areas and onto major roads only. - The use of impermeable parking surfaces is not encouraged to reduce surface water run-off and enhance the appearance of the Village	yes	- Proposed development meets parking requirements. - No Commercial Access Permit is required from the Ministry of Transportation and Infrastructure because the primary use of the property is residential and there is only one access to parking area. - Parking area abutting Denman Road. - Gravel surface parking.

ATTACHMENT 3 – SITE PHOTOS

DE-DP-2022.1 (MacDONALD, SHROO'S HOLDING Co.)



View from backside of subject property.



Accessory building (veterinary clinic).



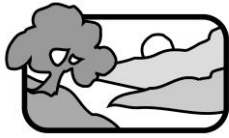
View facing the subject property from Denman Road.

ATTACHMENT 3 – SITE PHOTOS

DE-DP-2022.1 (MacDONALD, SHROO'S HOLDING Co.)



Sign photo



Islands Trust

**DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT DE-DP-2022.1**

To: David MacDonald (Shroo's Holding Co.)

1. This permit applies to:

PID: 005-242-193

LOT C, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 10674

2. Whereas the subject property as described above lies within "Development Permit Area No. 5 – Village" designated under Denman Island Official Community Plan Bylaw No. 185, this development permit is issued under Denman Island Land Use Bylaw No. 186 that authorizes the **construction of a single family dwelling and accessory building to be used as a veterinary clinic**, all in accordance with Schedules 'A', 'B' and 'C', attached to and forming part of this permit.
3. The Permit is subject to the following conditions:
 - a. Landscaping
 - i. A vegetation buffer of a height and thickness to adequately screen the residential use from the development and any on-site parking is required. Fences may be considered, if it can be demonstrated that a vegetation buffer is not suitable.
 - b. Signage
 - i. The signage must be made of materials and be of a character that match the natural materials of the development.
 - ii. Neon or internally lit signs are not be permitted except for a small neon sign that advertises a business as open or closed.
 - iii. The maximum allowable area of a sign is 2.0m².
 - iv. The maximum number of signs permitted is two (2) per business.
 - c. Parking requirements
 - i. Three (3) parking spaces for the commercial space and one (1) parking space for the residence.
 - ii. Four (4) bicycle parking spaces.
4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
6. This permit does not relieve the applicant from complying with the provisions of *the Denman Island Official Community Plan Bylaw No. 185, 2008* and the *Denman Island Land Use Bylaw No. 187, 2008*, nor does it provide permission to construct any works without other lawfully required approvals and permits.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS ____TH DAY OF [MONTH], [YEAR].

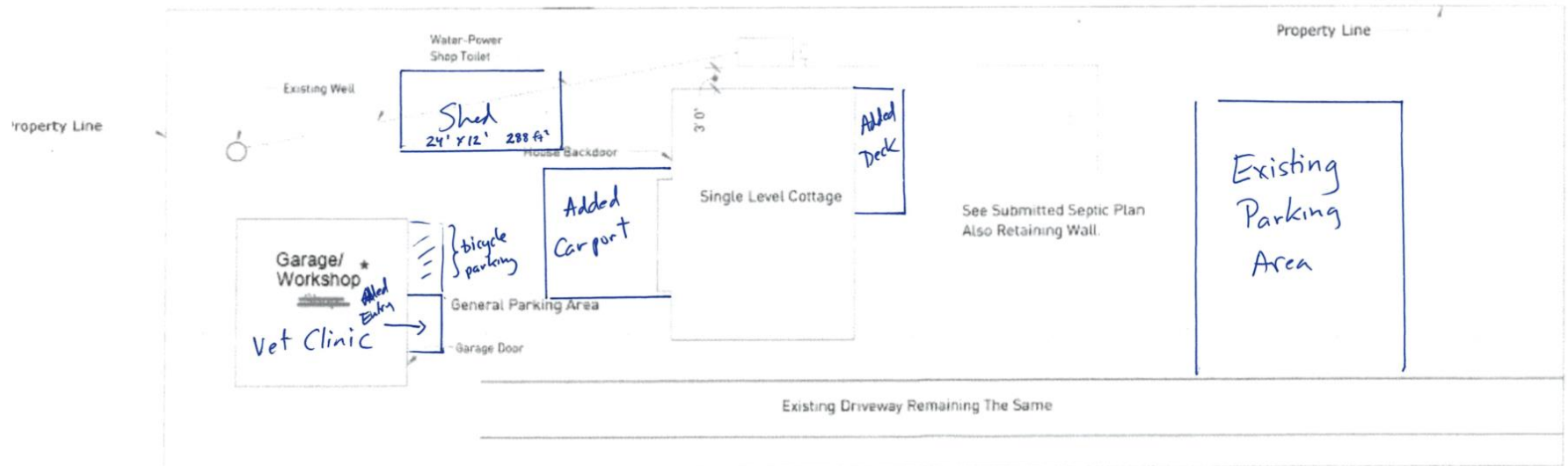
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ____TH DAY OF [MONTH], [YEAR] THIS PERMIT AUTOMATICALLY LAPSES.

DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT DE-DP-2022.1
Schedule "A" – Site Plan 1

