



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: April 19, 2016
Time: 10:15 am
Location: Denman Seniors Hall
1111 Northwest Rd, Denman Island, BC

Pages

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."

2. APPROVAL OF AGENDA

3. TOWN HALL AND QUESTIONS

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

- | | | |
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| 6.1 | Local Trust Committee Minutes dated March 15, 2016 | 4 - 15 |
| 6.2 | Local Trust Committee Public Hearing Record dated March 15, 2016 - for receipt | 16 - 19 |
| 6.3 | Section 26 Resolutions-Without-Meeting Report dated April 8, 2016 | 20 - 20 |
| 6.4 | Advisory Planning Commission Minutes - none | |
| 6.5 | Marine Advisory Planning Commission Minutes - none | |

7. DELEGATIONS

- 7.1 Simon Palmer, Denman Housing Association

8. BUSINESS ARISING FROM MINUTES

- | | | |
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| 8.1 | Affordable Housing - consideration of delegation submission by Simon Palmer, Denman Housing Association | 21 - 26 |
| 8.2 | Follow-up Action List dated April 7, 2016 | 27 - 30 |

9. CORRESPONDENCE

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

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12. REPORTS

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12.9 Trust Fund Board Report - none

13. NEW BUSINESS

13.1 Request for Decision - 2015-2016 Annual Report

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14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, May 17, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

15. TOWN HALL

16. CLOSED MEETING

16.1 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 considering: adoption of In-Camera meeting minutes dated March 15, 2016 and s.90(1)(i) for receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: March 15, 2016

Location: Denman Seniors Hall
1111 Northwest Rd, Denman Island, BC

Members Present Susan Morrison, Chair
David Critchley, Local Trustee
Laura Busheikin, Local Trustee

Staff Present Rob Milne, Island Planner
David Marlor, Director, Local Planning Services
Vicky Bockman, Recorder

Others Present Approximately thirty (30) members of the public - am
Approximately fifteen (15) members of the public - pm

1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:35 am. She welcomed the public and introduced herself, Trustees, staff and recorder. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- correspondence dated December 4, 2015 from Annette and Hartmut Schmidt-Schweda regarding watercourse mapping to agenda item 14.3.1
- Trust Fund Board Report dated March 2016

Ron Sakolsky raised a point of order about the agenda, objecting to the lack of an Islands Trust-sponsored Community Information Meeting (CIM) being held prior to the Public Hearing on proposed Bylaw Nos. 219 and 220. He also objected to holding Public Hearings as a part of regular Local Trust Committee (LTC) business meetings.

Trustees acknowledged that while an applicant-sponsored CIM had been previously held and well attended, they were aware of recent concerns expressed in the community in this regard. Consideration was given to holding a CIM at this time in the interest of providing a more open dialog with community members on these proposed bylaws.

DE-2016-008

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee add "Community Information Meeting on Bylaw Nos. 219 and 220" as agenda item no. 3.

CARRIED

Some members of the public in attendance expressed concern that a CIM held at this time would not allow for adequate notification to those who were not present at this business meeting and who may wish to attend.

Trustees considered this concern, noted that questions can be answered in a Public Hearing for clarity purposes and assured those present that time would be provided to ensure that clarification would be provided where necessary in the Public Hearing which had been well publicized as scheduled for today.

DE-2016-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee rescind motion number DE-2016-008 regarding the Community Information Meeting.

CARRIED

By general consent the agenda was adopted as amended.

3. COMMUNITY INFORMATION MEETING – none

4. PUBLIC HEARING

4.1 Recess for Public Hearing

4.1.1 Bylaw Nos. 219 and 220

The meeting was recessed at 10:47 am for the Public Hearing on Bylaw Nos. 219 and 220.

4.2 Recall to Order

The meeting was recalled to order at 11:31 am.

5. CLOSED MEETING

5.1 Motion to Close Meeting

DE-2016-010

It was MOVED and SECONDED,

That the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(i) for the purpose of considering the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 11:32 am.

5.2 Recall to Order

The meeting was recalled to order at 12:44 pm.

By general consent the meeting was recessed at 12:44 pm and reconvened at 12:55 pm.

5.3 Rise and Report

Chair Morrison reported that in the Closed Meeting the LTC adopted minutes from In Camera meetings of October 27, 2015 and December 1, 2015.

6. TOWN HALL AND QUESTIONS

Shelley McKeachie, speaking on behalf of the Association of Denman Island Marine Stewards, advised that an application for a new aquaculture raft tenure near Millard Road has been confirmed and asked if the LTC has received a referral, if so who would respond, and the process that would be involved as it may require rezoning.

Sharon Small expressed her objection to this aquaculture tenure proposal as the new deep water raft array, if approved, would stretch for a kilometre and be situated close to an existing 40-raft array.

Planner Milne suggested that objections be voiced to The Ministry of Forests, Lands and Natural Resource Operations. He advised that the application referral has just been received and the normal review process will include technical assessment by Islands Trust staff, a policy review that would determine if it needs rezoning, and response by staff to the referral.

Edi Johnston urged the LTC to request a meeting with the Comox Valley Regional District (CVRD) under Section 2. Cooperation of the 2011 Regional District/Local Trust Protocol Agreement as a potential solution to outstanding issues such as restricting vehicular driving on the beach. She submitted her speaking notes for the record.

7. MINUTES

7.1 Local Trust Committee Minutes dated January 12, 2016

By general consent the minutes were adopted.

7.2 Section 26 Resolutions-Without-Meeting Report dated March 3, 2016

Received.

7.3 Advisory Planning Commission Minutes - none

7.4 Marine Advisory Planning Commission Minutes – none

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated March 3, 2016

Planner Milne reviewed the report.

8.2 Memorandum dated March 2, 2016 regarding Coastal Douglas-Fir and Associated Ecosystems Conservation Partnership (CDFCP)

Trustees received the CDFCP Statement of Collaboration, supported the beliefs that were identified, and discussed becoming a signatory on the Statement.

DE-2016-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee become a signatory to the Coastal Douglas-Fir and Associated Ecosystems Conservation Partnership Statement of Cooperation.

CARRIED

DE-2016-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee send a letter signed by the Chair of the Denman Island Local Trust Committee to the Chair of the Coastal Douglas-Fir and Associated Ecosystems Conservation Partnership citing our resolution to support the Statement of Cooperation.

CARRIED

9. DELEGATIONS

9.1 Marine Advisory Planning Commission regarding Report on Beach Accesses

9.1.1 Report dated February 11, 2016

Shelley McKeachie and Edi Johnston were present from the Marine Advisory Planning Commission (MAPC) to answer any questions that Trustees might have regarding their report on beach accesses. They suggested that possible next steps might include a collaborative meeting with MAPC members and Islands Trust Staff to discuss options and noted that funding for this Top Priority issue remains undetermined.

9.2 Denman Community Land Trust Association (DCLTA) regarding Seniors' Affordable Housing

Harlene Holm, speaking on behalf of DCLTA, provided information to build on the Staff Report of January 25, 2016 including:

- Official Community Plan (OCP) references in support of affordable housing and seniors' housing; and
- clarification of the bare-land strata agreement.

She provided updates on the project and submitted her speaking notes and the following background documents for the record:

- the positive results of the Qualified Professional assessment and the Wastewater Assessment Report; and
- reports of meetings held with the Ministry of Transportation and Infrastructure and Vancouver Island Health Authority.

She stated that the LTC's support of the ALR exclusion application is an essential step in moving the project forward.

9.3 Simon Palmer for Denman Housing Association regarding Proposed Affordable Housing Project

9.3.1 Email submission from Denman Housing Association

Simon Palmer, speaking on behalf of Denman Housing Association submitted a document regarding affordable housing for working families on Denman Island dated March 14, 2016. He requested that the LTC:

- host a community meeting to engage community discussion of the issues;
- propose clarifications in the OCP to help develop solutions to the challenges facing applicants seeking to create affordable housing projects, including the acquisition of land; and
- give consideration to the proposed motions included in the document.

9.4 Denman Island Residents Association Marine Guardians Committee (DIRA MG) regarding Marine Issues

Edi Johnston, speaking on behalf of the DIRA MG Committee, asked the LTC to encourage the CVRD to work with them to find a solution to prohibit vehicles from driving on beaches while retaining the beach rights-of-way for non-motorized public use. She suggested that the LTC might find that other agencies have approaches that could be useful in its consideration of this issue.

10. CORRESPONDENCE

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

10.1 Notice of License for Denman Island Community Boat Ramp

Trustee Busheikin provided background and reported that this notice is provided for information regarding the license that has been received for a two-year term for a community boat ramp.

10.2 Denman Island Local Trust Committee Letter of Support dated January 29, 2016 to Comox Valley Regional District (CVRD) South Region Liquid Waste Management Plan

Received.

11. APPLICATIONS AND REFERRALS

11.1 Bylaw No. 219

Bylaw No. 219 cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015" - for consideration of third reading and submission to Executive Committee and to the Ministry of Community, Sport and Cultural Development for approval.

Planner Milne outlined options for proceeding subsequent to the Public Hearing that has now been held.

Trustees discussed the complexities of this application and the need to provide clarity for the benefit of the community. They suggested that the next step involve receipt of a Staff Report that might include such information that addresses:

- clarification of all density questions;
- an explanation of the intent of the proposal to transfer, not increase density;
- an articulation of concerns expressed in the community;
- improved mapping if possible;
- inclusion of a response from the Trust Fund staff regarding the setback issue as expressed in Louise Bell's submission; and
- creation of a separate bylaw and OCP amendment that addresses the proposed transfer of a density to the Density Bank.

Trustees supported conducting an Islands Trust-sponsored CIM and a second Public Hearing on Bylaw Nos. 219 and 220.

DE-2016-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back a Staff Report on Bylaw Nos. 219 and 220 reflecting issues brought up in discussion by the Trustees and at the Public Hearing.

CARRIED

DE-2016-014

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a revised set of bylaws for the proposed Bylaw Nos. 219 and 220 to show the transfer of one density to the Denman Island Density Bank and to show the transfer of one density from the donor property to the receiving property.

CARRIED

Trustees discussed the possibility of the creation of a site-specific zone or a restrictive covenant to address the density transfer and suggested that Planner Milne give consideration to the tool that might best structure the transfer and provide that analysis as a part of the Staff Report.

11.2 Bylaw No. 220

Bylaw No. 220 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015" - for consideration of third reading and submission to Executive Committee for approval.

This was addressed with agenda item 11.1.

11.3 DE-ALR-2015.1 Denman Community Land Trust Association

11.3.1 Staff Report dated January 25, 2016

Planner Milne summarized the application for exclusion of land from the Agricultural Land Reserve (ALR) to facilitate the development of eight units of affordable housing for Denman Island residents over 65 years of age.

Trustees discussed their support of the project and considered options for material and comments to include with the recommendation supporting the exclusion of the subject property from the ALR.

DE-2016-015

It was MOVED and SECONDED,

1. that the Denman Island Local Trust Committee supports application DE-ALR-2015.1 (Denman Community Land Trust Association on behalf of Beverley Severn) to exclude Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, except that part in Plan 24807 (3730 Denman Road) from the Agricultural Land Reserve;
2. that the Denman Island Local Trust Committee direct staff to forward application DE-ALR-2015.1 to the Agricultural Land Commission including a copy of the Committee's resolution of support;
3. that the following comments be attached in support of the application:
 - a. comments provided by Louise Bell;
 - b. There is a well-documented need for seniors' affordable housing (in the Denman Housing Needs Assessment of 2008, the Age Friendly Report of 2011, the Denman Community Land Trust Report of 2014, the Denman Housing Association Affordable and Convenient Housing Needs Report on Denman Island, 2013, and Denman Island Local Trust Committee public consultation on housing in 2013) to support viewing this project as potentially meeting an essential and pressing community need; and
 - c. There are currently no other available locations for affordable housing within walking distance of the village that are not in the Agricultural Land Reserve; and
4. that the Denman Island Official Community Plan excerpts regarding Seniors and affordable housing quotes from the Official Community Plan be attached.

CARRIED

11.4 DE-DP-2015.3 (Devilliers - 8330 Owl Crescent)

11.4.1 Staff Report dated March 2, 2016

Planner Milne presented the Staff Report reviewing the proposed application for a Development Permit (DP) to authorize construction of a new, single family dwelling with a deck, plus installation of a septic tank and partial location of a driveway in a location within DP Area No. 2, Steep Slopes.

Trustees discussed and supported amendments to the conditions for proposed DE-DP-2015.3 recommended in the Staff Report as follows:

- Condition 1 – add “are hereby made mandatory” after “respectively”;
- Conditions 2 and 3 – remove “strictly”; and
- Condition 2 – remove the comma after “views”.

DE-2016-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of DE-DP-2015.3 as amended.

CARRIED

By general consent the meeting was recessed at 2:41 pm and reconvened at 2:46 pm.

11.5 DE-DP-2015.4 (DeVilliers - 2201 Tristone Road)

11.5.1 Staff Report dated March 2, 2016

Planner Milne summarized the Staff Report, reporting that an application to subdivide under Section 514 in order to provide a residence for a relative has been received; and the need for a DP has been identified as part of the subject property is within DP Area No. 4: Streams, Lakes and Wetlands.

DE-2016-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of DE-DP-2015.4 conditional upon the following:

there shall be no future land alteration or development except as prescribed in accordance with Schedule “B” (“Riparian Areas Regulation: Assessment Report”, dated July 3, 2015, prepared by Warren Fleenor, Registered Professional Biologist of Current Environmental Ltd.) attached to and forming part of the permit.

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Denman Island Farm Plan

12.1.1 Staff Report dated February 3, 2016

Planner Milne presented the Staff Report regarding the initiation of the Denman Island Farm Plan Implementation. He provided an overview of the recommendations contained in the Denman Island Farm Plan and suggested a project management approach that prioritizes and initially focuses on recommendations 13 and 14 of the Farm Plan, providing rationale in support of this strategy.

Trustees discussed including elements of Farm Plan Recommendation No. 11: Undertake a Review of Additional Housing on Farmland in the initial implementation focus along with relevant OCP and zoning amendments.

DE-2016-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to prepare a Project Charter for consideration of the Local Trust Committee which prioritizes implementation of Recommendations 13 and 14 and those sections of Recommendation 11 that pertain to the Official Community Plan and Land Use Bylaw of the Denman Island Farm Plan and outlines a corresponding public consultation process.

CARRIED

Trustees noted that providing comments on the Farm Plan's identified key issue of establishment of an Agricultural Advisory Planning Commission in the Staff Report would be useful. Planner Milne commented on current staff workload and timing for production of the Staff Report.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated March 3, 2016

Trustees requested that Top Priority No. 2: Review of Visitor Accommodations Regulations be removed from the list as the project has been completed. They acknowledged that three Top Priorities remain and no further changes were requested at this time.

13.1.2 Projects List Report dated March 3, 2016

Trustees requested that the Project "Review of OCP/LUB regarding Implementation of Denman Island Farm Plan and ensuring food security" be removed from the Projects List as it has been moved to the Top Priorities List.

13.2 Applications Report dated March 3, 2016

Planner Milne presented the Applications Report and advised that there are no updates to report.

13.3 Trustee and Local Expense Report dated February, 2016

Received.

13.4 Adopted Policies and Standing Resolutions - none

13.5 Local Trust Committee Webpage

Trustee Busheikin encouraged Trustee Critchley to send his Trustee Notebook articles to Planner Milne for posting on the webpage.

13.6 Chair's Report

Chair Morrison reported on the following:

- That Trust Council will be held on Hornby Island next week and that Executive Committee has been working on preparation of the budget and facilitating a First Nations workshop for that meeting.
- She advised that there will be a recommendation from Executive Committee presented at Trust Council to hire a temporary Marine and First Nations Specialist to help with marine issues.

13.7 Trustee Reports

Trustee Busheikin reported on the following:

- holding Trustee Office Hours;
- attendance at the monthly DIRA meeting;
- follow-up efforts with the archeologist from the First Nations meeting to explore the possibility of a presentation to be conducted on Denman Island; and
- she will be writing the Trustee Notebook article for the Flagstone and encouraged suggestions of a topic.

Trustee Critchley reported on the following:

- a CVRD South Region Liquid Waste Management Plan meeting that he attended;
- an Old School Committee meeting that he attended;
- a Trust Programs Committee meeting that he attended;
- CVRD Baynes Sound Initiative meeting that he attended; and
- the Trustee Office Hours held.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report

Chair Morrison highlighted activities on Denman Island that were reported in the March 2016 Trust Fund Board Report.

14. NEW BUSINESS

14.1 Land Use Consultation for Radio Communication Utilities

14.1.1 Memorandum dated January 5, 2016

Trustees noted that this item will be on the Trust Council agenda and no action is required at this time.

