

**Date:** December 16, 2013

**File No.:** 6500-20 (Denman  
Housing Needs)

**To:** Denman Island Local Trust Committee  
**For meeting of January 21, 2014**

**From:** Rob Milne, M.C.I.P.  
Island Planner  
Local Planning Services

**Re: Draft Amending Bylaws to Enable Secondary Suites and Secondary Dwelling Units**

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**Problem/Issue:**

At their November 26, 2013 meeting the Local Trust Committee (LTC) gave consideration to a November 7, 2013, staff report which contained preliminary drafts of bylaws which are intended to allow for a targeted implementation of secondary suites and secondary dwelling units for the consideration of the LTC. At that meeting comments and suggestions for changes were provided by both the LTC and members of the public. This report summarizes the response to that discussion.

**BACKGROUND:**

At the November meeting the LTC passed the following resolution:

**DE-076-2013** *It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee request staff to bring a revised “Denman Housing needs Consultation Report” and “Draft Bylaws” reflecting changes proposed and discussed at the November 26, 2013 meeting.*

This report responds to that direction from the LTC. The revised draft bylaws are attached as Attachment ‘1’ (Land Use Bylaw) and Attachment ‘2’ (Official Community Plan).

**ISSUES SUMMARY:**

As noted in the November 7, 2013 staff report the direction provided to staff identified very specific housing types, consisting of only secondary suites and secondary dwelling units, and only those lands designated as “Rural” or “Sustainable Resource” by the Official Community Plan, as part of this particular initiative to create housing opportunities on Denman Island. The intent is to generally permit secondary suites on those two land designations, under specific conditions, and to permit secondary dwelling units through a Temporary Use Permit (TUP) where deemed appropriate to do so within those designations. Implementation of this approach

will require the amendment of both the Land Use Bylaw (LUB) and the Official Community Plan (OCP).

The November 7<sup>th</sup> report included a detailed review of the various changes, deletions and amendments which were proposed by the draft bylaws to implement the direction to staff with respect to creating housing opportunities based upon secondary suites and secondary dwelling units. In broad terms these include new and revised definitions, the addition of a new section in Part 2, "General Regulations which provides a suite of regulations which would have the effect of setting conditions for the implementation of secondary suites and secondary dwelling units as well as recommendations for amendments to the appropriate zoning tables in the draft LUB. For the Official Community Plan proposed amendments include a number of policy changes to allow secondary suites and secondary dwelling units in the "Rural" and "Sustainable Resource" designations as well as an update to the Temporary Use Permit language for similar reasons. The proposed changes to the OCP also include an amendment to address the density cap restrictions of Policy 11, Part E.1 "Housing".

#### **STAFF COMMENTS:**

At their November 26, 2013 meeting the LTC gave consideration to the two draft bylaws. At that meeting the LTC members provided some feedback to staff with respect to those draft bylaws that included a request for additional clarity with respect to the OCP density cap, the identification of a maximum distance between a principal residence and a secondary dwelling unit, and the matter of secondary dwelling units on properties zoned R2 which are smaller than 4.0ha. Additional comments were also submitted in writing by members of the public.

LTC discussion at the meeting, as well the public submissions received have been reviewed and that input considered in the revised draft bylaws which are attached to this report. Changes to the draft bylaws address and provide clarity to the issues identified by the LTC. As well suggested changes which dealt more with grammatical matters were also included. At such time as the LTC is satisfied with the content of the draft amending bylaws consideration needs to be given to the next steps in the housing needs initiative.

To aid in the discussion regarding this matter staff have included a map which illustrates the lands which are affected by the draft bylaws. It can be seen that approximately half of the affected lands are located within the Agricultural Land Reserve. However, it should be noted that any proposed secondary suite or secondary dwelling unit proposed within the ALR would also be required to comply with the *Agricultural Land Commission Act* as well as be in compliance with the draft bylaws should they be adopted. Specifically, pursuant to Section 18(a)(ii) of the *Agricultural Land Commission Act*, no local government may, "approve more than one residence on a parcel of land unless the additional residences are necessary for farm use". This policy is in turn moderated by items 3(b)(i) and (i) of Part 2, "Permitted uses" of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* which allow for:

- (i) *One secondary suite within a single family dwelling; and*
- (ii) *One manufactured home, up to 9 m in width, for use by a member of the owner's immediate family.*

This means that secondary suites would be generally permitted on ALR lands, as is the case with those lands zoned R2 "Rural Residential", but secondary dwelling units would require approval of the Agricultural Land Commission in addition to a TUP approved by the LTC.

The original project charter proposed two “public consultation meetings” held prior to a Community Information Meeting (CIM) for any amending bylaws. Given the very specific direction provided to staff within two resolutions adopted at the October 22<sup>nd</sup> meeting to draft amending bylaws to facilitate the implementation of secondary suites and secondary dwelling units, staff understands now that the LTC would like to hold the CIM and forego the second public consultation meeting. Once the LTC is satisfied that the bylaw wordings will produce their desired outcomes they can be presented to the community for their review and comment at a CIM.

Based on direction from the LTC over the past several months, and an email communication from Trustee Busheikin with five suggested amendments to the project charter, a revised project charter is attached to this report as Attachment ‘5’ for discussion and endorsement.

**RECOMMENDATIONS:**

It is the recommendation of staff THAT the Local Trust Committee:

1. Consider the attached draft bylaws and provide direction to staff on any further amendments.
2. Refer the draft bylaws to the Advisory Planning Commission.
3. Direct staff to schedule an community information meeting regarding on a date to be determined.
4. Endorse version 1.3 of the Project Charter for Denman Island Consultation on Housing Policy Review.

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Prepared and Submitted by:

Rob Milne

December 10, 2013

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Date

Concurred in by:

*Courtney Simpson*

January 7, 2014

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RPP, MCIP  
Regional Planning Manager

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Date

Attachments:

1. Draft OCP amending bylaw
2. Draft LUB amending bylaw
3. Project Charter (V 1.2)
4. Affected Areas Map
5. Revised Project Charter (V 1.3)