Site Plan 3676 Denman Road

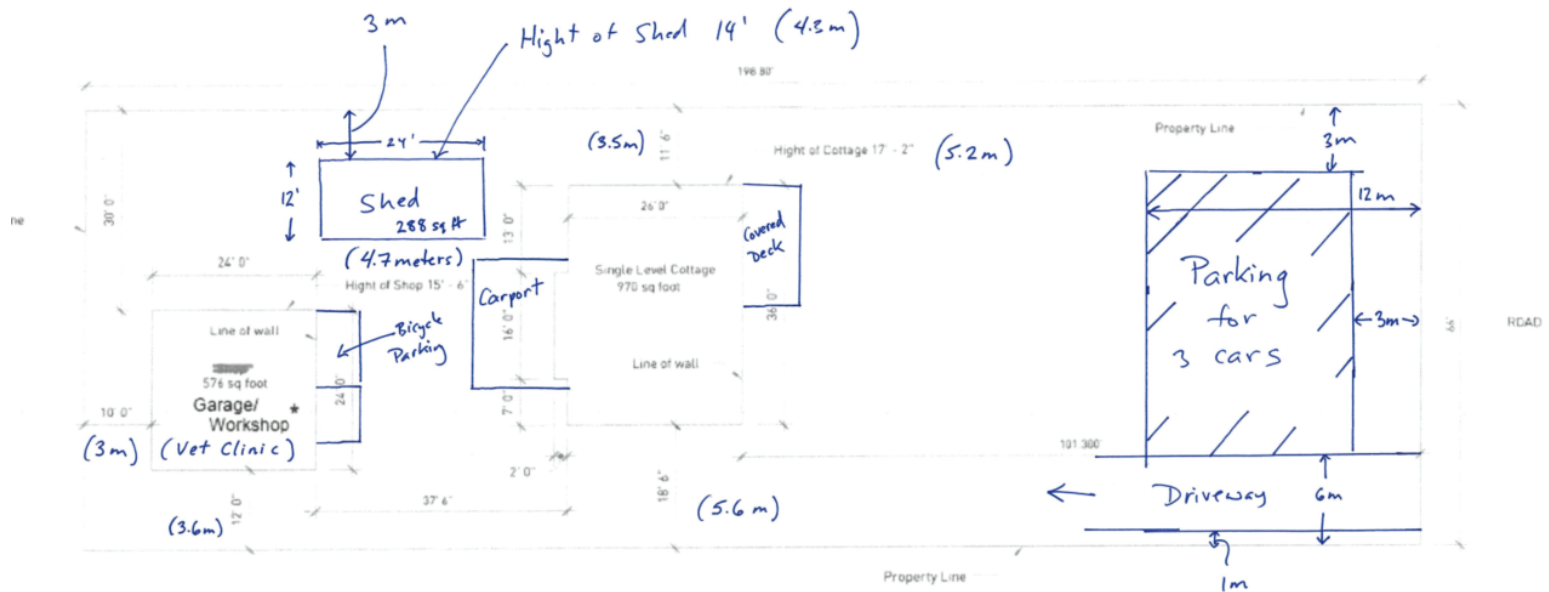


SITE PLAN Lot-C Plan 10674 - Section 18

Property Line

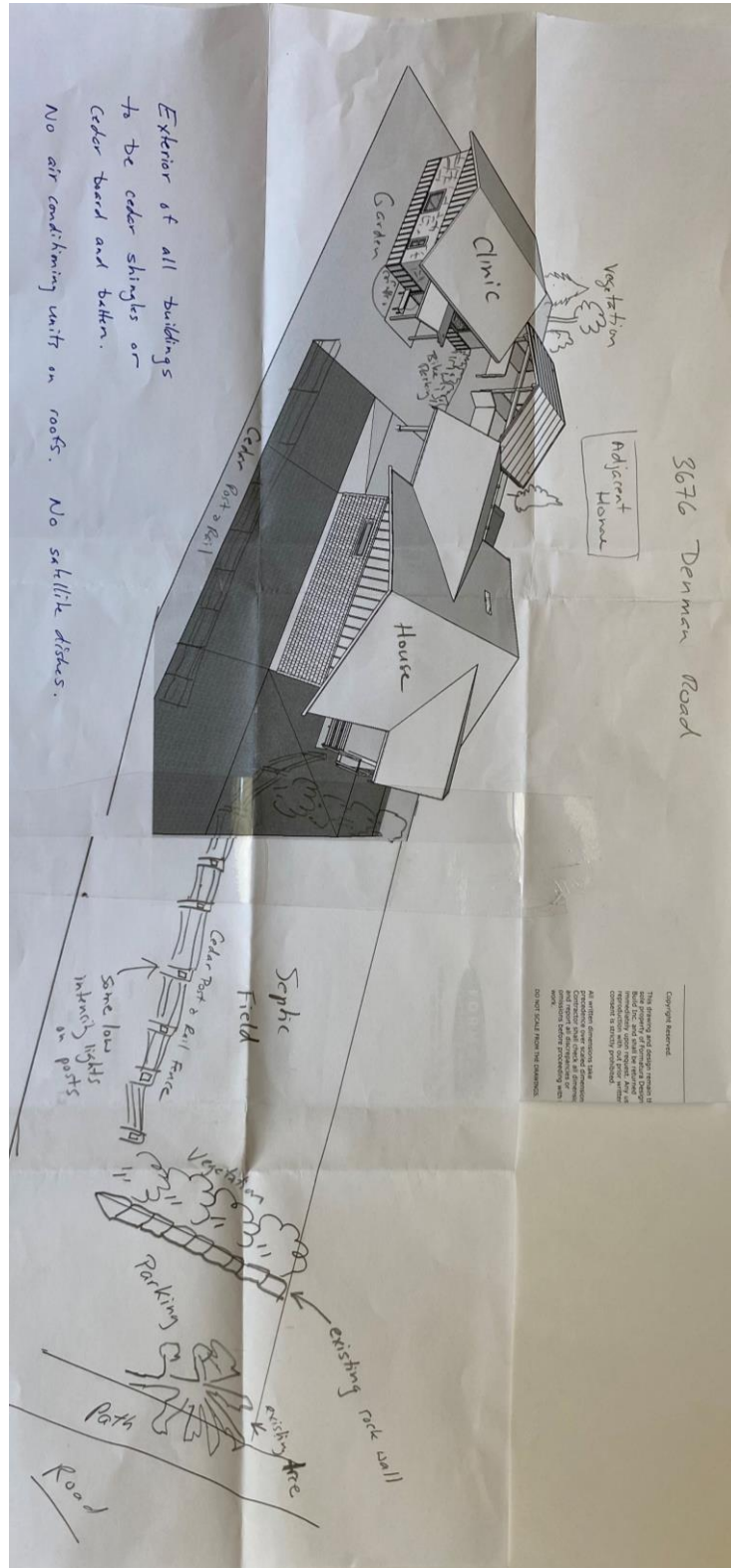
DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT DE-DP-2022.1
Schedule "B" – Site Plan 2

Site Plan 3676 Denman Road



Height of Vet Clinic 15' 6" (4.7m)
 Height of Cottage 17' 2" (5.2m)
 Height of Shed 14' (3m)

**DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT DE-DP-2022.1
Schedule "C" – Site Renderings**



File No.: 6500-20
(Fees Bylaw)

DATE OF MEETING: July 19, 2022
TO: Denman Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
SUBJECT: Proposed Fees Bylaw No. 245

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 245, cited as “Denman Island Local Trust Committee Fees Bylaw, 2022”, be adopted.