14.2 Annual Comox Valley Regional District Meeting with Denman/Hornby Local Trust Committees

14.2.1 Letter dated January 6, 2016

Planner Milne advised that CVRD has proposed a date of October 20, 2016 as a possible date for the annual meeting with Denman/Hornby Island LTCs. Trustees confirmed their agreement with the suggested date.

14.3 Watercourse Mapping Concern

14.3.1 Correspondence regarding A and H Schmidt-Schweda

Additional correspondence dated December 4, 2015 from Annette and Hartmut Schmidt-Schweda regarding watercourse mapping was received.

Planner Milne presented an overview and background of the correspondence that requests correction of a mapping error on Denman Island.

A Trustee reported that a site visit had been made and supported the correction of maps. Trustees discussed budgetary considerations and process involved in mapping changes.

DE-2016-019

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

that the Denman Island Local Trust Committee direct staff to make all reasonable efforts to utilize the budget money for Riparian Areas Regulation remaining in the Local Trust Committee's account for the purpose of mapping the stream located on the Schmidt-Schweda property referred to in their correspondence.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, April 19, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next regular tentatively scheduled meeting date, time and location.

16. TOWN HALL

Edi Johnston asked if there will be minutes produced from the annual CVRD meeting in October and if they will be available to the public. She inquired as to next steps for proposed Bylaw No. 207.

In response to her questions, Planner Milne advised that meeting notes are regularly taken at the CVRD annual meetings and Trustee Critchley explained that the LTC is continuing to consider options regarding proposed Bylaw No. 207.

Shelley McKeachie asked how the public can track the proposed new aquaculture raft tenure referral.

Trustee Critchley responded that the public will be kept informed of the referral through its inclusion on an LTC agenda.

Edi Johnston commented that the process of referrals going to staff and not the elected officials seems backwards.

Chair Morrison responded that the technical nature of referrals is first reviewed by staff and that once a political decision is required the referrals are provided to Trustees for consideration.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:31 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder



**Denman Island
Local Trust Committee
Public Hearing Record**

**REGARDING PROPOSED BYLAW NO. 219 CITED AS "DENMAN ISLAND OFFICIAL
COMMUNITY PLAN, 2008, AMENDMENT NO. 2, 2015"**

AND

**PROPOSED BYLAW NO. 220 CITED AS "DENMAN ISLAND LAND USE BYLAW,
2008, AMENDMENT NO. 3, 2015"**

Date: March 15, 2016

Time: 10:45 am

Location: Denman Seniors Hall
1111 Northwest Rd, Denman Island, BC

Members Present Susan Morrison, Chair
David Critchley, Local Trustee
Laura Busheikin, Local Trustee

Staff Present Rob Milne, Island Planner
David Marlor, Director, Local Planning Services
Vicky Bockman, Recorder

Others Present Approximately thirty (30) members of the public

1. CALL TO ORDER

Chair Morrison called the Public Hearing to order at 10:46 am. She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw Nos. 219 and 220. She invited those wishing to speak to sign a speaker's list and to place written submissions into the Public Hearing submission box.

2. PROPOSED BYLAW NOS. 219 and 220

Planner Milne reported on the advertising of the Public Hearing and explained that all notification requirements have been completed. He outlined the land use designations and zoning classifications that are being proposed.

**Public Hearing Record
Received For Information
By Local Trust Committee**

He advised that the purpose of the proposed bylaw is to allow the owners of Lot 17 to transfer approximately 2.545 hectares of land to the Trust Fund to be protected as Nature Reserve and to transfer the two densities associated with the 2.545 hectares to the receiving property which is proposed to be subdivided into three large parcels.

He reported on submissions that have been received as of the afternoon of March 14, 2016.

3. PUBLIC COMMENTS

Chair Morrison read a submission from Des Kennedy, 1670 Pickles Road at his request, as he was not able to attend the Public Hearing to do so personally. He pointed out that a previous Staff Report commented that a Community Information Meeting (CIM) held after the Local Trust Committee (LTC) had received and considered the restrictive covenant, draft bylaws and referral responses would be beneficial to allow the community to review the information prior to proceeding to Public Hearing. He expressed his opinion that there has not been sufficient information made available to the community on this proposal and that there remain outstanding concerns. He requested no further action be taken until an Islands Trust-sponsored CIM on proposed Bylaw Nos. 219 and 220 has been held.

Ron Sakolsky, 4062 A Wren Road – objected to the lack of an Islands Trust-sponsored CIM held prior to this Public Hearing to allow the community to ask questions about the proposed bylaw changes. He objected to holding Public Hearings as a part of a regular LTC meeting, stating his opinion that they should be held as a free-standing event. Regarding proposed Bylaw Nos. 219 and 220, he stated his support of the rezoning for conservation and opposition to the transfer of densities to Pan Design for rural residential, stating his belief that these transactions should be considered separately. He objected to the density transfer on ethical grounds and expressed his opinion that treating densities as commodities may lead to gentrification and less affordable housing.

Louise Bell, 3325 Kirk Road – expressed concern that the boundary on the proposed conservation property is only ten metres to the west of the Valens Brook watercourse where at least 30 metres would be appropriate. She expressed concern that clarification needs to be provided on the boundaries for the proposed conservation property, the density transfer, zoning, mapping, and potential impact on property to the west; and that adequate time needs to be provided for the community to review these issues and the restrictive covenant. She asked the LTC to reconsider the proposed bylaws, to address these problems, and to bring them back for another CIM.

Peter Thomsen, 2000 Triple Rock Drive – declared that he is an adjacent property owner to the property involved in this proposal and stated his opposition to proposed Bylaw Nos. 219 and 220. He found the number of densities and split zoning to be confusing, objected to the commodification of densities that can be bought and sold, and to a Forest zone being changed to an R2 zone. He opposed further rezoning or subdivision of this property as he had been previously assured that no further subdivision would be possible. He stated that his wife has extreme health concerns and that exposure to smoke and the cumulative effect of increased density in their proximity could cause

**Public Hearing Record
Received For Information
By Local Trust Committee**

serious harm to her. He asked the LTC to reject these bylaws, or to consider restrictive covenants on burning, or to postpone the process to allow for more community input.

Jacqueline Pearlson, 3290 Lacon Road – disclosed that she is an adjacent property owner to the property involved in this proposal. She expressed concerns that this development will negatively impact her water supply, the map is not adequate, and that there is another close property owner that has not been disclosed. She suggested that an alternative energy source should be considered. She supported other comments objecting to the bylaws and expressed her opposition to going forward with them, asking Trustees to reject the proposal.

Patricia Willis, 3780 Lake Road – agreed with Louise Bell's comments, and stated that there needs to be a CIM sponsored by an independent body. She commented on the commodification of densities, noting that these were provided for provision of services and questioned the impact and value of the donation of the density. She asked how other islands handle these transfers. She considered the mapping to be inadequate.

Norma Rejall, 1680 Swan Road – expressed her opposition to changing Forestry zoning to Rural Residential zoning, and voiced concern that this might set a precedent. She stated that she is not in favour of two densities being transferred and is not comfortable with the number of densities applied for by this property developer and how many more may happen in the future.

Gerald Talbot, 2751 Lacon Road – expressed concern that this proposed density transfer would affect his well water. He stated that he would want to see a study completed that reviews the effect of increased densities and septic systems in that area of the aquifer that supplies his property and confirming that it would not have a negative effect.

Henning Nielsen, 3222 Lacon Road – disclosed that he is one of the applicants. He reported that he was recently made aware of unintended consequences of the way the bylaws were drafted which resulted in the receiving property receiving four densities instead of three. He noted that the applicants have been in compliance with the Official Community Plan and Land Use Bylaw, held a CIM, and did their utmost to disclose their intentions. He advised that the unintended fourth density associated with the R2 zone would be donated to the Density Bank for affordable housing. He expressed concern that this will delay the conservation initiative and hoped that the LTC would proceed with the proposed bylaws.

Sharon Small, 3013 Lacon Road – noted that as a property owner in the neighbourhood of the subject property she received notification, however, would like to see this proposal structured in a way that the ramifications can be understood. She stated that she would like there to be ample opportunity for the community to review the proposal.

Sheila Nopper, 4062 A Wren Road – pointed out that there are people here that are concerned with the issue, however there are others who would have liked to attend but whose work schedules would not permit them to be here at this time of day.

**Public Hearing Record
Received For Information
By Local Trust Committee**

Bill Engleson, 4905 Trueman Place – stated that he is generally in favour of this application. He acknowledged that there have been some questions raised that may need to be addressed such as pollution that might occur and water concerns. He noted that the density issue is confusing, however, supported the addition of a density to the Density Bank for the benefit of affordable housing that this application would provide.

4. ADJOURNMENT

Chair Morrison asked three times if there were any in the audience who wished to comment and hearing none, the meeting was closed at 11:26 am.

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

Vicky Bockman, Recorder

Resolutions Without Meeting

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2016-08	In Favour	"That the Denman Island Local Trust Committee request staff to provide a compilation of work to date on the marine issues project, including without limitation, related staff and consultant reports, Marine Advisory Planning Commission minutes, and LTC decisions."	08-Apr-2016

Denman Housing Association
3720 East Road, Denman Island, B.C. V0R 1T0
SimonPalmer3720@gmail.com 250 335 2559

To: The Denman Island Local Trust Committee

Re: Affordable Housing for Working Families on Denman Island.

Trustees, I am pleased to have the opportunity to formally put to you the status of the affordable housing challenge on Denman Island, I am less pleased that, after decades of talk, it is still necessary. The eternal optimist that I am hopes that by the end of this presentation you may see a role for yourselves in finally turning words into action and creating a solution to the affordable housing challenge that has eluded the island for too long.

At the outset I should make clear, I speak as Chair of the Denman Housing Association regarding affordable housing for working families. Not to be confused, as some in the community still do, with the DCLTA, the Land Trust, that is doing such a commendable job in meeting the affordable housing needs of seniors.

Very briefly my credentials. I have been a homeowner on Denman since 2003 & a permanent resident since 2009. I am a Canadian citizen. In addition to the Housing Association I chair the Denman WORKS! Economic Enhancement Society & I am the Manager, Secretary & Treasurer of the Graham Lake Improvement District which treats & supplies water to 87 households on the East side of the island. My commitment to Denman is therefore total which is why, with your help, the community has someone, along with a few friends, prepared to devote the time and likely some cash to meet the affordable housing challenge. Your help however is key, as I hope to illustrate.

Some background. Two years ago, thanks to a grant from the Canadian Mortgage & Housing Corporation, we commissioned a study entitled Affordable and Convenient Housing Needs on Denman Island. The study was undertaken & written by John Roberts, a qualified management consultant & his conclusions, I suggest, should therefore be taken both as credible & the best available.

Whilst the study included the convenient housing needs of seniors, for our purposes today and the Housing Association's focus going forward, I shall quote only the rental housing situation as summarized in the report.

Which is that 90% of rental units on Denman are 'inadequate', meaning

- they lack basic amenities such as running water, electricity, an indoor toilet
- there is no security for renters, no rental agreement
- they are of sub-standard construction, in some cases requiring major repairs
- they are in many cases too small, such as having no bedroom for a couple
- they are unaffordable, cost more than 30% of the occupant household's income

The study concluded that on Denman, here in our community, at least 120 people, of whom 20 are children, are living in housing as described above. That is over 10% of our population. That is a disgrace.

Let me quote firsthand from 3 participants in the study:

"I was in a situation for 2 years where I got kicked out in summer months. I work full time, have a professional job and had to sleep on the beach or out of the back of my truck. I have given myself one more year to see if housing changes here or I will leave because I cannot get farther ahead living like this."

Another -

"It is so hard to find a place to rent, that I may be forced to leave the island and my daughter who needs me."

Finally -

"I have a friend who has moved at least five times in the last two years... is currently living in a travel trailer which won't be adequate in the winter.."

Some participants in the study agreed to be identified, confidentially, to our Association. We wanted to put faces to facts and, when the time comes to locate, design and build, to have input from our potential clients. I have their names here, 21 households including 3 couples & 6 more listed as having 'family'. All people we know, but clearly not well enough.

Armed with such sobering facts, our Association sought to address the problem and one thing quickly became clear, that there is no market-based solution. That the cheapest land & most economic building methods still added up to a cost requiring rents that by definition would be unaffordable. At a minimum therefore we needed free land.

So raise the money to buy it, we said. I approached 6 people I know who have the means, hoping to start a trend. Not large amounts, far less than they spend on one winter's retreat to somewhere warm. How disappointing that was! Then via an islander with contacts in the Vancouver Foundation I was told that statistically the Denman donor population is too small to fund such a venture.

So how about donated land, we said. There are many with acreage out of which 10 acres or so would not impact a view or a lifestyle. So I asked a number of landowners. I told them, people who give live longer. More disappointment.

Then I spoke to Michael McNamara of ISLA on Hornby and a possible solution presented itself. As they did, we should find a landowner prepared to subdivide and transfer a lot to the affordable housing entity in exchange for building permission on the remainder equivalent in value to the donated parcel.

On the assumption that what works on Hornby can, with good will & community support, be made to work on Denman, we set about looking for suitable land and an owner prepared to deal. And it has not been easy, but now we may have found a potential candidate.

Which brings me finally to the point of the presentation and as a prelude I can do no better than read from two pieces of recent correspondence, one with Rob Milne, our Island Planner, the other an email from myself to Trustee Busheikin.

January 8 I wrote & Rob Milne replied in the body of my text:

Me -

Further our conversation yesterday regarding our request for clarification as to whether density transfers for the purpose of acquiring land for affordable housing are permitted under the OCP. Would I be correct in understanding from you that while such transfers are not precluded by the OCP, neither are they specifically permitted, in other words the matter is simply not addressed?

Rob Milne -

As may be seen in Policy 11 of Section E.1 of the "Housing Policies" the OCP does give favourable consideration to affordable housing notwithstanding the density cap. What is not

clear from this policy is whether the intent of this policy anticipates an increase in residential densities to compensate a property owner who is donating land to a society for the purposes of developing affordable housing, which would represent an increase in density not otherwise supported by the OCP. As we had discussed the answer to this question will likely depend upon the level of community support to this approach.

(He then quotes Policy 11 which I shall not)

And I go on –

In which case do I recall correctly that you recommended we perform our due diligence on the project, present it to the community, ensure we have answers to questions and then approach the Local Trust Committee to obtain the rezoning, density transfers etc as needed?

To which he replies -

I am of the opinion that when considering a project that involves significant costs and regulatory processes it is always prudent to confirm the physical capability of the subject property to support the development in question prior to the significant expenditure of funds and other resources. In this particular case the ability of the lands to support on-site waste disposal and the availability of potable water are critical issues. It should also be noted that the lands proposed to “up-zoned” as part of the exchange would also have to be capable of supporting the anticipated level of density.

I continue -

For the record you kindly defined 'due diligence' in this regard as:

- land survey of both the proposed affordable housing property and that receiving the compensatory densities
- proving water in accordance with VIHA requirements
- proving septic treatment soil suitability to VIHA standards
- preparing a site plan for the 20 unit development on the 10 acre parcel
- showing that RAR will be met minding there are wetlands on the property
- providing for road access per regulations based on the development definition
- estimating the cost of hydro to the development
- costing construction & associated infrastructure and identifying sources of financing for the whole
- providing a cashflow projection showing the ongoing viability of the project

And his response is -

I believe that list captures the significant issues that will have to be considered. I would note that a draft survey plan, which does not involve setting pins, would be adequate for the initial

review. As for the cashflow projection, this is a useful tool for the proponents but not one which is required by the LTC.

I would note that most of these items would be considered necessary to form a “complete” application to the Islands Trust. I would also point out that having this information available to present to the public at an open house prior to making an application would be most useful to the Trust in determining the level of community support/concerns regarding the project.

My email in summary to Trustee Busheikin is more brief. Relevant excerpts will suffice to make my point –

I wrote -

It occurs to me that beyond my letter being addressed, perhaps at the March LTC meeting, that the LTC might usefully use it as the catalyst for a community discussion of the whole affordable housing challenge & how the LTC might propose clarifications of the OCP to make it more straightforward for groups, such as the Denman Housing Association, and DCLTA, to develop solutions.

As you can see from Rob Milne's response, in the current climate/OCP situation, a group such as ours, DHA, can potentially spend many 10's of \$000s & months of work trying to solve a problem, widely-acknowledged on the island, only for permission not to be granted. Because whilst the OCP does not forbid, say, density transfers to enable the acquisition of land, nor does it allow it.

My point is that this should be reversed, IF the island wants affordable housing. That the LTC should lead an agenda which includes setting criteria for a group such as DHA to meet, that once met it, DHA, can be assured of approval.

On that basis I and others would be prepared to spend our own money & time, a lot of both, to make it happen.