REPORT SUMMARY

The purpose of this report is for the Denman Island Local Trust Committee (LTC) to consider adoption of Bylaw No. 245, which would replace Bylaw No. 181 (LTC Fees Bylaw) to:

- To better align development application fees with resourcing.

BACKGROUND

Bylaw No. 245 was given first, second, and third readings on May 31, 2022. Executive Committee approved the bylaw on July 7, 2022 and the bylaw is now back on the LTC agenda for consideration of adoption.

Submitted By:	Heather Kauer Regional Planning Manager	July 11, 2022
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ATTACHMENTS

1. Proposed Bylaw No. 245

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 245

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Denman Island Local Trust Committee being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust area, in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "Denman Island Local Trust Committee Fees Bylaw, 2022".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Denman Island Local Trust Committee Development Procedures Bylaw No. 71, 1992 to make an application in respect of a bylaw or permit under the Islands Trust Act or Part 14 or Part 15 of the Local Government Act;
- 2.1.2 an applicant for a license under the Liquor Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the Cannabis Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

PROPOSED

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600
Affordable housing	\$1,500

PROPOSED

TABLE 2 – Permits		
Column 1: Development Permit in Respect of:		Column 2: Fee
1.	Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2.	Protection of Development from Hazardous Conditions (Development Area DP6)	\$1,000
3.	Protection of Farming	\$1,000
4.	Objectives for Form and Character	\$1,700
5.	Objectives to Promote Energy Conservation	\$1,000
6.	Objectives to Promote Water Conservation	\$1,000
7.	Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8.	Development Permit Amendment	\$1,000
Type of Development Variance Permit		
9.	Development variance permit (commercial, industrial or institutional development)	\$1900
10.	Development variance permit (residential development)	\$1900
Type of Temporary Use Permit		
11.	Temporary Use Permit (residential/commercial/industrial)	\$2150
12.	Temporary Use Permit for residential uses or commercial uses under 95 square metres that provide secondary dwellings.	\$440
13.	Temporary Use Permit Renewal	\$700
14.	Temporary Use Permit Renewal for secondary dwellings	\$165
Other Permits		
15.	Siting and Use Permit	\$250
16.	Heritage Alteration Permit	\$1,700
Combination Applications		
17.	Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18.	Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

PROPOSED

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,100
2. Application for Subdivision Review – per additional lot created	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

PROPOSED

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Denman Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

PROPOSED

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “Denman Island Local Trust Committee Fees Bylaw No. 181, 2007” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS 31ST DAY OF MAY, 2022

READ A SECOND TIME THIS 31ST DAY OF MAY, 2022

READ A THIRD TIME THIS 31ST DAY OF MAY, 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

7TH DAY OF JULY, 202X

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

DATE OF MEETING: July 19, 2022
TO: Denman Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Project Recommendations for Incoming LTC

RECOMMENDATION

1. That the Denman Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as presented on July 19, 2022 for further consideration by the incoming Local Trust Committee.
2. That the Denman Island Local Trust Committee endorse the business case dated July 6, 2021 for the Denman Housing Review project for fiscal year 2023/24, and request that staff forward to the Director of Administrative Services.

REPORT SUMMARY

The LTC is being asked to consider its 'Top Priorities' and 'Projects' list and provide any direction for amendments, prior to the end of the current term. The LTC is also being asked to confirm endorsement of the original budget case to be considered for funding in fiscal year 2023/24.

Organization of the Top Priorities and Projects List

Staff are recommending that the LTCs Top Priorities list include one project that is a Comprehensive OCP/LUB project. Staff are recommending this because the LPS Renewal project assumes that one of the criteria for an OCP/LUB project to be prioritized for assignment to the Regional Planning Team (RPT) is that a Comprehensive OCP/LUB project is listed on the Top Priority projects list.

Staff further recommend that the Projects List be reorganized by category. Most projects that get added to LTC Projects List fall into one of six categories:

- OCP Amendments
- LUB Amendments
- OCP and LUB Amendments
- Administrative (Bylaws, Processes, and Procedures)
- Advocacy and Communications
- Bylaw Enforcement

Assigning the list of projects to one of these categories would aid in prioritization of work. The recommended lists reflect these proposed changes.

The following table details staff's recommendations for the items currently listed on the Projects List:

Date	Project	Recommended Category	Keep or Remove?	Rationale for removal or change
2011	Undertake planning for a Protected Area Network on Denman Island	OCP Amendments	Keep but categorize	
2011	Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.	LUB Amendments	Keep but categorize	
2011	Consider regulations to limit the gross floor area of a dwelling	LUB Amendments	Keep but categorize	
2011	Consider climate change adaptation and mitigation measures	OCP and LUB Amendments	Keep but categorize	
2012	Review and update Development Procedure Bylaw No. 71	Administrative	Remove	Staff recommend specifying updates contemplated or removing
2015	Alternative Dispute Resolution to be considered	Bylaw Enforcement	Remove	This is a project that should be taken up Trust-Wide as opposed to it being at the LTC level
2015	Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.	OCP Amendments	Keep but categorize	
2017	Travel Trailers	LUB Amendments	Keep but categorize	
2017	Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there	LUB Amendments	Move to Top Priorities list under Housing Project	Incorporate into Phase 2 of Housing Project

2018	Incorporate the Regional Conservation Plan into land use	OCP Amendments	Keep but categorize	
2018	To support the development of Temporary Use Permits for short-term vacation rentals and other uses.	LUB Amendments	Keep but categorize	
2019	naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas	Administrative	Remove and forward	This is a project that should be taken up Trust-Wide as opposed to it being at the LTC level
2022	Shoreline Protection: Implement recommendations from the 2022 Model Bylaw Report.	OCP/LUB Amendments	Keep but categorize	

Business Cases for Fiscal 2023/24

Any LTC projects that are anticipated to require a budget over \$5,000 in any given fiscal year are recommended to have a business case considered by the Financial Planning Committee at their October / November meeting as part of the annual budget review, regardless of whether a business case has been presented in the past.

The Denman LTC submitted an endorsed business case to the Financial Planning Committee in the Fall of 2021 for the Denman Housing Review project. That business case led to funding in the amount of \$13,500 for the project being granted in fiscal 2022/23. The business case estimated that the project would continue into fiscal year 2023/24 and provided an estimated amount of funds needed for the second year of the project in the amount of \$8,000.

If the scope and budget estimates of the original business case are still considered to reflect the LTCs vision for this project, staff recommend that the LTC endorse the business case for fiscal year 2023/24 and forward to the Director of Administrative Services to be considered by the Financial Planning Committee.

If the LTC wishes to amend the scope or budget estimates of the business case, they should pass a resolution asking staff to amend the business case in specific ways and ask that staff bring it back for endorsement.

Rationale for Recommendation

The 'Top Priorities List' and 'Project List' identify several potential projects for the incoming LTC to consider and prioritize through its strategic planning. Including a project on the Top Priorities list titled "Comprehensive OCP/LUB Review" would flag for the Regional Planning Team that the LTC is interested in having that project prioritized by the Team. Staff recommend endorsing and forwarding the existing business case as it is still relevant to the project.

ALTERNATIVES

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

1. Amend the ‘Top Priorities List’ and/or the ‘Projects List’

The LTC may amend either list prior to the end of the term. The resolution may be worded as:

*That the Denman Island Local Trust Committee amend the [Top Priorities List/Projects List] as follows:
[indicate amendments].*

2. Amend the business case

The LTC could amend the scope and / or budget of the business case regarding fiscal year 2023/24. The resolution may be worded as:

That the Denman Island Local Trust Committee amend the Denman Housing Review project business case by [indicate amendments] and that staff present the amended business case at the September 27, 2022 LTC meeting for endorsement.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 10, 2022
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ATTACHMENTS

1. Recommended Top Priorities List
2. Recommended Projects List
3. Denman Housing Review Business Case dated July 6, 2021

Attachment 1

Recommended Top Priorities Project List

Priority No.	Title	Activity	Initiation Date
1	Denman Housing Review Project	Phase 1: 2022/23 Phase 2: 2023/24 Amend LUB definition of the term “occasional” in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there	19 Jan 2021
2	Farming Regulations Review		
3	DE Comprehensive OCP/LUB Review		

Attachment 2

Recommended LTC Project List

No.	Category	Title	Activity	Initiation Date
1	OCP Amendments	Downtown Village Plan	Denman Downtown Village Neighbourhood Plan;	2015
2	LUB Amendments	Ocean Loop Geo Exchange Systems	Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems.	2011
		Floor Area	Consider regulations to limit the gross floor area of a dwelling	2011
		Travel Trailers	Travel Trailers	2017
		TUPs for STVRs	To support the development of Temporary Use Permits for short-term vacation rentals and other uses.	2018
3	OCP & LUB Amendments	Protected Area Network	Undertake planning for a Protected Area Network on Denman Island	2011
		Climate Change	Consider climate change adaptation and mitigation measures	2011
		Regional Conservation Plan	Incorporate the Regional Conservation Plan into land use	2018
		Shoreline Protection	Shoreline Protection: Implement recommendations from the 2022 Model Bylaw Report.	2022
4	Administrative (Administrative Bylaws, Processes, and Procedures)			
5	Advocacy and Communications			
6	Bylaw Enforcement			



Budget Funding Request Short-Form Business Case

Completion of this form initiates a request to the management team for allocation of budget funds. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by: Heather Kauer On behalf of the DE LTC	Budget Source (select all that apply): ☒ Specific Project Funding ☒ Third Party Contractors ☐ Staff Travel Expense ☐ Staff Overtime Expense ☐ New Staff Member ☐ Computer Hardware/Software ☐ Furniture & Equipment ☐ Computer Hardware/Software ☐ New Staff Resources (see Staff Costing Tool) ☐ Permanent ☐ Temporary Temp Duration: _____ ☒ Other – please describe: Honoraria for speakers/First Nations' for on-going meetings and participation, minute taking, technology support, mapping, facility rental, open-house meetings and material, , legal review, development and printing of educational info, brochures, posting of meeting, ads, and legal notifications.
Business Area: Denman Island Local Trust Committee – LTC projects	
Name of Request: DE LTC – Denman OCP and LUB Housing and Short Term Rentals Review 2022/23 - \$13,500 2023/24 - \$8,000	
Date initiated: June, 2021	Date required: April, 2022 -March 31, 2023
BACKGROUND: Low diversity of housing types and low rental vacancy are the prominent housing challenges on Denman island. As of June, 2021, the preschool, General Store, and at least one farm are having trouble finding staff, mainly due to lack of housing on the island. With high land values also comes the desire to revitalize and monetize properties, which often negatively impact the environment and neighbourhoods as well as the island's housing market options for most average income households on the island.	

PROBLEM STATEMENT/OBJECTIVES:

Amendments to the OCP and LUB would tackle a range of issues that impact the affordability of housing and the types of housing as they relate to the locations, sizes, and designs of housing development. Furthermore, the existing policies within the OCP are outdated and no longer reflect the current housing conditions, as well as infrastructure servicing, transportation system, environmental conditions and other elements that impact the availability, affordability and diverse housing types on the island. The current OCP policies and LUB regulations related to housing also need to be updated to implement the recommendations of the *Islands Trust Northern Region Housing Needs Assessment, 2018* and Section 473 of the Local Government Act requiring that OCPs include housing policies that address housing needs.

Active and meaningful engagement with First Nations based on the standard of Free, Prior and Informed Consent (FPIC), on-going collaboration with external agencies and local organization, as well as the public at-large will also be part of this planning process. It is important to note that, the traditional practice is to provide a capacity funding to support First Nations' participation, which amounts to approximately \$200 per person, per meeting. For the nations to review any draft documents, it will be around \$2000 per nation per review.