You use the word "daunting". It's more than that. By the time we have surveyed, proven water, septic, planned road access, calculated hydro cost, sourced funding, done cashflow projections, too much has been invested for success not to be certain, so we would not do it. The reason why we still have 10% of our community in unaffordable and/or sub-standard housing.

I would suggest, without compromising yourselves, the Denman LTC could take the lead here & leave a mark of lasting benefit to the community.

You lead in this way & we will support/follow/do the necessary legwork.

In conclusion, and because nothing happens without a Motion, may I request you consider making two, along the lines of –

‘That the Denman Island Local Trust Committee accept the study ‘Affordable and Convenient Housing Needs on Denman Island’ dated November 9 2013 as defining the scale of the affordable housing needs of working families on Denman Island.’

And

‘That the Denman Island Local Trust Committee will expeditiously host a community meeting for the purposes of discussing, relative to affordable housing only, bylaws permitting density allocations to facilitate land acquisition and the establishment of criteria under which, once met, an applicant seeking to create affordable housing may be assured of automatic approval of zoning, density and project-related requests’.

That concludes my presentation. Apologies for its length but the matter is most serious and has defied a solution for too long.

March 14 2016

Follow Up Action Report

Denman Island

20-Jan-2015

No.	Activity	Responsibility	Target Date	Status
1	that staff work on the Housekeeping Project as their time permits	Rob Milne		On Going

03-Mar-2015

No.	Activity	Responsibility	Target Date	Status
1	Staff were directed to advertise for membership in a Board Of Variance appointed jointly with other local trust committees in the Northern Region.	Lisa Webster-Gibson		Done

01-Dec-2015

No.	Activity	Responsibility	Target Date	Status
1	that the Denman Island Local Trust Committee receive the Coastal Douglas Fir Conservation Strategy and defer consideration of becoming a signatory to the Collaboration Statement until we have reviewed a copy of the same.	Rob Milne		Done

12-Jan-2016

No.	Activity	Responsibility	Target Date	Status
1	staff requested to examine the topic of Special Events bylaws and their frequency and nature on other Gulf Islands.	Rob Milne		Done



Follow Up Action Report

- | | | | |
|---|--|-----------------------------|------|
| 1 | That the Denman Island Local Trust Committee proceed to a Public Hearing for Bylaw Nos. 219 and 220 to be held prior to the regular meeting of the Local Trust Committee to be held on March 15, 2016 and that copies of the draft restrictive covenant for the receiving property be available for public review. | Becky McErlean
Rob Milne | Done |
|---|--|-----------------------------|------|

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- | | | | |
|---|---|------------|------|
| 1 | The Denman Island Local Trust Committee requests the Bylaw Enforcement Manager to provide an update on Bylaw Enforcement on File Nos. DE-DVP 2011.1, DE-SUP-2009.14, and on DE-DP-2006.2. | Miles Drew | Done |
|---|---|------------|------|
-

15-Mar-2016

No.	Activity	Responsibility	Target Date	Status
1	that the Denman Island Local Trust Committee send a letter signed by the Chair of the Denman Island Local Trust Committee to the Chair of the Coastal Douglas-Fir and Associated Ecosystems Conservation Partnership siting our resolution to support the Statement of Cooperation.	Rob Milne		Done
1	That the Denman Island Local Trust Committee request staff to bring back a Staff Report on Bylaw Nos. 219 and 220 reflecting issues brought up in discussion by the Trustees and at the Public Hearing.; and That the Denman Island Local Trust Committee request staff to prepare a revised set of bylaws for the proposed Bylaw Nos. 219 and 220 to show the transfer of one density to the Denman Island Density Bank and to show the transfer of one density from the donor property to the receiving property.	Rob Milne		Done



Follow Up Action Report

1	1. that the Denman Island Local Trust Committee supports application DE-ALR-2015.1 (Denman Community Land Trust Association on behalf of Beverley Severn) to exclude Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, except that part in Plan 24807 (3730 Denman Road) from the Agricultural Land Reserve; 2. that the Denman Island Local Trust Committee direct staff to forward application DE-ALR-2015.1 to the Agricultural Land Commission including a copy of the Committees resolution of support; 3. that the following comments be attached in support of the application: a. comments provided by Louise Bell; b. There is a well-documented need for seniors affordable housing (in the Denman Housing Needs Assessment of 2008, the Age Friendly Report of 2011, the Denman Community Land Trust Report of 2014, the Denman Housing Association Affordable and Convenient Housing Needs Report on Denman Island, 2013, and Denman Island Local Trust Committee public consultation on housing in 2013) to support viewing this project as potentially meeting an essential and pressing community need; and c. There are currently no other available locations for affordable housing within walking distance of the village that are not in the Agricultural Land Reserve; and 4. that the Denman Island Official Community Plan excerpts regarding Seniors and affordable housing quotes from the Official Community Plan be attached.	Rob Milne Penny Hawley	Done
1	that the Denman Island Local Trust Committee direct staff to prepare a Project Charter for consideration of the Local Trust Committee which prioritizes implementation of Recommendations 13 and 14 and those sections of Recommendation 11 that pertain to the Official Community Plan and Land Use Bylaw of the Denman Island Farm Plan and outlines a corresponding public consultation process. Report to include comments about constituting an AAC.	Rob Milne	On Going
1	Staff to confirm DELTC availability for the proposed October 20, 2016 joint CVRD/IT meeting.	Rob Milne	Done

Follow Up Action Report

- 1 Staff to make all reasonable efforts to utilize the budget money for Riparian Areas Regulation remaining in the Local Trust Committees account for the purpose of mapping the stream located on the Schmidt-Schweda property referred to in their correspondence.
-

Rob Milne

On Going



Hornby Island Residents' and Ratepayers' Association
P.O. Box 16, Hornby Island B.C. V0R 1Z0

February 22, 2016

Denman Island Local Trust Committee
Denman Island, B.C.
V0R 1T0

Dear Trustees,

As Buckley Bay is the portal of entry to both Denman and Hornby Islands, we wish to draw your attention to the Island Trust signage on the passenger waiting kiosk at Buckley Bay.

Under the Island's Trust logo, it states: "Denman Island is part of the Island's Trust....."

At a recent meeting of the Hornby Island Residents' & Ratepayers' Association the assembly, by unanimous vote, requested that this sign be revised to state "Denman and Hornby Islands are part of the Islands Trust"....

We are formally requesting that the Islands Trust sign be revised as soon as possible.

Thank you in advance.

Sincerely,

Janet LeBlancq
Administrator

cc Hornby Island Local Trust Committee

www.hirra.ca

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Fax: (250) 390-4163

RDN Website: www.rdn.bc.ca

March 2, 2016

FILE: 6480-20-H-REVIEW

Mr. Rob Milne, Island Planner
Islands Trust – Denman Island Local Trust Committee
700 North Road
Gabriola Island, BC VOR 1X3

Dear Mr. Milne:

ELECTORAL AREA H OFFICIAL COMMUNITY PLAN REVIEW

This letter is to advise the Denman Island Local Trust Committee that the Regional District of Nanaimo (RDN) has initiated a review of the Official Community Plan (OCP) for Electoral Area H. An official community plan (OCP) describes a long term vision for the future of a community, and a course of action to achieve it. An OCP is meant to be reviewed periodically, and the last overall review occurred in 2004. In 2010 the Bowser Village Centre Plan was created and added to the OCP.

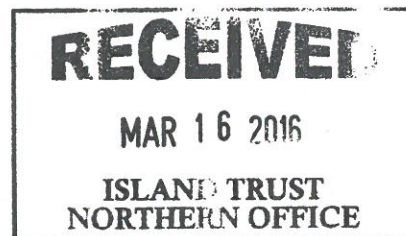
This project is proposed as a 'targeted' OCP review, meaning that it is not a complete re-write but will be focused on amending those areas in need of change, or adding topic currently absent. Preliminary topics for review include growth and development, the natural environment, transportation, and a community of all ages, as well as a closer look at the areas of Deep Bay and Horne Lake.

At this early stage in the project, we would like to invite your comments and ideas for a revised official community plan. To date, the RDN has created a website for the project at www.rdn.bc.ca/areahocp, which includes the project terms of reference and background report. On February 3rd, 2016, the RDN held the first general community meeting for the project which was attended by 160 people. The next steps in the project will be to hold a series of meetings with the Community Working Group for the project on each of the targeted topics for review.

If you would like to the OCP review further or have any questions, please do not hesitate to contact Paul Thompson, Manager of Long Range Planning, or Courtney Simpson, Senior Planner at 250-390-6510 or Toll Free 1-877-607-4111.

Sincerely

Director Bill Veenhof
Electoral Area 'H'



Climate Change Task Force • Denman Island.

contact.balfourarh@telus.net 250 335 0766

Issued Wednesday 2016. 02. 17

The Gulf Islands Trust of BC (Regarding all aspects of Conservation)
Comox Valley Regional District (Regarding aspects of community water security).

Copy Salish Sea Regional Districts, and Minister of Municipal Affairs.
Please forward to Regional Health Authorities.
and Other Approving Officers and Boards.

To the Regional Boards Having Responsibility for Water Management and Public Safety.
[A Discussion Paper submitted on behalf of Climate Change Task Force • Denman Island](#)
Water Management under Abrupt Climate Change/Strategic Planning.

*On behalf of : Ad hoc Task Force Denman Island without Prejudice all concerned:
With new input and commentary Appendix A, by Dr. Andrew Fyson, well known biologist, local expert on the subject area biology and a long standing member of the Land Conservancy. This new inclusion is important as the Conservancy lands are part of the area under discussion in the critical central island area mentioned in the last section below. Biology commentary noted in italics for readers to check specific feedback on points raised in this discussion paper.*

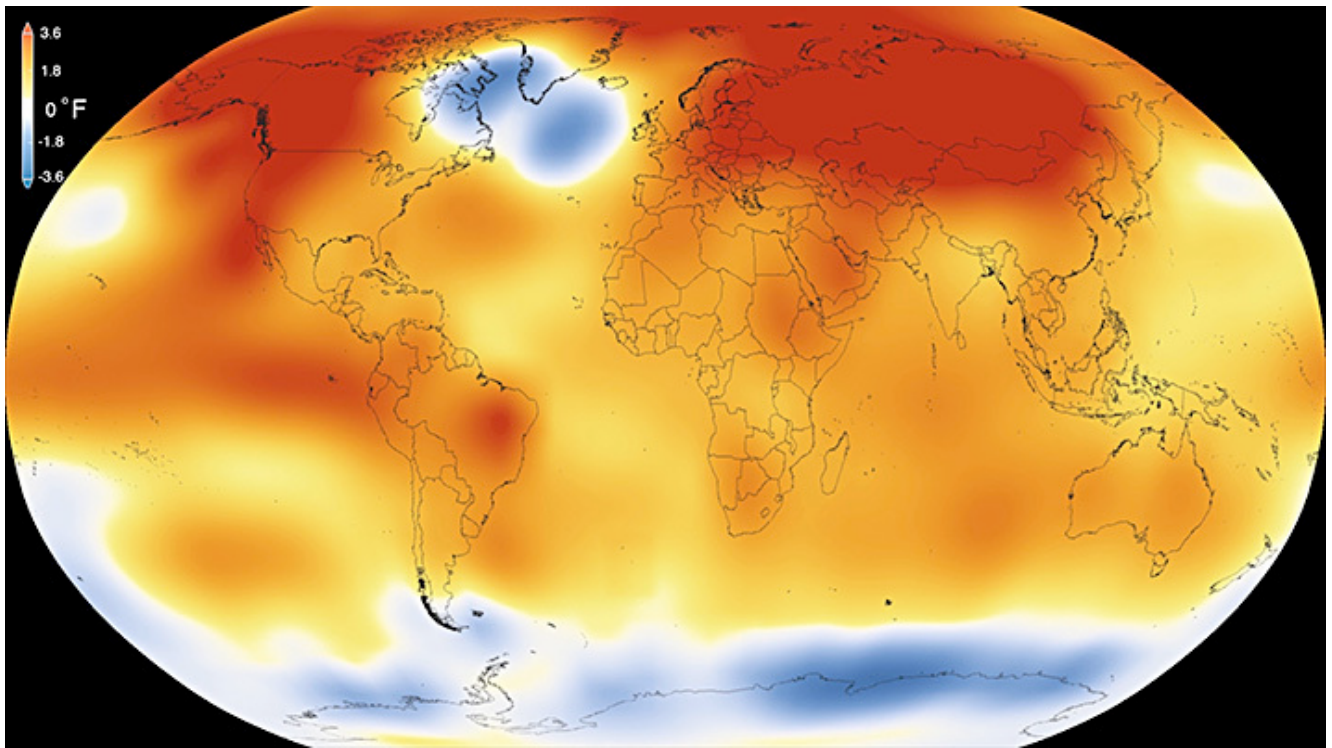
Part 1: General Planning, Global to Coast to Gulf Island Realm:

This submission addresses three levels of consideration that need immediate attention to deal with incipient climate change impacts on this ecological basin: The three salient points of concern are A) Abrupt Climate Change effects on what up to now we have taken for granted, B) fire fighting increased dangers that flow from the climate changes, and C) food security increasingly uncertain in both less from abroad and a new water shortage we face affecting local crops and community sustainability. The necessary background information can be found in the following sources in addition to past slide shows in pdf on strategic sustainable planning found on the web site at www.plancanada.com.

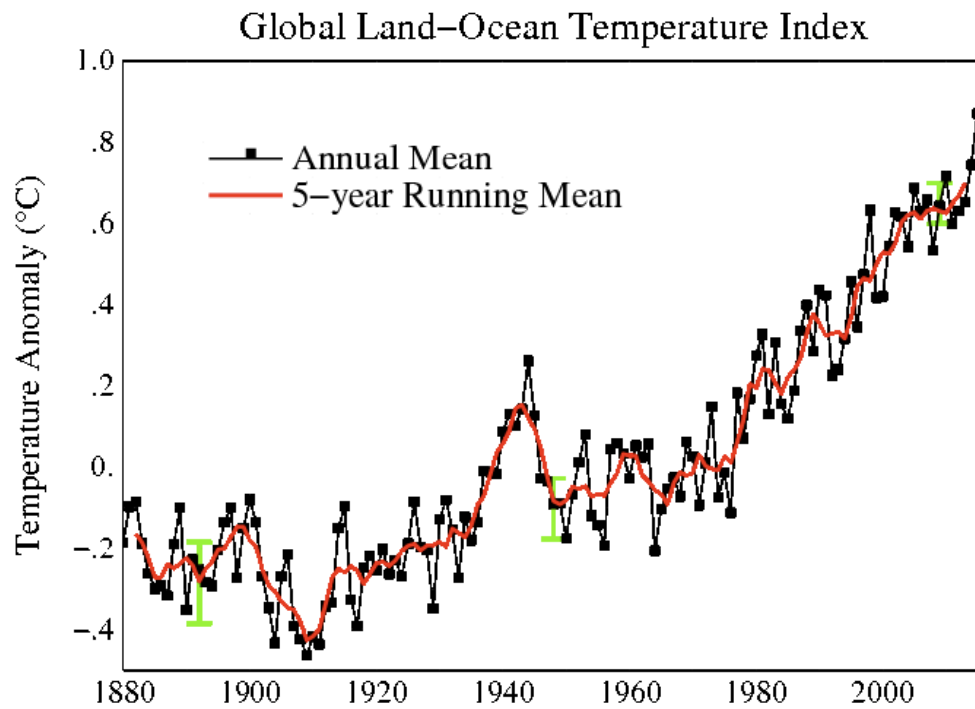
The critical information affecting community security due to Global Impacts:

1. Intergovernmental Panel on Climate Change (2006 to date) reports and others such as the Abrupt Climate Change Report (US Government 2009) and BC Hydrological Report (based on latest climate change data) predict now highly likely repeated summer drought and high winter rainfall with no existing ability to retain winter runoff given much reduced snowpack expected. This makes water retention beyond current capacity absolutely critical to all communities,

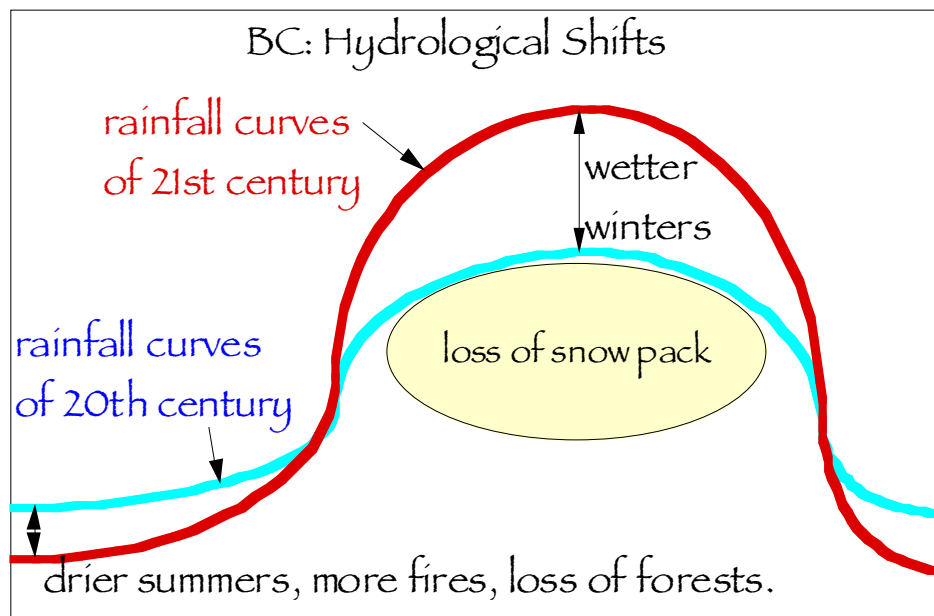
particularly those in the rain shadow of the island and coast ranges. Water conservation and individual home site water retention is vital but this is just not enough to make up for the losses and certainly not enough to address community safety in terms of fire fighting, nor community security in making sure we can grow our own food in the face of drought which will worsen in most of the world 'breadbaskets'. Predictions in this area appear in short terms are difficult, but the overall trend points in the direction of too wet/too dry/no snowpack for BC.