The creation of a project of this scale will rely on a successful public engagement process which requires a skilled facilitator to deal with a diverse group of stakeholders and the numerous issues affecting their community.

PROJECTED RESULTS/DELIVERABLES:

Funding request for Stage 1 (FY22/23)	Target Duration	Cost
First Nation Consultation early and ongoing Coordination with First Nations' staff Collaborations with First Nations in their preferred methods	One half day	\$2,500
Consultant Contract – Public Engagement	Over the course of 2022	\$10,000
Technology (mapping, data analysis, etc.) and administrative support for public engagement program, meetings with stakeholder groups and agencies	Over the course of 2022	\$ 1,000
Funding Request for Stage 2 (FY23/24)		
Draft amendment to OCP/LUB – Regional Planning Team	Over 5 months in late 2023	\$
Legal review	Focus on review of draft bylaws	\$ 6,000
Development of communication and educational info / Community Information Meeting(s) Public Hearing	Over the course of 2023 - 2024	\$ 2,000

Progress update and public meetings	Multiple - TBA	\$	
ALTERNATIVES CONSIDERED: Option 1: Keep the same project charter but consider one or all of the following options: - Plan public engagement activities that could be accomplished entirely by Regional Planning Team members; - Extend the proposed project duration; Option 2: Request that the Regional Planning Committee develop model OCP policies and LUB regulations that promote affordable housing Trust-wide. This alternative would maximize Trust budget dollars by creating models that can be considered by all LTCs in the Trust area and not just benefit one LTC. However, the Denman LTC considers housing to be an urgent enough matter in the Denman LTA that a housing project should be prioritized sooner than a Trust-wide process might allow. Option 3: Keep the same project charter and budget but fund the project via a Special Tax Requisition (this would require reconsideration for next 2022/23 fiscal budget). The project will apply Trust Council's declarations and implement Trust Councils Strategic Plan. The impact of funding this project via special tax requisition is to minimize the impact to the overall proposed Trust Council budget whereas the special tax requisition would have a more dramatic impact on local Denman Island taxpayers. CRITICAL SUCCESS FACTORS (List): - Regional Planning Team capacity to manage the project in 2022/23; - Continued prioritization of the project by Denman Trustees after the 2022 election. CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION: Enhanced engagement with First Nations and stakeholders, APC referral, and online tools are proposed with consultant facilitation. COST/BENEFIT ANALYSIS: <u>Quantitative Analysis:</u> \$13,500 for Stage 1 as per project breakdowns above \$8,000 for Stage 2			

Qualitative Analysis:

If no action taken, housing crisis will elevate to a critical level. Without updating the OCP to strengthen the various policies and objectives that impact the conditions of housing (and its associated environmental, social, economic and cultural conditions), Denman Island will no longer be able to provide healthy social, economic, environmental and cultural conditions for its residents. Furthermore, the island will no longer be able to maintain its character. Most importantly, if no action is taken, we will fail to implement the Trust Council's mandate of preserving and protecting Denman Island.

RECOMMENDED DECISION:

The DE LTC will be seeking approval from the Director of LPS of \$5,000 for fiscal 2021/22 to initiate the overall project. The present funding request is for \$13,500 for fiscal 2022/23 to allow a consultant to conduct public engagement related to housing on Denman Island. An additional \$8,000 is anticipated to be needed in fiscal 2023/2024 to develop bylaw amendments and initiate legal review to complete the project.

PURCHASING PROCEDURE:

Denman Island Local Trust Committee

July 6, 2021

Initiator: _____

_____ Date

Director/CAO _____

_____ Date

REVIEWED BY MANAGEMENT TEAM:

Date received: _____

Approved: X ☐ YES ☐ NO

Next steps:

- If approved by management:
 - the business case will be forwarded to FPC for review in October of each year.
 - the funding for the request will be included in Draft 1, Version 1 of the budget which is reviewed by FPC in October of each year, and the business case forwarded to FPC.
- If not approved by management:
 - the business case will be forwarded to FPC for information in October of each year.



**HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MAY 24, 2022 BOARD MEETING
(OPEN PORTION)**

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

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) continues to have a vacancy for one Ministerial appointment to the ITC Board. The [Crown Agencies and Board Resourcing Office](#) is responsible for posting the position.
- ITC Board welcomed Aislyn King as the summer Co-op Student to the ITC team. She will be working as the GIS & Conservation Technician over the summer.
- ITC Board received verbal updates from the ITC Chair and Vice Chair about the Islands Trust Governance Review, the final 2022/23 Islands Trust Budget and the Policy Statement Review Process.
- ITC Board approved audited financial statements for 2021/22.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented the request for decision regarding the ITC Plan Review to Board members, advising the plan will have a shorter timeline than previous plans (three years instead of five years), and noted the timelines for internal and First Nations referrals processes. The intent is to move towards a more robust engagement of First Nations over the next two to three years in preparation for the next ITC Plan. ITC Board approved the draft ITC Three-Year Plan and directed staff to refer it to local trust committees, the Bowen Island Municipality, Trust Council and First Nations and to bring a final draft to the Board for approval at its November 2022 meeting.
- ITC Board directed staff to prepare a Project Charter for the next ITC Five-Year Plan (2026-2030) with an emphasis on First Nations engagement.
- ITC Board provided input for the draft, July 13, 2022, ITC/Executive Committee liaison meeting. The liaison meeting provides an opportunity for ITC to liaise with Executive Committee regarding overlapping Trust Council and ITC work priorities.
- ITC Board reviewed correspondence received since the last meeting.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Manager presented the Sandy Beach Nature Reserve Management Plan to Board members. Board members discussed adding climate solutions to future management plans including planting of niche species adaptive to climate change. Staff noted that the current



Climate Change Project is examining mitigation and adaptation actions for ITC managed lands. ITC Board approved the plan as amended.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board discussed the referral of Proposed Bylaw 526 - Farm Housing Project (Salt Spring). ITC Board recommended approval of Salt Spring Island Local Trust Committee Bylaw 526, subject to the following conditions:
 - Increase of setbacks for any new uses from all lot lines adjacent to the McFadden Creek Nature Sanctuary of 200m, due to potential heron nesting areas (a blue listed species at risk); and
 - Increase of setbacks for any new uses from all lot lines adjacent to other ITC conservation areas to 30 m.

ITC Board also requested the Salt Spring Island Local Trust Committee consider the development of other protections for conservation areas on Salt Spring Island, such as:

- Restrictions on timing of construction to September 15 – January 15 for lots adjacent to ITC and other conservation areas;
- Implementation of erosion controls and soil compaction controls during construction for lots adjacent to ITC and other conservation areas; and
- Increase of setbacks for all lots adjacent to and/or near sensitive ecosystems.
- ITC Board approved placement of a Memorial Bench in the McRae NAPTEP Covenant (Gabriola) noting the bench is in memory of the late Stanley and Maxine McRae..
- ITC Board received a Fallow Deer briefing for Mayne Island and passed a resolution encouraging Trust Council to strongly advocate to the Province for the implementation of sustained, evidence based solutions to invasive Fallow Deer populations on Mayne Island, as requested by the Mayne Island Conservancy Society, to prevent Fallow Deer invasions to other islands.

5. COMMUNICATIONS AND OUTREACH

- ITC Board were presented with the draft 2021/22 Annual Report for approval. Minor edits were noted and the text was approved (as amended) for approval by Trust Council. Communications Specialist noted that this Annual Report was designed to compliment the ITC [Impact Report](#) that is now available on the website.
- The Species at Risk Coordinator briefed Board members on the results of the Gathering for Species at Risk workshop (held March 17, 2022) and [highlighted outcomes of workshop](#).
- The ITC Ecosystem Protection Specialist briefed Board members on the recent Bull Kelp polygon mapping. The [mapping has been uploaded into Map IT and TAPIS mapping](#).

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board approved the following Opportunity Fund Grants:



ISLANDS TRUST CONSERVANCY

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

- \$6,000 to Gabriola Land and Trails Trust in support of their Nature Stewards program;
- \$4,950 to the Galiano Conservancy Association for items noted in their application;
- \$5,000 to help Raincoast Conservation Foundation and the Pender Islands Conservancy Association protect 18 hectares (44.5 acres) of land known as KELÁ_EKE Kingfisher Forest on North Pender Island. Thanks to the generosity of an anonymous donor and the Sitka Foundation this donation will be matched, making it a \$10,000 contribution towards the protection of this forest. See our [News Release for further details](#).
- ITC Board received a Species at Risk Program update, including information about extension of funding from Environment and Climate Change Canada. ITC Board directed staff to draft and sign an amended contribution agreement with Environment and Climate Change Canada (ECCC), extending the existing Species at Risk Program funding until March 31, 2026, including a budget increase for the 2022/23 fiscal year of \$25,000 and the addition of \$220,000/year in funding for the next three fiscal years (2023/24 through 2025/26).

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2022.1	Shroo's Holding Company Inc.	26-Apr-2022	PID: 005-242-193 Additions to buildings. Civic address: 3676 Denman Road, Denman Island, BC.
Planner: Marlis McCargar			
Planning Status			
<u>Status Date:</u> 16-Jun-2022 Agenda item on July 19 LTC meeting.			
<u>Status Date:</u> 08-Jun-2022 Awaiting response from MOTI re. parking access.			
<u>Status Date:</u> 01-Jun-2022 Additional information requested from applicant.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2021.1	Denman Housing Association (Denman Green)	11-Mar-2021	PIDs: 009-704-523, 000-393-941, 006-660-495. Affordable housing units. Civic address: 1151 Kirk Road, Denman Island, BC.
Planner: Sonja Zupanec			
Planning Status			
<u>Status Date:</u> 06-Jul-2021 Preliminary staff report considered by the LTC. Staff to prepare draft bylaws; enter into cost recovery with applicant; conduct early referrals and present additional information from applicant.			
<u>Status Date:</u> 12-Mar-2021 File opened & assigned.			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.21	1165860 BC Ltd. - Dianna Bridge	03-Nov-2020	PID: 024-068-560 Building greenhouse. Civic address: 6345 Hinton Road, Denman Island, BC

Planner: Stephen Baugh

Planning Status

Status Date: 04-Feb-2021

File reassigned.

Status Date: 10-Dec-2020

Request for further information

Status Date: 25-Nov-2020

Under planner review

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.22	1165860 BC Ltd. - Dianna Bridge	12-Nov-2020	PID: 017-449-995 Building a pool. Civic address: 6351 Hinton Road, Denman Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 04-Feb-2021

File reassigned.

Status Date: 10-Dec-2020

Waiting for additional information from applicant

Status Date: 25-Nov-2020

Under planner review



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth Planner: Stephen Baugh	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Planning Status			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 02-Sep-2021 No change in status.			
Status Date: 12-Apr-2021 Notice to K'ómoks First Nation sent.			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2021.14	Wright, Christopher & Catherine Planner: Stephen Baugh	01-Dec-2021	PID: 000-211-338 Building SFD and boat shed. Civic: 8335 Komas Road, Denman Island, BC.
Planning Status			
Status Date:			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.12	School District No. 71 (Comox Valley) - MacDonald Hagarty Architects Ltd. Planner: Marlis McCargar	16-May-2022	PID: 008-706-191 Building an open air classroom at Denman Island Community School. Civic address: 1100 Northwest Road, Denman Island, BC
Planning Status			
Status Date: 08-Jul-2022 Payment received. File reassigned.			
Status Date: 29-Jun-2022 No change in status.			
Status Date: 27-May-2022 File opened & assigned. Waiting for Etransfer			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.13	Ball, Gary Planner: Marlis McCargar	23-May-2022	PID: 003-064-514 Building new SFD. Civic address: 3871 East Road, Denman Island, BC.
Planning Status			
Status Date: 07-Jun-2022 Additional information requested from applicant.			
Status Date: 06-Jun-2022 Under Planner review.			
Status Date: 30-May-2022 File opened & assigned.			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.14	Best & Coleman, Earl & Sherille	03-Jun-2022	PID: 006-639-003 New SFD and outbuildings. Civic address: 3000 North Central Road, Denman Island, BC.
Planner: Anthony Fotino			
Planning Status			