This is an image for NASA, NOAA — 2015 Was Hottest Year on Record By a Significant Margin. 2016 May be Even Hotter..



Temperature shift map 2015 and graph of global temperature accelerated shift.



Conceptual graph of how climate change affects BC water, forests and farming.

Part 2: Local Strategic Sustainable Planning, The water issue.

The Comox Glacier is now forecast to melt within decades, making Comox Valley urban water systems inoperable unless upland lakes are created now. This situation is a now worsening world wide problem. Yet it is predicted from Climate Change reports to date that this region will get more winter rain but lessening snow pack, therefore it is prudent that we capture and manage in a very different manner from the past. There are a number of options to explore from doing nothing, to do it yourself cisterns for all, to more coordinated community approach to community survival and security.

On the Gulf Islands of BC, already short of water, the creation of new lakes and in some cases artificial lake/reservoirs is essential for a) charging local aquifers, b) for firefighting in summer drought conditions, and c) also to assure more water for agriculture and food sustainability. We can not count on food imports we currently enjoy from much farther south due to even worse conditions there and the coming escalation in transport costs as peak energy downslope will create unacceptable cost of food imports. Food security for all areas is now a strategic priority, not just an ideal. Local community water systems approved under different conditions are now failing and this can only get worse, making regional responsibility greater than before. This is a time to act before matters get worse. Right now the valuable water need to maintain the community is flowing into salt water. The rest of the world would do a much better job than we do at saving this resource and still not damage the local ecology.

- *Andrew Fyson/biology comment: see Appendix A.*
- The islands need better wells too, more efficient water use, less waste. One impact as mentioned as a positive outcome in the main body of the report needs some study: the impact on adjoining water tables as recharging of aquifers . This may create some conflicts of interest given differing objectives.

Aquifer recharging is a stated secondary goal and with important tertiary benefit of holding back sea water and soil salinization as sea levels undergo rapid increase. (IPCC now admitting to 2m rise by 2100 but not including impact of ice sheet collapse, the wild card which is much greater.) On possible conflicts, decisions made in planning of this type should be carried out under Design With Nature approach (Ian McHarg 1970). Also, it is not an all or nothing issue and some intermediate solutions may work to marry diverse goals of a community and environment about to undergo more extreme stress from climate shift. This

factor has other major impact on the islands but this paper is restricting discussion to water conservation and detention.

Why we have to act now: Pragmatic Emergency Planning Mode

Current conditions or what we have come to just expect under “Business as Usual” will suffer mild to severe change, so we need to make adaptations sooner as we may not have resources or time to respond when they kick in. Strategic planning is required to make the best of a worsening set of conditions. In this area we need to address current policies that purport to protect such as the Gulf Islands under the Trust Management where any change is vetoed under the purported cloak of protection, whereas some strategic changes are necessary to protect the islands, this is sometimes viewed as contrary just because it involved change but vital step to consider and act upon as soon as possible. Most of the changes proposed herein are in the scale of what nature does already when beavers build dams, the ones that make human settlement possible in fact, as in their absence leaves land much less productive and diverse in habitat.

In just initial response to these mostly water detention issues under climate shifts, upland lakes are under consideration by Vancouver Island Regional Districts and the rest of the Coast. Now given the divided authority of the Gulf Islands, we need a combined Regional District approach to guide the Trust system in creating essential island reservoir capacity for all, where this can be achieved. Some locations may require more drastic measures than the simple means suggested below.

A Pilot Project and combined immediate remedy proposed: Denman Island.

An example, an illustration, a proposed pilot project that is both needed and doable in the short term and in stages, with relatively minor capital cost.

Related background example common to the Gulf Island communities: Approving Authorities have approved subdivisions that do not operate as per the guiding legislation. New reservoir capacity will aid in correcting that shortcoming, with a set of added work required to be outlined in a later submission. In the short term we face a new and escalating risk of forest fire with loss of some or all of island forest cover, some of all of our housing stock. The first approach is to work with natural earth forms in ways beavers or land slides change water retention, but tributary zones and artificial lakes can be considered at higher cost and less efficiency. Expansion of current lakes affects habitat over an extended time and allows habitat movement and in fact expansion as lake margins increase.

**AF/biology comment: see Appendix A.*

Fire Fighting and Irrigation: private cisterns are not enough.

Reservoirs are needed in all parts of the islands some or all need to be created. This will impact some private lands and community meetings will be required, however this is a case of the greater good and protection of all the community: water security, means water retention, in turn helping with both food security and to significantly reduce fire risk which otherwise will become an extreme risk without these measures. The Concept of the Greater Good, or in this case the very survival of this rural community.

In addition to the existing Chickadee and Graham lanes on Denman, this proposal asks the Regional District to investigate at least two natural lake creations, plus artificial reservoirs for the north highlands.

- 1) raising of the Madigan in the south of the island (most critical to protect from salinization and
- 2) 2) raising the level of water in the central gorge by 8m in two phases: north of Denman Road by raising Denman Road across the Gorge and later, raising the “beaver dam” near the outlet to the sea. The actual extent of such work is dependent on Design with Nature study and using better topographical and soils information than is currently available.
- 3) As the northlands are sand formations without natural retention surface basins, create new depressions lined with rubber recycled from clean water ponds still available from operations in Alberta oil projects. (reference data: Dusty Prowse, Shaun White 2015). BC Parks has some reservations about use of membranes however this is a design issue that needs to be openly addressed as solutions do exist to augment nature and avoid negative impacts.

Mapping the Pilot Projects for Denman;

The following maps and renderings illustrate the second site, as it is suggested that this central reservoir would have the greatest benefits for the minimal investment. In addition to fire fighting, much lower insurance rates for the island, it opens options for aiding community water systems and island agriculture and food security. (Fire insurance rates are based on risk and availability of water systems for fire fighting, both fire officers and insurance companies verify premiums will be reduced by better fire department access to viable rural water reservoirs.

Map: Denman Proposed Initial/First Lakes enhancement:



The impacts of this lake creation are for the most part with greater secondary impacts; for example the loss of present wetland conditions are more than made up for with and *expanded wetland condition at the new lake margins*. While the actual impact on surcharging adjacent aquifers needs some study, the apparent reservoir community benefit has been outlined above. (conceptual only, NTS)

* *Andrew Fyson/biology comment: see Appendix A.*

Changing water levels would kill more trees at the margins, and as a biologist and hydrologist this might change ground water flow and streams around the site. (Good and Bad Impacts?) The central wetlands are a unique environment with high diversity we need to protect.

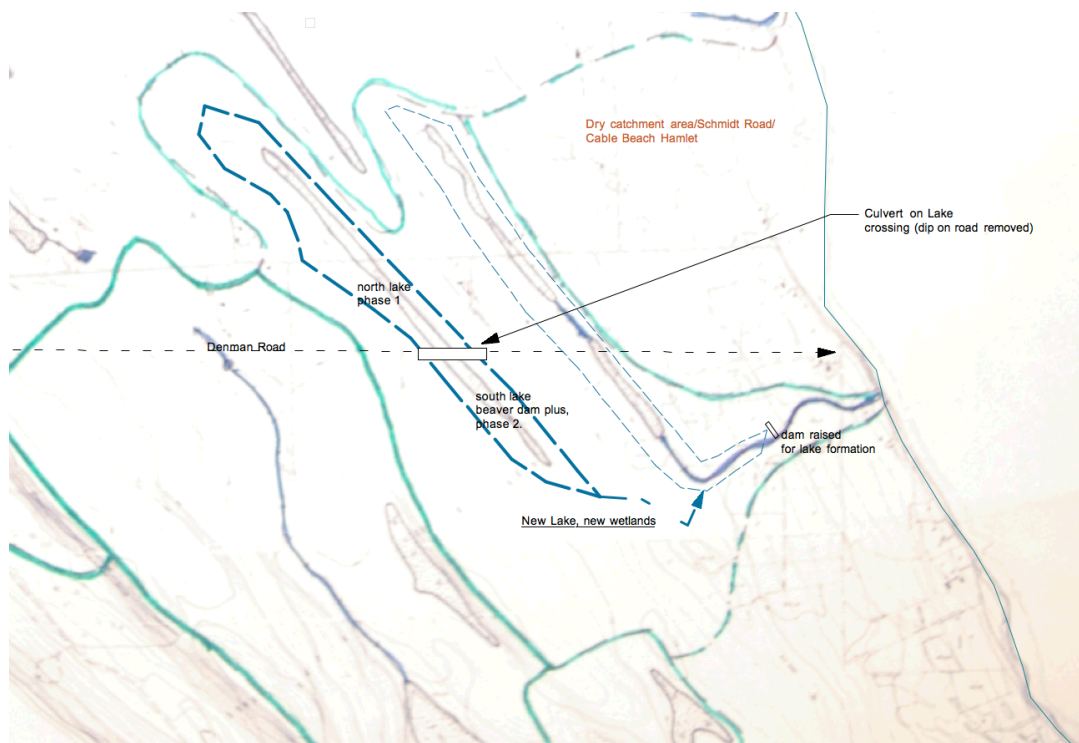
Note: the change to wetlands and all water catchment areas we face *without any intervention or remedial action* under climate change will likely cause the drying

up in summer of the wetland and loss of the habitat we try to protect so it is not just water for human use but full spectrum design.

• *Andrew Fyson/biology comment: would the lakes ever fill?*

The answer to this is not known for sure and is one of the reasons for putting this proposal forward, as if this simple approach does not work other solutions are needed. Without too much delay, obviously more study is required beyond this vision statement.

Map: Stage Two - Central Gorge Lake



• *Andrew Fyson/biology comment: see Appendix A.*

A large part of central park may become flooded, or new lake surface.

Water levels may fluctuate more than currently (depending on water systems consumption but less with larger volumes not drawn down.)

Trees beyond the water surface boundary will be affected at root level; some may do better, others may have to be removed.

Current DCA policy as now written or as interpreted by some as being in conflict with these proposals in central park area.

A question of how much change can be deemed as natural?

On this point this discussion paper is based on small scale approaches, like what would a beaver create or at another time, what roadworks might have done on a small scale to create new natural ponds and lakes as they gradually fill so habitat creation by wildlife can easily adapt to climate shifts. *Sections of road and upper lake:*

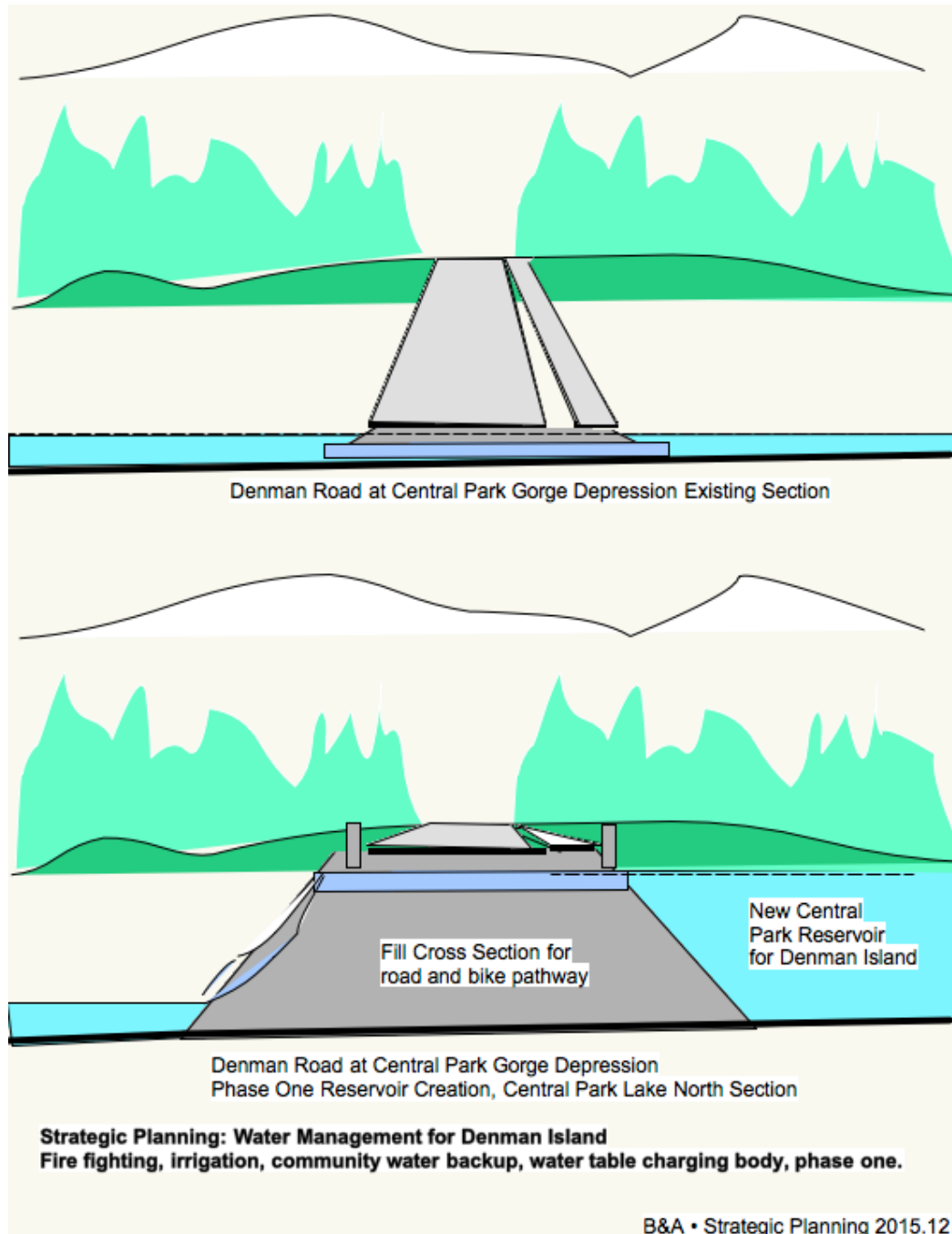


Photo of existing Denman Road and new road elevation:



The raising of Denman Road via a fill dam and elevated culvert and spillway would provide greater safety on that road. The creation of the new lake inside the Park Conservancy will provide a greater beauty and diversity to those lands. Habitat would be created with more alternatives for wildlife and sustainability.

Given the divided jurisdictions, it is proposed that this move ahead sooner rather than later and that the ad hoc community system on such as Denman Island be used to seek consensus by joint consideration of the public good rather than an exercise of vetoes by diverse committees that lack total community accountability in the condition of no local governance.

The changing global conditions indicate we need to address such issues now. Please consider taking action at all the levels indicated above. The formation of a island task force in aid of a committee of the whole/ direct democracy for decision making is also proposed so we can reaching a prudent and sustainable solution to the rapidly changing environment we cannot take for granted any longer. It can readily seen that there are things we should do and things we can do and it is suggested that they appear to be happily coincident.

On behalf of the emerging Task Force I request an opportunity to present these findings and proposals to the Islands Trust and the Comox Regional District in addition to the island committees and interest groups on Denman Island.

Sincerely

Richard Balfour
Strategic Planner

On behalf of Climate Change Task Force • Denman Island.

Other related involvement by Institutions in this work:.
National Coordinator, CCFI-ICBA Canadian Carbon Farming Initiative
Initiative Canadienne pour le biochar en Agriculture
Vancouver Peak Oil Executive

SPORPORI: Strategic Planning for Ocean Rise & Post Oil Resettlement Institute

Cable Beach Hamlet, Denman Island BC v0r1t0 250 335 0766 cell 6047310206

Oldcityfoundation@telus.net balfourarch@telus.net www.plancanada.com

Appendix A: Biology Review by Dr. Andrew Fyson

Relating to the Phase One Pilot Project Proposal.