Status Date: 13-Jun-2022

File opened & assigned. Waiting for etransfer.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.15	Henderson & Lake, Linda & Chelsea	31-May-2022	PID: 006-660-495 Moving small pan abode cabin on to property. Civic address: 7007 The Point Road, Denman Island, BC.
Planner: Stephen Baugh			
Planning Status			

Status Date: 17-Jun-2022

File opened & assigned. Waiting for etransfer.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.16	Clark & Roos, John & Deborah	07-Jun-2022	PID: 027-558-444 Building storage/workshop/studio building. Civic address: 4680 East Road, Denman island, BC.
Planner: Anthony Fotino			
Planning Status			

Status Date: 17-Jun-2022

File opened & assigned. Waiting for etransfer.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.2	Cleveland & Tetlow, Randy & Carole	03-Mar-2022	PID: 001-095-871 Two story addition. Civic address: 3031 Nelson Crescent, Denman Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 15-Jun-2022

Applicant followed up. Reaching out to BC Arch Branch and KFN.

Status Date: 14-Jun-2022

Planner left message with applicant regarding checking in on Arch Branch process. No response received.

Status Date: 12-May-2022

Response received from KFN. Applicant directed to contact KFN and BC Arch Branch.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.7	Lutfy Lapierre & Fraser, Michael-Anthony & Lyndsay	28-Mar-2022	PID: 031-395-830 New SFD and workshop. Civic address: 6500 Danes Road, Denman Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 31-Mar-2022

File opened & assigned. Waiting for etransfer.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.9	Shroo's Holding Company Inc.	26-Apr-2022	PID: 005-242-193 Additions to buildings. Civic address: 3676 Denman Road, Denman Island, BC.
Planner: Marlis McCargar			
Planning Status			
Status Date: 09-Jun-2022 File sent to KFN.			
Status Date: 12-May-2022 Additional information requested from applicant.			
Status Date: 28-Apr-2022 File opened & assigned. Waiting for NoA.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2020.2	Denman Community Land Trust Association (Harlene Holm)	30-Sep-2020	PID: 031-102-026 2 lot subdivision. Civic address: 3730 Denman Road, Denman Island, BC.
Planner: Sonja Zupanec			
Planning Status			
Status Date: 08-Dec-2020 File reassigned.			
Status Date: 09-Nov-2020 Referral report sent to MOTI.			
Status Date: 02-Oct-2020 Application received. Planner reviewing.			

Applications

Subdivision

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

Planner: Stephen Baugh

Planning Status

Status Date: 14-Apr-2022

Referral Response sent to MoTI

Status Date: 04-Mar-2022

File opened & assigned. etransfer requested.

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending May 2022

615 Denman	Invoices posted to Month ending May 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	190.00	0.00	190.00
LTC Local				
65050-615	LTC "Executive Expense on LTC's"	503.00	0.00	503.00
65200-615	LTC - Local Exp - LTC Meeting Expenses	3,513.00	353.80	3,159.20
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-615	LTC - Local Exp - Communications	250.00	70.00	180.00
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>4,941.00</u>	<u>423.80</u>	<u>4,517.20</u>
Projects				
73001-615-4011	Denman Farm Plan	7,314.00	388.24	6,925.76
73001-615-4124	Denman OCP & LUB Housing and ST Rentals Review	<u>13,500.00</u>	<u>0.00</u>	<u>13,500.00</u>
TOTAL Project Expenses		<u>20,814.00</u>	<u>388.24</u>	<u>20,425.76</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms; - o The location of the proposed establishment and the subject site; - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - o How public comments may be submitted to the Local Trust Committee.
3.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
4.	November 20, 2018	DE-2018-100	Bylaw enforcement on	It was MOVED and SECONDED,

			unlawful STVRs	that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs): 1. Unlawful STVRs that have been the subject of substantiated complaints; 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island; 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR; 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.
5.	November 20, 2018	DE-2018-104	Cannabis License applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including

				and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
7.	June 6, 2019 *Amended January 19, 2021	DE-2019-056 DE-2021-015	Bylaw enforcement against unlawful dwellings	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' This Standing Resolution will be reviewed in one year's time. *Amended by DE-2021-015

8.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May 19th for background	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘Residential Density Bank’ of the Denman Island Official Community Plan: Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur: a. The Denman Official Community Plan ‘Residential Density Bank’ in Appendix D has last added or transferred to the bank on <u>January 31, 2017</u> and has a cumulative total of residential densities of <u>14</u>; b. The Denman Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately <u>5 percent</u> beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1. The baseline density that was permitted by zoning at the time of adoption of the Official Community Plan was 994 densities based on the Subdivision Potential Map 2010; 1026 total densities less 32 from Parks, Institutional and Conservation designations where residential use is not permitted. Five percent of 994 is <u>49 densities</u>. Since adoption of the Official Community Plan on May 15, 2009 the following densities have been utilized: <table><tr><th>Authorizing Bylaw/Temporary Use Permit</th><th>Date Utilized</th><th>Number of Residential Densities Utilized</th><th>Cumulative Total of Residential Densities Remaining</th></tr><tr><td colspan="3">Baseline Density at time of adoption of the Denman OCP on May, 2009</td><td>49</td></tr><tr><td>BL 199 (Official Community Plan)</td><td>August 15, 2011</td><td>14</td><td>35</td></tr><tr><td>BL 200 (Land Use Bylaw)</td><td></td><td></td><td></td></tr></table>	Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining	Baseline Density at time of adoption of the Denman OCP on May, 2009			49	BL 199 (Official Community Plan)	August 15, 2011	14	35	BL 200 (Land Use Bylaw)			
Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining																	
Baseline Density at time of adoption of the Denman OCP on May, 2009			49																	
BL 199 (Official Community Plan)	August 15, 2011	14	35																	
BL 200 (Land Use Bylaw)																				

				BL 204 (Land Use Bylaw)	September 24, 2013	1	34
				DE-TUP-2016.2	March 31, 2017	1	33
9.	March 16, 2021	DE-IC-2021-002	Bylaw Enforcement	It was MOVED and SECONDED, that the Denman Island Local Trust Committee enact the following Standing Resolution: that the Denman Island Local Trust Committee confirm that the following Enforcement Policy has been and continues in effect: While there is a public health emergency declared for COVID-19, Enforcement activities have been deferred for all unlawful dwellings; there will be no evictions, or demands for eviction; And that site inspections for the purpose of gathering information and communication with property owners will continue; And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.			
10.	July 6, 2021	DE-IC-2021-007	Bylaw Enforcement	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Denman Island Local Trust Committee clarify that the reference to a 45 day limit for visitor accommodation means 45 days for one client and that otherwise there are no limits on how many days per year a visitor accommodation home occupation can operate; and that this temporary policy remain in place until this regulation is reviewed.			