The scale and feasibility yet to be determined after some cross disciplinary study.

1.0 I attach a scanned copy of the document you gave me with some comments in the text. My comments are from someone who is a biologist (experience in botany, ecology, soil microbiology, ecological engineering of mine sites etc) has worked as Land Manager for DCA for 8 years and has been a Denman resident for 10 years. I serve on several DCA committees including the Central Park committee which has recently produced an update to the management plan for this DCA-owned property.

2.0 Overall, I share your concern for the impacts of 'rapid' climate change and the need for coordinated strategic planning. I also think that at current or increased population levels on Denman, water shortage (and quality) issues will become more acute. While overall, Denman has a lot of water available compared to most Gulf Islands, there are local shortages (eg 'Cable Beach Hamlet-Fillongley area') after prolonged, dry period in summer and fall. Many of these shortages could and must be addressed through:

- Increased water use efficiency (water conservation by households and agriculture, digging of better wells etc).
- Enhanced retention of surface waters through providing householders with cisterns holding adequate water.
- Building of local reservoirs should be considered. A lined reservoir with no groundwater contact would be the best solution as it would avoid conflict with nature and other land uses though changes in hydrology etc.

3.0 Flooding of areas through dam construction may work and is at first sight cheap. However in the proposed pilot scheme with the infilling of the Graveyard Marsh dip in Denman Road there would be profound effects on Central Park, a conserved area owned and managed by DCA specifically for the restoration of the natural forest, for education and recreation through provision of trails. These effects would include:

- Flooding of a substantial area including existing wetlands and regenerating forest areas. Wetland ecosystems including rare plant association and rare and endangered species would be profoundly affected.
- Killing of many trees beyond the flooded zone due to roots being underwater for extended periods
- Changes in hydrology-surface waters and groundwater over a substantial area (much of Denman Island)

Central Park would be profoundly changed.

I do not have adequate topographical maps to assess what area would be flooded. I can also not assess whether the scheme would work in that the 8 m depth may not be achieved due to induced changes in hydrology etc.

4.0 I share your view that there is a need for coordinated, bold actions by Islands Trust and other authorities etc and individuals/local groups in relation to water usage including that relating to potentially rapid climate change. Bold solutions such as yours may be needed as are voluntary and perhaps enforced measures to increase water use efficiency. Many people only think of these problems when their well runs dry or their well becomes contaminated. As to your proposed pilot projects, I have only commented on the Denman Road dam concept (but do see my annotations in the document). As it stands I think there are too many potential problems and

uncertainties for me to give my wholehearted support but extended discussion and further research would be welcome.

5.0 I hope this is useful and I would be happy to meet and discuss this further if it helps.

6.0 I have not shared the Document or my comments/opinions with others. The comments made in this email and on the scanned document are my personal comments and do not represent the views of DCA or any other group.

Andrew Fyson BA PhD
4174 Wren Rd, DI BC V0R 1T0

Appendix B

Island Trustee David Critchley initial feedback on jurisdiction and public review process.

It seems to me that something of this nature is more in the jurisdiction and powers of the Regional Districts that provide services in their areas. In the case of Denman this is the Comox Valley Regional District.

However, the underlying topic may be of interest to the Islands Trust which has a "preserve and protect" mandate and which interacts with other governments and agencies on a variety of matters.

If you want to make a written or oral submission to "the Trust" there are several options for you to consider:

- 1) mail your submission to the Denman Island Local Trust Committee by sending it to our northern administrative office. It will then be part of the record and can be discussed at our meeting.
- 2) mail it to the Victoria office of the Islands Trust for distribution to all 26 Trustees. You can request that it be included as correspondence to be included in the package for the next Trust Council meeting.
- 3) request to appear as a delegation at a Denman Local Trust Committee meeting to present your proposals and concerns in person.
- 4) request to appear as a delegation at a meeting of Trust Council to present your proposals and concerns in person.

Trust Council would not be concerned with the particular proposal for Denman but I expect that you could revise the submission to be of a more general nature and perhaps use your Denman idea as an example of a possible approach.

The next meetings are:

Denman Local Trust Committee - March 15th

Trust Council - March 22 to 24 on Hornby Island.



Real Estate Department
1 – 15079 – 64 Ave.
Surrey, BC V3S 1X9

Toll Free 1-866-774-7002 press 2 BC
Telephone (604) 432-4177
Facsimile (604) 599-0396
E-mail rightofway@telus.com

April 6, 2016

Denman Island Residents Association
Attention: Frank Frketich
President

TELUS File: 6627-3

Dear Sir,

RE: Denman Island Community Dock

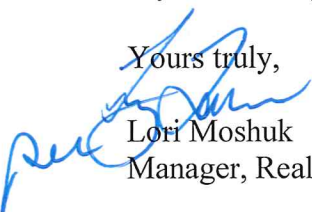
TELUS Communications Inc. has been approached by various community organizations concerning our Works that are located in proximity to the community dock, vis-a-vis the relationship to current public site usage at this location. Our onsite assessment has been performed by Joe Duffe, Engineering Technician, to ensure 1) the continuing uninterrupted communications services to the Denman Island and Hornby Island communities serviced thru this portal and 2) the contractual obligations for the benefit of TELUS by the governing authorities and user groups present at this site.

Our agreement for the construction and maintenance of the community dock included provision for the protection of our Works at the high water mark, by way of the placement of bollards or a concrete barrier that would prevent unauthorized vehicular traffic to the foreshore that could cause damage to our communications system. It is in the best interests of TELUS that this condition be fulfilled as contemplated in our agreement.

As an active participant in this community, TELUS strives to encourage the enhancement of the social, cultural and environmental conditions for the sake of all. In that spirit, we hope that all participants in this discussion can reach a mutually-agreeable solution.

If you have any questions or concerns, please contact the undersigned.

Yours truly,



Lori Moshuk
Manager, Real Estate

LM/tkt

cc. Denman Island Forage Fish Group
Denman Island Sailing & Paddling Club
Comox Valley Regional District
Islands Trust

STAFF REPORT

Date: March 16, 2016

File No.: DE-RZ-2015.1
(Pandesign)

To: Denman Island Local Trust Committee
For the meeting of April 19, 2016

From: Rob Milne, Island Planner

CC: Ann Kjerulf, Regional Planning Manager

Re: **Application to Redesignate and Rezone Lands To Facilitate the Donation of Lands and the Transfer of Density**

Owners: Luise Anne Hermanutz & David James Innes (Donating property)
Applicant: Henning Nielsen
Location: Lot 17, Section 6, Denman Island, Nanaimo District, Plan 6404 (6080 Lacon Road)

Owners: Henning Nielsen (Receiving property)
Applicant: Henning Nielsen
Location: Lot A, Section 12, Denman Island, Nanaimo District, Plan VIP88949 (2100 Crescent Road)

PURPOSE

The purpose of this staff report is to provide a summary of the public hearing held on March 15, 2016, concerning rezoning application DE-RZ-2015.1, and a response to the motions adopted subsequent to the Denman Island Local Trust Committee (LTC) discussions held during the regular meeting which followed.

BACKGROUND

It is the objective of the applicant to facilitate two outcomes through this application:

- i. to transfer ownership of approximately 2.545 hectares of land from Lot 17 to the Trust Fund Board to be protected as a nature reserve; and
- ii. to transfer the two densities associated with the 2.545 hectares to the receiving property owned by PanDesign (Nielsen).

At the July 21, 2015 LTC meeting the following motion was adopted:

DE-2015-048

that the Denman Island Local Trust Committee proceed to a Public Hearing for Bylaw Nos. 219 and 220 to be held prior to the regular meeting of the Local Trust Committee to be held on September 8, 2015 pending the completion of a draft of the required restrictive covenant for the "receiving" property available for public review.

Due to the complex nature of the covenant and the need to develop language to ensure the covenant's enforceability, an issue arising from a North Vancouver court case, the covenant was not completed in time to hold the public hearing prior to the September 8, 2015 meeting.

Subsequently, at the January 12, 2016 LTC meeting, upon confirmation by staff that the draft covenant had been reviewed and approved by Islands Trust legal counsel, the following motion was adopted.

DE-2016-002

That the Denman Island Local Trust Committee proceed to a Public Hearing for Bylaw Nos. 219 and 220 to be held prior to the regular meeting of the Local Trust Committee to be held on March 15, 2016 and that copies of the draft restrictive covenant for the “receiving” property be available for public review.

A copy of the statutory notice of public hearing was published in two consecutive editions of the Denman Grapevine on March 3, 2016 and March 10, 2016 in compliance with the requirements of the *Local Government Act* and the public hearing was held on March 15 beginning at 10:45 am. The public hearing was attended by approximately 30 members of the public and verbal presentations were provided by eight attendees including a representative for the applicants. A total of 23 written submission were received. Of those submissions, 16 stated objections to the bylaws, four expressed support and three suggested that clarification about the net effects of the bylaws should be provided before they proceed. The public hearing session was adjourned at 11:30am and the regular session of the LTC meeting was reconvened.

The LTC gave consideration to Bylaw Nos. 219 and 220 under items 11.1 and 11.2 of the regular agenda. Subsequent to that discussion the LTC adopted the following two motions.

DE-2016-013

that the Denman Island Local Trust Committee request staff to bring back a Staff Report on Bylaw Nos. 219 and 220 reflecting issues brought up in discussion by the Trustees and at the Public Hearing.

DE-2016-014

that the Denman Island Local Trust Committee request staff to prepare a revised set of bylaws for the proposed Bylaw Nos. 219 and 220 to show the transfer of one density to the Denman Island Density Bank and to show the transfer of one density from the donor property to the receiving property.

ANALYSIS

Review of Submissions

As noted, submissions were received in favour of and in opposition to the proposed bylaws. A number of submissions also included requests for more information and clarity on the process and its intended outcomes.

A review of the written submissions (Attachment 1) and verbal submissions (Attachment 2) suggests a number of reasons for not approving the proposed bylaws, including:

- A perceived lack of transparency associated with the process;
- The loss of “Forestry” zoned lands and potential loss of wildlife habitat;
- Concerns related to real estate speculation and potential for Denman Island to be transformed into an exclusive gated community through density transfers;
- Perceived collusion between realtors and developers to work the density transfer system in their favour;

- The perceived need for an environmental review;
- Concerns that more housing is not needed given the large number of houses for sale on Denman Island;
- Concerns that the proposed bylaws would not increase the supply of affordable housing;
- Using density as a commodity for financial gain at the expense of losing forestry lands and health and security of neighbours of the receiving property;
- Personal health concerns;
- A perception that density transfer should only be used towards achieving affordable housing ;
- Potential negative impacts on ground water;
- A perceived lack of community benefits that would result from the density swap;
- The perception of an unethical relationship between the donor, the realtor and the developer;
- The suggestion that there are other R2 lands to which the density may be transferred.

Some who support the proposed bylaws noted that they felt the proposal would benefit the island, that it would protect a critical part of Valens Brook watershed and that the transfer of density would be a reasonable trade off.

In terms of analyzing this spectrum of concerns, statements and allusions to perceived unethical behavior and relationships will not be addressed by this report as those comments are speculative in nature and not germane to an evaluation of the proposal in relation to OCP policies and the net community benefit, or its impacts, which is the threshold for support provided by the OCP.

Policy Analysis

The following objectives and policies of the OCP are applicable to this application. Information as to how the applications addresses the various objectives and policies is inserted below each policy or objective in bullet form.

C.1 – LANDS AND FOREST

Objective 1: To maintain, preserve and restore the Denman Island natural ecosystems, the natural biodiversity and the beauty of the Island to the greatest extent possible.

- The intent of this proposal is to donate 2.545ha of land to the existing Valens Creek Nature Reserve, a proposal which is supported by the TFB. A large area of the receiving property will be protected by an environmental restrictive covenant which also restricts tree cutting to protect the viewscape values.

Objective 4: To encourage and support landowners choosing to leave portions of their land in an undisturbed state or to bequeath land for conservation purposes.

- The donor lands will be the source of the lands proposed to be transferred to the Valens Creek Nature Reserve. A significant portion of the receiver lands focused around the escarpment would be protected in

their undisturbed state by a restrictive covenant to be registered on the title of the parent parcel prior to subdivision.

Policy 3: The Local Trust Committee should consider the negative impacts of any proposed zoning amendment that would allow development in proximity to sensitive ecosystems and other features identified on Schedule D, and the steep slopes, bluffs, streams, lakes and wetlands, identified as development permit areas on Schedule E.

- Those portions of the donor and recipient properties to which this policy is applicable would be protected by a donation to the nature reserve or by restrictive covenant. Both properties have been the subject of environmental assessments completed by a QEP which have identified steps to protect those values. Those reports would provide the baseline for any development permits required prior to development.

C.2 – FRESHWATER

Objective 4: To encourage and support the conservation of wetlands and other freshwater bodies

- Valens Brook and its riparian areas transit the area proposed to be donated to the nature reserve. Their inclusion would provide further protection for the Valens Brook watershed.

D.7 – VIEWSCAPES

Objective 1 To preserve the forest vegetation along ridge-tops and cliff-tops and along shorelines

Policy 1 The Local Trust Committee should work with local groups and government agencies to identify and protect Island views.

Policy 2 Zoning regulations should be developed to protect Island views.

Policy 3 Landowners of visually prominent lands are encouraged to retain trees and vegetation to enhance Island views.

- Measures to preserve the viewscape values of the property are included in the restrictive covenant proposed to be registered on the receiver parcel.

E.1 – HOUSING

Policy 11: The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted

- No new densities would be created by the approval of the proposed bylaws and the proposed density transfer.

E.3 – CONSERVATION / RECREATION

Objective 1: To protect undisturbed land

- The dedication of 2.545ha of Valens Brook watershed adjacent to the existing nature reserve would add to the amount of undeveloped watershed that is protected. The proposed restrictive covenant on the receiving property would protect the environmental values of the escarpment area.

Objective 2: To increase the amount of land designated for parks

- This proposal would result in a net increase in land designated as nature reserve.

Objective 3: To acquire and protect land for conservation and/or parkland

- This proposal would increase the amount of land protected for conservation purposes by a transfer of lands to the Valens Brook Nature Reserve.

Policy 3: The Local Trust Committee should encourage the use of land for conservation purposes. The provision for density transfer in Appendix C of this Plan may apply to the donation or sale of land for the creation of a nature reserve or nature sanctuary.

- This policy encourages the conservation of lands through the use of density transfer as per Appendix C of the OCP, as is proposed by this application.

APPENDIX C – DENSITY TRANSFER

Policy 1 The Local Trust Committee may consider applications for density transfer for conservation and park purposes only. Eligible situations are listed below:

- *dedication of land for a park*
- *donation of land for conservation purposes*
- *sale of land for conservation purposes*

The purpose and intent of the application and the associated bylaws aligns with the stated purpose of the density transfer process.

Environmental Protection

One of the concerns heard related to the issue of environmental protection. As may be seen from the policy analysis above and explained more fully in the April 21, 2015 staff report, portions of both the donor and recipient lands would be afforded a higher level of environmental protection through this application than currently exists. This increased protection is based upon environmental assessments of both the donor and recipient lands prepared by qualified environmental professionals (QEPs). The assessment of the donor lands was useful in garnering the support of the Trust Fund Board for the inclusion of lands in the Valens Brook Nature Reserve as well as informing the location, extent and conditions of the restrictive covenant proposed to be registered on the recipient property. That covenant would protect the environmental values of the escarpment area of the property as well as significant trees on the property, including a tree which has been used in the past by red tailed hawks for nesting. The assessment also revealed that the site was not used by turkey vultures as was previously thought by the applicant.

During the public hearing a concern was expressed that language in the covenant used to describe the areas of the steep slope affected by the covenant is confusing. It should be noted that this particular matter delayed the preparation of the draft covenant. The language used reflects the findings of a recent court decision arising out of the North Vancouver area and, although understandably confusing to the layperson, it is deemed by Islands Trust legal counsel to be the necessary and appropriate language to ensure the enforceability of the covenant.

Another concern expressed at the public hearing was that the proposed southern boundary of the lands to be donated for a nature reserve was only 10 m from Valens Brook rather than a 30 m distance that would reflect the width of the applicable development permit area boundary. Staff have discussed this concern with TFB staff who advised that, from their perspective, RAR is a way to limit and control development near creeks, and it will continue to apply to both the portions of the area to be donated and the areas of the remainder parcel which fall within the development permit area.. It was observed that the TFB doesn't generally look to local government regulations when considering donations of land.

Loss of Forestry Lands

The portion of the subject property which is zoned as "Forestry" by the land use bylaw represents a thin sliver of a very large connected area of Denman Island which is designated as "Sustainable Resource" by the OCP (Attachment 3). The area zoned "Forestry" also lies between two areas zoned "Rural" and "Agriculture" respectively with one third of that area overlaying lands within the ALR on the neighbouring parcel of land to the south. The proposed bylaws intend to rezone that portion which is within the ALR to "Agriculture" while redesignating and rezoning those lands on the "receiving" property to "Rural" and "R2" respectively. This would address the split zoning of the property and allow the "receiving" property to be subdivided to create one additional lot with the second density proposed to be transferred to the OCP density bank.

A review of the OCP and zoning maps does not support a hypothesis suggesting that the rezoning of the current "Forestry" lands will threaten the supply of forestry lands on Denman Island. As well, the registration of the restrictive covenant on the receiving property, which would be a condition of approval, would provide a significantly higher level of environmental protection on the lands currently zoned "forestry", as well as on other portions of the receiving parcel, than currently exists.

As may be seen in the policy analysis section of this report, the nature and intent of this application, the transfer of density for, "*donation of land for conservation purposes*", is supported by the OCP. As noted in the following section, it is the view of staff that the requested rezoning would result in a net benefit to the community.

Density, Affordable Housing and Community Benefits

There exists some degree of confusion regarding these issues. During the public hearing, it was suggested that density should only be transferred if it was to create affordable housing. It was also suggested that densities were being "commodified". There was also confusion upon the number of densities that were being transferred and the cumulative density of the receiving parcels once that transfer had taken place.

Policy 1 of Appendix C of the OCP identifies three specific purposes for which density transfers should be considered. This includes, “*donation of land for conservation purposes*”, which is one of the outcomes of the proposed bylaws. .

The OCP guidelines provided for implementing a density transfer also state (Guideline 5) that, “*Density transfer to permit the provision of land under Policy 1 [see above] of this appendix should result in no net overall increase in residential density*”. The lands proposed to be donated to the nature reserve represent two densities, densities which were proposed to be transferred to the recipient parcel resulting in no net increase in density in compliance with the OCP density cap.

A review of all policies in Appendix C reveals an absence of any reference to affordable housing or direction that density transfers should be used exclusively for affordable housing. In Appendix C it is stated that, “*The Local Trust Committee may consider applications for density transfer for conservation and park purposes only*”.

It should be noted that, in deference to the concerns that were heard to be expressed at the public hearing regarding the number of lots that might be created on Crescent Road as a result of the transfer, the applicant for the receiving lands made a public commitment to transfer one of the residential units to the Denman Island OCP density bank. This would have the net effect of transferring only one density thereby limiting the number of lots which could be created on the recipient property to three, an addition of one. It would also result in the addition of one residential density to the density bank.

As has already been noted it was suggested at the public hearing that there was no community benefit arising from the proposed density transfer. This suggestion disregards the proposed addition of 2.545 hectares of land to the Valens Brook Nature Reserve. This would result in an approximate 60% increase in the area of that reserve. The transfer to the density bank of one of the densities associated with the lands to be donated also represents a net benefit in exchange for an increase in one lot which could be created on the recipient property.

Community Information Meeting (CIM)

Conducting a CIM prior to any further consideration of the bylaws will assist in addressing any prior concerns and confusion regarding the intent or content of the proposed bylaws.

SUMMARY

At the public hearing, a number of concerns were expressed regarding this rezoning application. Most concerns related to interpretations of OCP policies and objectives. Through this report, staff have intended to provide clear interpretation of OCP policies and objectives in relation to the proposal. Some concerns, however, appear to relate more to subjective issues of personality and perceived business relationships. These matters are outside the scope of the LTC’s mandate.

It is the view of the courts, expressed through their written decisions on land use matters, that the decisions of local governments should be based upon a review of their policy and regulatory documents which are intended both to express the community’s vision for the future and provide the regulatory framework to achieve that future vision. The review of this application, through the lens of the OCP objectives and policies, is in the view of staff consistent with those policies and objectives.

It should be noted that subsequent to holding the CIM recommended above, which represents an opportunity for the LTC to hear and consider new information after the close of the March 15, 2016 public hearing, there will be a need to conduct a second public hearing prior to any further consideration of this application.

RECOMMENDATIONS

1. That Denman Island Local Trust Committee Bylaw No. 219, cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2015”, be amended at second reading by the addition of a new item 1 as follows and the renumbering of subsequent items

“That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new item, in sequential order, which reads as follows:

Authorizing Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative Total of residential dwelling units in the bank
219	[date of adoption]	Lot 17, Section 6, Denman Island, Nanaimo District, Plan 6404 (6080 Lacon Road)	+1	14

2. That Denman Island Local Trust Committee Bylaw No. 219, cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2015”, be read a second time as amended;
3. That Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015”, be amended at second reading by the addition of a new item 1 as follows and the renumbering of subsequent items;

“That Table 8 – “Site Specific Regulations” of Part 3.3, “Residential Zoning Tables” be amended by the addition of a new entry in sequential order which reads as follows:

Site Specific Zoning Code	Site Specific Regulations
“R2(6)	1 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is an average of one lot per 5.56 ha.”

And that renumbered item 2(b) be amended by the deletion of the text which reads:

“from a split zoning of Rural Residential (R2) and Forestry (F) to Rural Residential (R2)”

And inserting the following text:

“from a split zoning of Rural Residential (R2) and Forestry (F) to Rural Residential 2(6), (R2(6))”;

4. That Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015”, be read a second time as amended;
5. That the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting for Tuesday May 17, 2016, prior to the regular meeting of the LTC, to allow for a community review of the draft bylaws and associated information.

Prepared and Submitted by:



Rob Milne, MCIP
Island Planner

March 29, 2016

Date

Concurred in by:



Ann Kjerulf, MCIP
Regional Planning Manager

April 4, 2016

Date

Attachments:

1. March 15, 2016 Public Hearing Submissions
2. March 15, 2016 Public Hearing minutes
3. OCP Schedule "C" "Sustainable Resource" distribution
4. Proposed Official Community Plan Bylaw No. 219 (revised)
5. Proposed Land Use Bylaw No. 220 (Revised)
6. Policy Statement Directives Only Checklist

From: Shaun White [REDACTED]
Date: March 10, 2016 at 8:24:46 AM PST
To: <busheikin@islandstrust.bc.ca>, David Critchley <dcritchley@islandstrust.bc.ca>
Cc: Marina Reid [REDACTED], Nancy Snyder [REDACTED],
[REDACTED], Anna Lin & Peter [REDACTED], "deNeen Baldwin"
[REDACTED]

Subject: Rejection of proposed Bylaw 219 and 220

Dear Laura and David,
following a very productive phone meeting with Laura, and then me getting back to the Neighbours of the land referenced in Bylaws 219 and 220, I have attached the common concerns of those listed. The basic hope of everyone listed is the proposed Bylaws are rejected and the R1 densities are moved to other lands readily available. There just does not seem to be a justification for converting 37.5 acres of Forestry to Rural R2 for the purpose absorbing 5 acres of R1 densities. It is also very questionable whether the beneficiary "remainder lot" should be further divided at all, due to nature of the land as currently zoned and the previous development already carried out in connection to it leaving it as it is called, a "remainder" lot.

Peter and Anne Lin have not yet confirmed the detail of the concerns as agreed by them, (there has been a difficulty with transmission of the final draft), however they absolutely oppose the Bylaws approval and have other extenuating justification to be very worried indeed about further unnecessary development in the area. I ask you to contact them directly as I have to depart today.

This exercise has prompted a wide discussion on the method and transparency of proposals and the somewhat benign nature of their presentation. This will be pursued at a later date as it is a fundamental matter and therefore would not be fair to be linked to these proposed Bylaws. However, it should be noted that the Bylaws as presented, provide no justification, they provide suspiciously partial information on receiving land size and Forestry area being proposed for re-zoning and they call into serious question whether a new Bylaw needs to be created to identify the specific rules and limitations of density transfer so that future proposals can be streamlined and their ramifications can be easily assessed by the general public. (I want to highlight that it has taken at least 40 professional man hours to confirm the details of these two Bylaws, independent of support or rejection proposals being discussed and drawn up.)

We leave it with you both to assess our concerns and objections for the common good, and ask the Islands Trust to take them very seriously and represent them at the meeting on our behalf.

I am leaving today for Australia on business and that is why I have hurried to complete my obligation to the group in this matter. I shall return on March 19th.
Best regards

Shaun White
[REDACTED]

Mobile [REDACTED]

Justification for rejection of the proposed Bylaws 219 and 220.

1. Sustainable Resource Area must not be re-zoned for any development purpose other than supporting the environment.
2. There are already ample tracts of undeveloped Rural lands (R2) on Denman Island. The two small R1 (2.5 Acre lots) can easily be placed on a number of unstressed R2 area's.
3. There are already huge tracts of unsold developed Rural lands R2 available for placing additional R1 densities, thereby negating any reason to create more zoned R2 lands.
4. There is no need to transfer an R1 2.5 acre density AND convert it into a 12.5 acre of R2 Zoned Land and definitely no justification for converting 12.5 acres of Forestry to absorb 2.5 acres of R1 re-zoned land.
5. If the "remainder lot" receiving densities, was left oversized as a consequence of a previous development then it should not be further subdivided.
6. Existing proposed bylaws, being enacted by the Islands Trust in the Farm Plan, are endeavoring to preserve and protect current Forestry mainly to preserve a maximum habitat for wildlife.
7. On the Forestry subject of the proposed Bylaws there are nesting Hawks and Owls.
8. There should be no more development of the forestry subject of the proposed Bylaws 219 and 220 as the development to Rural would compromise the already stressed ability of the forest to absorb run off that is draining on to adjacent lands and moving sediment into ditches thereby blocking and compromising water run off to Valence Brook and fish bearing streams.
9. The forestry subject of the proposed bylaws is the only forestry left in the quarter section in which the receiving lot sits. It is unnecessary and unethical to loose the zone as it exists.
10. Why is the small triangle to the east of the proposed forestry being proposed as rezoned to R2, when it is isolated by a road, it has been modified during previous developments and directs water and is too small to develop as a homestead.

For the above reasons the proposed Bylaws 219 and 220 are rejected by the neighbors of the land including:

Marina Reid
Nancy Snyder and Shaun White
Charles Metke and deNeen Baldwin
Peter Thomson and Anne Lin

From: Marjorie Gang [REDACTED]
Date: March 11, 2016 at 7:25:50 AM PST
To: David Critchley <dcritchley@islandtrust.bc.ca>, Laura Busheikin <lbusheikin@islandtrust.bc.ca>, <smorrison@islandtrust.bc.ca>, Rob Milne <rmilne@islandtrust.bc.ca>
Subject: upcoming public hearing

Good morning, David, Laura, Susan, and Rob. The attached paragraph (in red) is copied directly from the Denman Island Local Trust Committee page. I think it's misleading, and shouldn't have been presented this way. The purpose of the application for new bylaws and zoning isn't to allow the "*transfer of land to the Trust Fund to be protected as Nature Reserve.*" The application is from a developer, and it's apparent purpose is to allow more houses to be built on the "receiving property," thus increasing its value and density, possibly even subdivision potential, though this isn't clear. Lots with R2 zoning are allowed 1 dwelling per approximately 10 acres, while those zoned "Forestry" or "Sustainable resource" are allowed one dwelling per holding (please correct me if I'm wrong about this). The developer is offering the community a trade for this concession: about 6 acres of land in an R1 subdivision, accessible from Dusty Road, to become a "Nature Reserve." The important issues for the community to consider are how many additional houses (densities) this requested change would involve, and whether this gift to the community is adequate payment for the gift to the developer. The LTC is at times guilty of "trustspeak" that renders questions like this completely opaque to most community members.

March 2016 | Public Hearing on Proposed Bylaw No. 219 and No. 220 The Denman Island Local Trust Committee would like to invite the public to attend a public hearing beginning at 10:45am, Tuesday, March 15, 2016 at the Denman Seniors Hall, 1111 Northwest Road, Denman Island, BC, to hear your views regarding proposed Bylaws Nos. 219 and 220 (transfer of land to the Trust Fund to be protected as Nature Reserve). View the Public Hearing Notice. - See more at: <http://www.islandtrust.bc.ca/islands/local-trust-areas/denman/#sthash.b0M6YQCW.dpuf>

From: R Newton [REDACTED]
Date: March 10, 2016 at 12:43:02 PM PST
To: "[REDACTED]", Laura Busheikin
<lbusheikin@islandstrust.bc.ca>, "northphsub@islandstrust.bc.ca"
<northphsub@islandstrust.bc.ca>
Cc: Ron Sakolsky [REDACTED]
Subject: Density Transfer

I fully endorse what Ron Sakolsky wrote to the Islands Trust about this density transfer that will be debated on March 15th. Rezoning and the transfer of densities should be delinked. I am concerned that the Islands Trust ignores struggling families looking for affordable housing on Denman Island. We need young families here. We want to keep our school. Diversity is a strength, not a weakness. The Trust should not allow itself to be manipulated to serve the interests of real estate speculators. If this becomes a pattern, then the Trust will be complicit in transforming Denman Island into a gated community exclusive to well-heeled home owners. I will be sincerely disappointed in you if you allow this density transfer to occur.

Robert Newton
4174 Wren Road
Denman Island, BC V0R 1T0

From: Henning Nielsen <henning@pandesign.ca>
Date: March 11, 2016 at 11:03:05 PM PST
To: Rob Milne <rmilne@islandstrust.bc.ca>, David Critchley <dcritchley@islandstrust.bc.ca>, Laura Busheikin <lbushiekin@islandstrust.bc.ca>, Susan Morrison <smorrison@islandstrust.bc.ca>, Ann Kjerulf <akjerulf@islandstrust.bc.ca>
Cc: Luise Hermanutz [REDACTED], David Innes [REDACTED]
Subject: Re: Bylaws 219 & 220

Hello Rob,

This e-mail is in response to our conversations yesterday, where we were made aware for the first time of unintended consequences of the way the captioned by-laws have been drafted.

Upon extensive reflection and consultation among the applicants, we feel that the by-laws ought to reflect the intent and content of the application.

We have clearly proposed a density transfer in full compliance with the OCP and Land Use By-law, we have held the required CIM and we have done our utmost to disclose the background and our intentions behind the application. The conservation agenda is of great importance to us. The pursuit of this has so far had a direct cost to the applicants in excess of \$20,000.

We are concerned that this will further delay the completion of this conservation initiative, but hope that the Islands Trust will proceed diligently to resolve the situation.

Sincerely the co-applicants,

Luise Hermanutz, David Innes

&

Henning Nielsen
PANDESIGN INC.
Tel. 1 (250) 335-3226
Cel. 1 (250) 792-0553
www.pandesign.ca
henning@pandesign.ca

From: Slug Blume [REDACTED]
Date: March 11, 2016 at 8:32:45 AM PST
To: David Critchley <dcritchley@islandstrust.bc.ca>
Subject: Bylaw Density Swap

I Slug Blume Second and third Ron Salkoysky's words regarding this situation. And loudly state my appal at the privalage of realtors and developers to work the sysytem in their favour to bring a higher class to denman when those opportunities should be resevered strictly for creating low cost housing to those in need of it. there are enough cards stacked against the less priveleged on denman and any motion that gives more power to those who already weild it is seen as a moral decline, a sweeping of problems under the big shiny new paved parkinglot carpet.

Slug

Veronica Timmons

5792 Thomas Road, Denman Island, B.C. V0R 1T0

March 11, 2016

The Trustees
The Islands Trust
Denman Island

Bylaws 219 and 220

I am writing to lodge my protest against the transference of an R1 2.5 acre density and then converting it into a 12.5 acre of R2 Zoned Land. There is no justification for converting 12.5 acres of Forestry to absorb 2.5 acres of R1 re-zoned land. Forestry Land should be left as forestry land. Existing proposed bylaws, being enacted by the Islands Trust in the Farm Plan, are endeavoring to preserve and protect current forestry mainly to preserve a maximum habitat for wildlife. The hawks, owls and all other creatures need to be protected. All changes to the land and landscape have consequences which have not been included in this proposal. There needs to be an environmental review so that the consequences are known and included in the decision-making process.

There are also so many houses for sale on the island that more housing is not required and it is my opinion that none of the proposed changes will result in affordable housing.