Top Priorities Report

Denman Island

1. *Farming Regulations Review Project*

Responsible

Dates

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

2. *Denman Housing Review Project - Phase 1*

Responsible

Dates

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

Rec'd: 19-Jan-2021



Projects Report

Denman Island

1. *Protected Area Network*

Responsible

Date Received

Undertake planning for a Protected Area Network on Denman Island

15-Mar-2011

2. *Alternative Energy*

Responsible

Date Received

Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems.
Monitor recommendation from Trust Council.

15-Aug-2011

3. *Dwelling Floor Area Regulation*

Responsible

Date Received

Consider regulations to limit the gross floor area of a dwelling

25-Oct-2011

4. *Climate Change*

Responsible

Date Received

Consider climate change adaptation and mitigation measures

25-Oct-2011

5. *Development Procedures Review*

Responsible

Date Received

Review and update Development Procedure Bylaw No. 71

11-Dec-2012

6. *Alternative Dispute Resolution*

Responsible

Date Received

To be considered as part of the enforcement tool kit, possibly in cooperation with the
Hornby Island Local Trust Committee

26-May-2015

Projects Report

Denman Island

7. *Denman Village Plan*

Responsible

Date Received

Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.

26-May-2015

8. *Travel trailers*

Responsible

Date Received

LUB amendments and enforcement policies regarding the use of travel trailers

07-Mar-2017

9. *Occasional use of accessory buildings*

Responsible

Date Received

Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there

07-Mar-2017

10. *Incorporate the Regional Conservation Plan into land use planning.*

Responsible

Date Received

To foster preservation and protection of the Denman Island Ecosystems (based on the Islands Trust Conservancy Report, dated July 17, 2018)

07-Aug-2018

11. *Coastal Douglas-fir protection*

Responsible

Date Received

Projects Report

Denman Island

Implementation of the report, Protection of the Coastal Douglas-fir and Associated Ecosystems: An Island Trust Tool Kit (2018).

07-Feb-2019

12. <i>naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas</i>	Responsible	Date Received
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Reference Staff Report dated November 7, 2019

07-Nov-2019

13. <i>Temporary Use Permits</i>	Responsible	Date Received
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To support the development of Temporary Use Permits for short-term vacation rentals and other uses.

09-Oct-2018

14. <i>Shoreline Protection Project</i>	Responsible	Date Received
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Implement recommendations from the 2022 Model Bylaw Report.

22-Mar-2022

June 24, 2022 – for immediate release

2022-12-IT

Islands Trust announces recipients of the 2022 Community Stewardship Awards

Lək̓ʷəŋən, METULIYE/Victoria, B.C. –Islands Trust Council announced the recipients of the 17th Islands Trust Community Stewardship Awards at its June 23rd meeting in Victoria, British Columbia. Trust Council recognized six individuals and one organization for work that supports the Islands Trust’s mandate to protect and preserve the Trust Area and its unique environment and amenities. The recipients’ activities include land conservation, trail network development, forest restoration, community service, collaborative stewardship, public outreach and education, and advocacy work.

“The Community Stewardship Awards are our opportunity to celebrate and acknowledge community members for their commitment of time, energy and ingenuity to helping preserve and protect the Islands Trust Area,” said Peter Luckham, Chair of the Islands Trust Council. “The diverse nature of the work of the nominees and the impacts of the projects in which they have been involved are outstanding. We drew inspiration from their dedication and effort.”

The recipients are from Bowen Island, Gabriola Island, Galiano Island and Salt Spring Island.

Individual Category

- Keith Erickson, Galiano Island: Twenty Years of Ecosystem-Based Land Stewardship
- Jeannine Georgeson, Galiano Island: Leadership in Collaborative Stewardship
- Will Husby, Bowen Island: Thirty Years of Environmental Stewardship
- Kees Ruurs, Salt Spring Island: Fourteen Years of Community Service
- Ruth Waldick, Salt Spring Island: Building Lake Maxwell’s Watershed Resiliency and Forest Fire Resilience

Organization Category

- Salt Spring Island Natural Cemetery, Salt Spring Island: Creation of a Sustainable Cemetery that Protects Forested Lands

Special Posthumous Community Stewardship Award

- Chris Straw (Posthumous), Gabriola Island: Advocacy Against Freighter Anchorages in the Salish Sea

Recipients of the Community Stewardship Awards will be recognized locally at local trust committee and Bowen Island meetings over the coming months.

Since its inception in 2002, Islands Trust Council has recognized 96 individuals and organizations in the Trust Area. The next award nominations will open in March 2026.

The Islands Trust’s Community Stewardship Awards program recognizes nominees and recipients who demonstrate leadership in preservation and protection of the Islands Trust Area. When reinstating the program for 2022, Islands Trust

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

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

Council updated the program to better align with [Trust Council's Reconciliation Declaration](#) and amended the program to be offered once per elected term.

Visit <https://islandstrust.bc.ca/programs/stewardship-awards/> to learn about this year's award recipients and past recipients.

- 30 -

About Islands Trust

Islands Trust is a federation of special-purpose local government bodies representing over 30,000 people living within the Islands Trust Area and another 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. Islands Trust is responsible for preserving and protecting the Islands Trust Area's unique environment and amenities by planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

CONTACT

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