Veronica Timmons

From: Ron Sakolsky [REDACTED]
Sent: Sunday, March 06, 2016 5:20 PM
To: northphsub
Cc: Laura Busheikin; David Critchley
Subject: Proposed By-Laws 219 and 220

To: Denman Island Local Trust Committee

(statement for the public hearing of March 15, 2016)

I would like to speak to proposed by-laws 219 and 220. As the Islands Trust Staff report of Mar.30, 2015 originally stated: “It is the intent of this application to facilitate two outcomes. In the first instance it is the intent of (Henning Neilsen on behalf of the owners of Lot 17, Louise Anne Hermanutz and David James Innes) to transfer approximately 2.545 hectares of land to the Trust Fund Board to be protected as (part of the Valens Brook) Nature Reserve. In the second instance it is intended to transfer the two densities associated with the 2.545 hectares to the receiving property (Lot A Section 12) owned by Pan Design (Neilsen).”

In respect to proposed by-laws 219 and 220, I am in favor of the rezoning for Conservation/Recreation, but I am opposed to the transfer of two densities to Henning Neilsen of Pan Design and his application for their rezoning to Rural Residential. The latter transfer and rezoning would set the stage for the pursuit of future gentrification schemes on island by allowing Neilsen to subdivide the land and to use the requested densities for development purposes on the scenic ridge property that he has designated to receive them. Overall, I think that the island should safeguard its densities for affordable housing rather than using them to guild the lily. Moreover, if approved, this transfer might be a prototype for future density speculation-fueled development gambits. Consequently, these two proposals should ideally be “delinked” so that the approval of the conservation transfer is not dependent on the approval of the density transfer. Instead, they should be separately considered on their own merits. However, even if the rezoning for conservation is only possible by granting the requested density transfers at the insistence of the property owners, I would still oppose the transfer of densities for ethical reasons.

[REDACTED]

Moreover, such unchecked backdoor speculation in densities by [REDACTED] developers will ultimately result in the increased gentrification of the island by pushing out those in need of affordable housing. While it might be true that each specific Islands Trust case need not set a

legal precedent for future decisions, the approval of the density transfers requested would clearly set an “open-for-gentrification” tone on Denman. Faced with the current affordable housing emergency on the island, it is high time to prioritize affordability or else face the inevitability of a gentrified future in which island diversity is held hostage to unrestrained density speculation under the cover of conservation.

THEREFORE:

I urge the Islands Trust not to adopt the requested density transfer.

Ron Sakolsky

From: Anna Lin & Peter [REDACTED]
Sent: Thursday, March 10, 2016 6:35 PM
To: northphsub
Cc: lbusheikin@islandstrust.bs.ca; David Critchley
Subject: proposed bylaws 219 and 220

Dear Islands Trust members and staff,

We (Peter & Anna Lin Thomsen) are writing to you to register our opposition to proposed bylaws 219 and 220. We would be pleased to see land given as a nature reserve and we would not oppose the transfer of the land densities. However, we do oppose using the densities as commodities that will lead to financial gain for a few at the expense of the loss of forestry zoned lands and the loss of health and security for neighbours of the receiving property.

We believe there is a very real threat to the health of Anna Lin because our property abuts the receiving property to the north. Anna Lin has an extreme chemical sensitivity due to Acute Intermittent Porphyria. In order to retain the limited quality of health for Anna Lin, we are required to live an isolated life on our 30 acre parcel of land. Her health was severely damaged 11 years ago due to slash piles being burned on the adjacent property. She has never recovered and continues to have serious reactions to even minute amounts of smoke, vehicle exhaust, fragrances, fabric softeners, pesticides and a host of other toxins. Adding two additional homes with the resulting activities that go with developing the land, building and other normal activities has the potential to harm her health and well-being to the point of irreparable damage. The problem with the extra densities is that it increases the cumulative effect of substances that

Anna Lin reacts to. She may have a small reaction to neighbour's activities, but that reaction has an exponential effect when the densities are increased.

We also feel there needs to be more information and greater clarification of information for all islanders. I believe that all neighbouring properties need to be consulted and have opportunity for feedback on how this proposal will affect them. Other points we have discussed with other neighbours include:

1. Sustainable Resource Area must not be re-zoned for any development purpose other than supporting the environment.
2. There are already ample tracts of undeveloped Rural lands (R2) on Denman Island. The two small R1 (2.5 Acre lots) can easily be placed on a number of unstressed R2 area's.
3. There are already huge tracts of unsold developed Rural lands R2 available for placing additional R1 densities, thereby negating any reason to create more zoned R2 lands.
4. There is no need to transfer an R1 2.5 acre density AND convert it into a 12.5 acre of R2 Zoned Land and definitely no justification for converting 12.5 acres of Forestry to absorb 2.5 acres of R1 re-zoned land.
5. If the "remainder lot" receiving densities, was left oversized as a consequence of a previous development then it should not be further subdivided.
6. Existing proposed bylaws, being enacted by the Islands Trust in the Farm Plan, are endeavouring to preserve and protect current Forestry mainly to preserve a maximum habitat for wildlife.
7. On the Forestry subject of the proposed Bylaws there are nesting Hawks and Owls.
8. There should

be no more development of the forestry subject of the proposed Bylaws 219 and 220 as the development to Rural would compromise the already stressed ability of the forest to absorb run off that is draining on to adjacent lands and moving sediment into ditches thereby blocking and compromising water run off to Valence Brook and fish bearing streams. 9. The forestry subject of the proposed bylaws is the only forestry left in the quarter section in which the receiving lot sits. It is unnecessary and unethical to loose the zone as it exists. 10. Why is the small triangle to the east of the proposed forestry being proposed as rezoned to R2, when it is isolated by a road, it has been modified during previous developments and directs water and is too small to develop as a homestead.

We would urge you to reject these proposed bylaws and not proceed to the 3rd reading. At the very least we would call on Islands Trust to postpone the 3rd reading in order to provide more information and clarification of information.

Sincerely,

Peter & Anna Lin Thomsen

From: Lucinda Abbott [REDACTED]
Sent: Friday, March 11, 2016 6:33 PM
To: northphsub
Subject: Proposed Bylaw Nos. 219 and 220

Dear Denman Island Trustees,

My husband, Richard Abbott, and I are the landowners at 5985 Lacon Rd, immediately opposite to the property proposed to be re-designated from Residential to Conservation/Reserve. We are in favor of the proposed zoning change. We believe it will help to protect a critical part of the island, the Valens Creek watershed.

Thank you,

Lucinda Abbott

From: Sheila Nopper [REDACTED]
Sent: Monday, March 14, 2016 10:54 AM
To: northphsub
Cc: Laura Busheikin; David Critchley
Subject: Proposed By-Laws 219 and 220

I oppose the combined by-laws 219 and 220 because I want any future density transfers to go towards achieving affordable housing on the island. I want to stop gentrification and ensure that a diversity of generations can afford to live here.

Sheila Nopper
A-4062 Wren Road
Denman Island

under guidance

Island Trust Bylaws 219 1nd 220

In 2014 I ran out of water for the first time in 40 years. My well is downhill from these properties which gradually slope up to the ridge. Also keeping forest land is important to purify air. I hope to consider our water table and air purity in times of global warming.

First, in order to use the land in conservation we do not have to change bylaws from forestry to R2 which will open the door for more lots. This piece zoned forestry and ALR now allows one house. I believe with credits it will total 3. Perhaps this can be done without changing zoning. Forest captures CO2 2 1/4 acres for one chord firewood.

Changing ALR from Forestry in bottom or west portion could open the door for more subdivision requests. There are four large farms nearby among others.

Zoning of Forestry and ALR should stand.

The Island Mandate is to preserve and protect.

Respectfully, Jacqueline Pearlson, property to the west LotBPL VIP85708 sec 12

J Pearlson



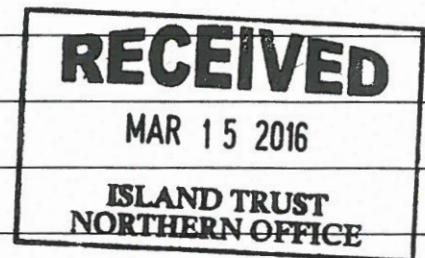
Islands Trust

Public Hearing Submission
Denman Island Local Trust Committee
Public Hearing - Bylaw Nos. 219 and 220
March 15, 2016

Name ROBERT FOX	Address 1001 TRIPLE ROCK ROAD, DENMAN ISLAND
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NOT IN FAVOUR OF PROPOSAL.

THIS "DENSITY SWAP" IS IN NO WAY FAVOURABLE
TO THE COMMUNITY.

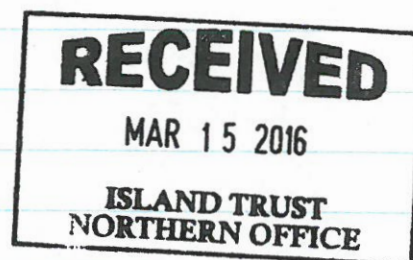


Mar 15, 2016

Bylaw 219 + 220

After consideration, consulting with my local trustees, and attending the public hearing I have decided Not to oppose the applicant in his zoning. I know it is complicated but after my consulting I believe I understand the issues. After four decades of going to Trust meetings, I do understand density transfers and that application in this re-zoning

Bew Hollingsworth





Islands Trust

Public Hearing Submission
Denman Island Local Trust Committee
Public Hearing - Bylaw Nos. 219 and 220
March 15, 2016

Name Margaret Fraser	Address 1125 Sc 1001 Triple Rock Rd Denman Island BC V9C 1G6
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I oppose both bylaw NO.219 & 220

Removal of affordable parcel from the community.

Increasing value of ridge parcel increases taxes.

Unclear information re: these proposed by laws.

I support alot of Louise Bells thoughts

Concern re: water in this area - how will this affect groundwater?

Opposed to this ^{proposed} density transfers

I



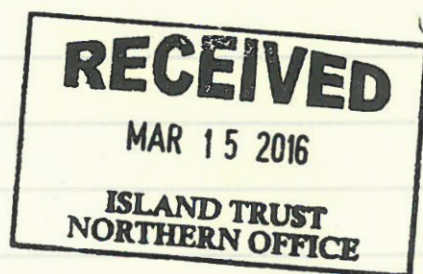
March 13
2016

To Island Trust,
I am opposed to Bylaws 219 and
220

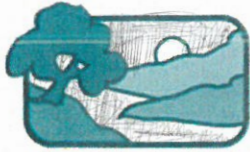
I am not in favour of transferring
the 2 densities or having
Sustainable Resources to Rural
This should be kept ~~as~~ for
the forest to grow back.

I am concerned about how
many densities Henning
Nielsen has applied
for and received in the
past and future
This seems unethical and
rather like a game of
Monopoly with his
real Estate wife.

This Conservation gift
plays into the developer's
dream of a private
park ^{at the end of} ~~and~~ subdivision
It is a pandemic



Norma Bejall
1680 Swan Rd
Denman Is, BC



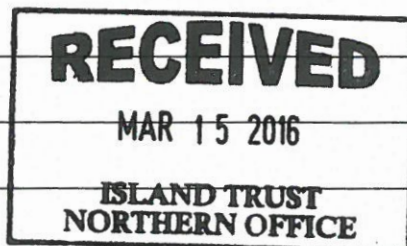
Islands Trust

Public Hearing Submission
Denman Island Local Trust Committee
Public Hearing - Bylaw Nos. 219 and 220
March 15, 2016

Name	Nancy Snyder	Address	10801 Greenhill Rd Denman Island BC 6080 Woodham
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I feel that these bylaws need to be rejected
environmental grounds

Thank you
Nancy Snyder





Islands Trust

Public Hearing Submission
Denman Island Local Trust Committee
Public Hearing - Bylaw Nos. 219 and 220
March 15, 2016

Name	Address
Bill Engbrow	4905 Trueman Place Denman Island

Regarding Proposed bylaw #219, it seems to me to be a reasonable trade off a practical transition of density.

Old wounds & bitter hatreds have again arisen and tainted a more or less simple transfer.

Yes, Denman Island needs affordable housing but this process of transferred density in no way stalls or impacts that need.

I grant it may not advance progress towards Affordable Housing other than the 4th density transfer - which is a social benefit.

Regards,

March 15 2016

RECEIVED

MAR 15 2016

ISLAND TRUST
NORTHERN OFFICE

Des Kennedy
1670 Pickles Road
Denman Island, B.C.
VOR 1T0

Submission to the Denman Island LTC Public Hearing concerning Proposed Bylaws 219 and 220, 10 March 2016.

After study of the proposed Bylaws and relevant background documents, I do not believe that sufficient information has been made available to the community, particularly with respect to the "receiving property," for fully informed commentary on these proposed bylaws.

The IT Staff Report of May 4, 2015 stated:

Given the nature of this particular application, which includes the need to develop a restrictive covenant to protect the existing environmental values of the receiving property, it is the view of staff that there would be a benefit in conducting a Community Information Meeting (CIM) once the comments from the bylaw referral process, and a draft restrictive covenant, have been received and considered by the LTC. This CIM would allow for a community review of the necessary restrictive covenant and draft bylaws prior to proceeding to the statutory public hearing stage and assist in identifying any community concerns that the LTC may wish to consider prior to scheduling the public hearing.

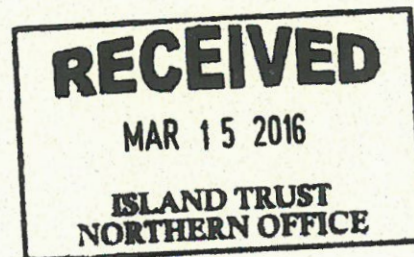
This recommendation was reiterated in the Report:

As previously noted in this report there remain some outstanding items related to this application such as the location, nature and extent of any necessary conservation covenants as well as some indication of how the intent of the sensitive views OCP designation would be addressed. As such it is the view of staff that a LTC sponsored Community Information Meeting (CIM) should be held after the receipt of referral responses and prior to the required statutory public hearing.

I request that no further action on these proposed Bylaws be undertaken until a CIM has been held.



Des Kennedy



March 15, 2016 Public Hearing on proposed Bylaws 219 and 220

Denman Island Local Trust Committee:

Bylaws 219 and 220 tangle two distinctly separate business transactions and two distinct land use issues. As such, I ask the LTC not to proceed to third reading on either bylaw.

1. The owners of Lot 17 Section 6 entered into a business transaction with the previous owner wherein the new owners a) paid less than market value for the house and property—including four densities—in return for a handshake agreement to transfer a portion of Lot 17 to the Trust Fund in order to protect Valens Brook, and b) with a handshake, rather than a written agreement as part of the sale contract, will be eligible for a tax receipt for the value of their 'gift' to the Trust Fund.

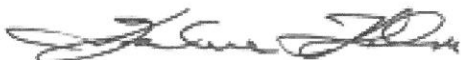
Essentially, the owners of Lot 17 benefitted from the previous owner's desire to protect the stream.

2. The owner of Lot A, Section 12 created the existing "subject area" as part of a previous development which included successfully shifting zone areas and designations to optimize the number of marketable view lots, thus creating the awkward triangle of land currently zoned Sustainable Resources. At some point, the densities under discussion at this hearing became a commodity through which services were rendered and the densities paid the bill.

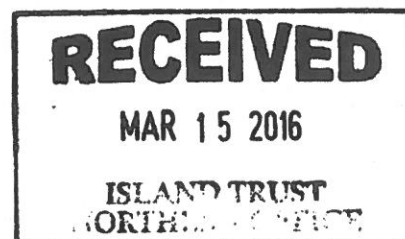
I object to Bylaws 219 and 220 because their very structure and substance forces the community to accept both business deals when the Lot 17 area change from "Residential" to "Conservation" is worthy of support.

I further object to the simultaneous zoning change on Lot A, thus conferring a financial benefit to the owner, preventing a clear opportunity to weigh the merits of that particular zoning change (which makes the designation "Sustainable Resources" meaningless).

I ask that the LTC separate the two business deals so that the community can support the conserving of a portion of Valens Brook in a bylaw for that purpose. The owners of Lot 17 enjoy a considerable benefit by simply following through on their handshake agreement.



Harlene Holm
3900 Lacon Road
Denman Island, BC





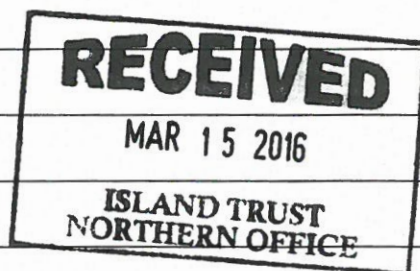
Islands Trust

Public Hearing Submission
Denman Island Local Trust Committee
Public Hearing - Bylaw Nos. 219 and 220
March 15, 2016

Name	Address
Edina Johnston	5271 Chrisman Rd.

I support bylaws 219 + 220 and think this will benefit the island

Edina Johnston



To: Denman Island Local Trust Committee
(REVISED statement for the public hearing of March 15, 2016)

PH

I would like to speak to proposed by-laws 219 and 220. As the Islands Trust Staff report of Mar.30, 2015 originally stated: "It is the intent of this application to facilitate two outcomes. In the first instance it is the intent of (Henning Neilsen on behalf of the owners of Lot 17, Louise Anne Hermanutz and David James Innes) to transfer approximately 2.545 hectares of land to the Trust Fund Board to be protected as (part of the Valens Brook) Nature Reserve. In the second instance it is intended to transfer the two densities associated with the 2.545 hectares to the receiving property (Lot A Section 12) owned by Pan Design (Neilsen)."

I would like to begin by expressing my displeasure with the Islands Trust for not holding its own Community Information Meeting with full publicity in advance and planning staff in attendance so that the community could ask questions about the proposed by-law change prior to a public hearing such as the one we are attending now rather than merely relying upon a previous proponent -sponsored community information meeting as was done in this case. I also want to express my dissatisfaction that this public hearing today is not a self-standing event that was well-publicized in advance in relation to the issues involved as previous public hearings have been rather than merely being one part of a routine Islands Trust meeting with a much larger agenda.

In respect to proposed by-laws 219 and 220, I am in favor of the rezoning for Conservation, but I am opposed to the transfer of two densities to Henning Neilsen of Pan Design and his application for their rezoning to Rural Residential. The latter density transfer and rezoning would set the stage for the pursuit of future gentrification schemes on island either by allowing Neilsen to use the requested densities for development purposes on the scenic ridge property that he has designated to receive them or by freeing up other remaining island densities which he may acquire for such purposes at a future date to be used in a similar manner. Overall, I think that the island should safeguard its limited number of available densities for affordable housing rather than using them to guild the lily. Moreover, if approved, this transfer might be a prototype for future density speculation- fueled development gambits. Consequently, these two proposals should ideally be "delinked" so that the approval of the conservation transfer is not dependent on the approval of the density transfer. Instead, they should be separately considered on their own merits. However, even if the rezoning for conservation is only possible by granting the requested density transfers to Neilsen which he has demanded of the owner as the price for his services, I would still oppose that transfer for ethical reasons.

Why then do I raise the question of ethics? Of course, I realize that there is nothing technically illegal about the practice of a realtor advising her clients of potential tax rebates, financial savings, and available in-kind services. However, this backroom deal in which a realtor (Bente Pilgaard) manipulatively steers potential

homeowners to assign their densities to a developer (Henning Neilsen) who just happens to be her husband, and who in turn assures them that he can “shepherd” their proposal through the Islands Trust process by branding it as a conservation project, reeks of unethical behavior. Moreover, not only was this 3-way deal between the owners, the realtor and the developer unethical, but since it involves the granting of densities to a developer by the owners as part of a business deal, it involves the normalization of the questionable business practice of treating densities as commodities. This density commodification strategy was successfully used by Neilsen a few years ago when he persuaded the Islands Trust, at the behest of the provincial government with whom he had separately cut a tentative parkland deal, to broker densities as commodities in return for a provincial park at Chickadee Lake.

The ghost of that Chickadee Lake wheeling and dealing escapade still haunts us. In this case, the Islands Trust is essentially being asked after the fact to once again publically ratify a private business deal in which Neilsen has a pecuniary interest. However, the Trust can say no if they think that such unsavory speculation and predatory behavior with regard to the chasing down and accumulation of densities is unacceptable because it will ultimately result in the increased gentrification of the island by filtering out and pushing away those in need of affordable housing. Moreover, while it might be true that each specific Islands Trust case need not set a legal precedent for future decisions, the approval of the density transfers requested would clearly set an “open-for-gentrification” tone on Denman. Faced with the current affordable housing emergency on the island, it is high time to prioritize affordability or else face the inevitability of a gentrified future in which developers hold island diversity hostage to unrestrained density speculation under the cover of conservation.

THEREFORE:

I urge the Islands Trust not to adopt the requested density transfer.

Ron Sakolsky



Public Hearing for Denman Island Proposed Bylaws # 219 and 220

Submission by Louise Bell – March 15, 2016

I am concerned about these two bylaws for two reasons:

1. The Local Trust Committee (LTC) is missing the opportunity to properly protect the key conservation value on the protected parcel (Lot 17, Section 6); and
2. The process of presenting these bylaws to the community has been flawed. LTC has failed to provide sufficient information to allow the public to judge whether or not the two proposed bylaws meet the goals of our Official Community Plan (OCP).

First, **protection of the natural environment.** Guiding Principle #1 of our OCP requires that, “in all decisions and regulations concerning use of the land, zoning or development”, we “... **take as a first consideration the protection of the natural environment.**”

The most important environmentally sensitive feature for Lot 17 in Section 6 —the lot to be transferred to the Islands Trust Fund—is Valens Brook, which is a salmon bearing stream. I am distressed that the boundary of this lot is a mere 10 m to the west of this water course, whereas a buffer of at least 30 m and preferably more is needed to provide adequate protection and should, therefore, be included in this parcel. (Incidentally, this point was made at the applicant’s information held in September 2014.) I appreciate that the Trust Fund Board has agreed to accept the protected parcel, as shown in the bylaw appendices, but I believe that the LTC should require that the boundaries for the proposed protected parcel be revisited to address this problem. meeting

Second, **the public process for Proposed Bylaws 219 and 220.** Guiding Principle #5 of our OCP requires that we “... **promote public education to make the understanding of the Official Community Plan a priority.**”

Because the proposed density transfer would amend the Denman Island OCP, it should be understandable to the Denman islanders.

“Density transfer” is a land use planning tool. This tool has been available on Denman for about 15 years. Policies and guidelines for its use here are set out in Appendix C of the OCP. Nevertheless, this is, I believe, the first time its use has been proposed. So it is not something islanders have come to understand through its prior use.

Unfortunately, Lot A, Section 12 -- the “receiving property” -- is a complicated lot. It’s split zoned. Part of the lot is zoned “F” (Forestry) and part is zoned “R2” (Rural residential). Maps of the receiving parcel in the Grapevine ads and on the Denman pages of the Islands Trust website are confusing, however. Heavy lines are used to outline the zone boundaries whereas lighter lines define the boundaries of the receiving parcel, and one of the lines is cancelled out by the zone line. As a result, the size and configuration of the receiving parcel are hard to ascertain. Also, it is impossible from the map to judge the number of residential densities currently attached to Lot A, much less the number that would result from the rezoning and density transfer. A further complication is that the adjoining parcel to the south, whose boundaries are equally hard to ascertain, is being rezoned to change the part in the ALR from “F” (Forestry) to “A” (Agriculture), which raises other unanswered questions. Last, the whole thing is also complicated as the receiving lot has already been the subject of a subdivision and has a number of legal entities associated with the title, most of which are a mystery to the lay person.

Given these circumstances, I have identified the following problems:

1. It is unclear in the material in the Grapevine and on the Trust website that the proposed bylaws are intended to carry out a density transfer and what that means from the viewpoint of Denman's land use regulations;
2. It is unclear how many residential densities currently exist on Lot A. It is also unclear how many densities it would have after the portion zoned "F" was rezoned to "A" and the transfer was accomplished. I believe that interested islanders contacting staff with this question have been told that the receiving parcel currently has one density and that it would then have three. This does not make sense to me, looking at the map, but, more importantly, this information should have been presented in the Grapevine material and on the website.
3. For the associated parcel to the west (called the "Remainder"), the bylaws propose changing the zoning from "F" to "A." It is unclear what impact, if any, this change would have on the number of residential densities available on this lot, given that the minimum lot size of "F" is 64 ha and of "A" 15 ha.
4. The first staff report on this proposal indicated that there were areas on Lot A where raptors either nest or have nested in the past. The recommendation was that the LTC require that a covenant be placed on these areas to protect these environmental values. However, it was not until late last week, when someone contacted staff to ask if such a covenant was being proposed, that the text of this covenant was posted to the website. Nevertheless, it is unclear how the newly posted material is connected to the proposed bylaws. Further, it is unclear what mechanism, if any, will be used to guarantee that, should the proposed bylaws be adopted, the covenant will be simultaneously approved and registered.
5. Finally, the value of covenant itself is unclear. The accompanying maps show three areas to be protected; however, where the square footage of these areas should be given, the maps say "XX" hectares. Further, for the area representing Development Permit Area #2: Steep Slopes, the covenant indicates that restrictions apply only in places where the slope is 60% or more for a height of 20 feet -- a determination that is beyond most, if not all, islanders.

I ask, therefore, that the LTC reconsider these proposed bylaws and address these problems, and that the LTC then bring the revised bylaws back to islanders in a Community Information Meeting.



RECEIVED

MAR 15 2016

**ISLAND TRUST
NORTHERN OFFICE**

I would like to start by saying that I am opposed to bylaws 219 and 220.

I do applaud that 2 ½ hectares of land could be designated as a nature reserve. Although it appears there would be minimal benefit to the community with minimal access to the property.

However transferring 2 densities to property between Woodham and Triple Rock is the wrong thing to do.

I object to reinforcing a precedent that treats densities as commodities to be bought and sold.

I object to forestry zoned land being changed to R2 to maximize profits for individuals at the expense of many of the neighbours.

I also oppose any further rezoning or subdivision of the receiving property. It was already subdivided to its maximum allowed number of lots approximately 10 years ago. At that time I was assured no further subdivision could ever happen on this property.

At the time that Henning was subdividing and selling these lots, he burned a number of huge piles of slash and stumps. The smoke was so thick and my wife, Anna Lin, became so sick – we had to leave our home for 4 days. This experience literally destroyed her health. She suffers from acute intermittent porphyria which results in an extreme chemical sensitivity. She has never been able to return to the level of health she had at that time. She now reacts to even smaller levels of smoke, fragrances and vehicle exhaust. And she has to deal with ever increasing reactions which can result in muscle pain, cluster headaches, seizures and anaphylactic shock.

Anna Lin's reactions become more severe through a cumulative effect. There are now 5 homes to the south and south-east of us that were not there when we bought our property. Anna Lin and I enjoy a limited but happy life. Recognizing that cumulative effect, I do not want the 2 densities that Henning already has on his property added to the 2 additional densities that he wants transferred to him. These 4 densities to the South-east of us is where the prevailing winds come and it could be the straw that breaks the camel's back for Anna Lin's health. I pray it won't.

This property has been subdivided to its maximum. To subdivide it more would be wrong!

There are many other R2 properties on Denman Island that could receive 2 additional densities without causing harm to others.

I would urge the Local Trust Committee to reject these bylaws and not proceed with the 3rd reading.

Or at the very least I would urge them to apply Land Titles Act Sec. 219 Covenants to restrict burning, pesticide use and location of buildings.

Peter Thomsen

March 15, 2016



**Denman Island
Local Trust Committee
Public Hearing Record**

**REGARDING PROPOSED BYLAW NO. 219 CITED AS "DENMAN ISLAND OFFICIAL
COMMUNITY PLAN, 2008, AMENDMENT NO. 2, 2015"**

AND

**PROPOSED BYLAW NO. 220 CITED AS "DENMAN ISLAND LAND USE BYLAW,
2008, AMENDMENT NO. 3, 2015"**

Date: March 15, 2016

Time: 10:45 am

Location: Denman Seniors Hall
1111 Northwest Rd, Denman Island, BC

Members Present Susan Morrison, Chair
David Critchley, Local Trustee
Laura Busheikin, Local Trustee

Staff Present Rob Milne, Island Planner
David Marlor, Director, Local Planning Services
Vicky Bockman, Recorder

Others Present Approximately thirty (30) members of the public

1. CALL TO ORDER

Chair Morrison called the Public Hearing to order at 10:46 am. She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw Nos. 219 and 220. She invited those wishing to speak to sign a speaker's list and to place written submissions into the Public Hearing submission box.

2. PROPOSED BYLAW NOS. 219 and 220

Planner Milne reported on the advertising of the Public Hearing and explained that all notification requirements have been completed. He outlined the land use designations and zoning classifications that are being proposed.

**Public Hearing Record
Received For Information
By Local Trust Committee**

He advised that the purpose of the proposed bylaw is to allow the owners of Lot 17 to transfer approximately 2.545 hectares of land to the Trust Fund to be protected as Nature Reserve and to transfer the two densities associated with the 2.545 hectares to the receiving property which is proposed to be subdivided into three large parcels.

He reported on submissions that have been received as of the afternoon of March 14, 2016.

3. PUBLIC COMMENTS

Chair Morrison read a submission from Des Kennedy, 1670 Pickles Road at his request, as he was not able to attend the Public Hearing to do so personally. He pointed out that a previous Staff Report commented that a Community Information Meeting (CIM) held after the Local Trust Committee (LTC) had received and considered the restrictive covenant, draft bylaws and referral responses would be beneficial to allow the community to review the information prior to proceeding to Public Hearing. He expressed his opinion that there has not been sufficient information made available to the community on this proposal and that there remain outstanding concerns. He requested no further action be taken until an Islands Trust-sponsored CIM on proposed Bylaw Nos. 219 and 220 has been held.

Ron Sakolsky, 4062 A Wren Road – objected to the lack of an Islands Trust-sponsored CIM held prior to this Public Hearing to allow the community to ask questions about the proposed bylaw changes. He objected to holding Public Hearings as a part of a regular LTC meeting, stating his opinion that they should be held as a free-standing event. Regarding proposed Bylaw Nos. 219 and 220, he stated his support of the rezoning for conservation and opposition to the transfer of densities to Pan Design for rural residential, stating his belief that these transactions should be considered separately. He objected to the density transfer on ethical grounds and expressed his opinion that treating densities as commodities may lead to gentrification and less affordable housing.

Louise Bell, 3325 Kirk Road – expressed concern that the boundary on the proposed conservation property is only ten metres to the west of the Valens Brook watercourse where at least 30 metres would be appropriate. She expressed concern that clarification needs to be provided on the boundaries for the proposed conservation property, the density transfer, zoning, mapping, and potential impact on property to the west; and that adequate time needs to be provided for the community to review these issues and the restrictive covenant. She asked the LTC to reconsider the proposed bylaws, to address these problems, and to bring them back for another CIM.

Peter Thomsen, 2000 Triple Rock Drive – declared that he is an adjacent property owner to the property involved in this proposal and stated his opposition to proposed Bylaw Nos. 219 and 220. He found the number of densities and split zoning to be confusing, objected to the commodification of densities that can be bought and sold, and to a Forest zone being changed to an R2 zone. He opposed further rezoning or subdivision of this property as he had been previously assured that no further subdivision would be possible. He stated that his wife has extreme health concerns and that exposure to smoke and the cumulative effect of increased density in their proximity could cause

**Public Hearing Record
Received For Information
By Local Trust Committee**

serious harm to her. He asked the LTC to reject these bylaws, or to consider restrictive covenants on burning, or to postpone the process to allow for more community input.

Jacqueline Pearlson, 3290 Lacon Road – disclosed that she is an adjacent property owner to the property involved in this proposal. She expressed concerns that this development will negatively impact her water supply, the map is not adequate, and that there is another close property owner that has not been disclosed. She suggested that an alternative energy source should be considered. She supported other comments objecting to the bylaws and expressed her opposition to going forward with them, asking Trustees to reject the proposal.

Patricia Willis, 3780 Lake Road – agreed with Louise Bell's comments, and stated that there needs to be a CIM sponsored by an independent body. She commented on the commodification of densities, noting that these were provided for provision of services and questioned the impact and value of the donation of the density. She asked how other islands handle these transfers. She considered the mapping to be inadequate.

Norma Rejall, 1680 Swan Road – expressed her opposition to changing Forestry zoning to Rural Residential zoning, and voiced concern that this might set a precedent. She stated that she is not in favour of two densities being transferred and is not comfortable with the number of densities applied for by this property developer and how many more may happen in the future.

Gerald Talbot, 2751 Lacon Road – expressed concern that this proposed density transfer would affect his well water. He stated that he would want to see a study completed that reviews the effect of increased densities and septic systems in that area of the aquifer that supplies his property and confirming that it would not have a negative effect.

Henning Nielsen, 3222 Lacon Road – disclosed that he is one of the applicants. He reported that he was recently made aware of unintended consequences of the way the bylaws were drafted which resulted in the receiving property receiving four densities instead of three. He noted that the applicants have been in compliance with the Official Community Plan and Land Use Bylaw, held a CIM, and did their utmost to disclose their intentions. He advised that the unintended fourth density associated with the R2 zone would be donated to the Density Bank for affordable housing. He expressed concern that this will delay the conservation initiative and hoped that the LTC would proceed with the proposed bylaws.

Sharon Small, 3013 Lacon Road – noted that as a property owner in the neighbourhood of the subject property she received notification, however, would like to see this proposal structured in a way that the ramifications can be understood. She stated that she would like there to be ample opportunity for the community to review the proposal.

Sheila Nopper, 4062 A Wren Road – pointed out that there are people here that are concerned with the issue, however there are others who would have liked to attend but whose work schedules would not permit them to be here at this time of day.

**Public Hearing Record
Received For Information
By Local Trust Committee**

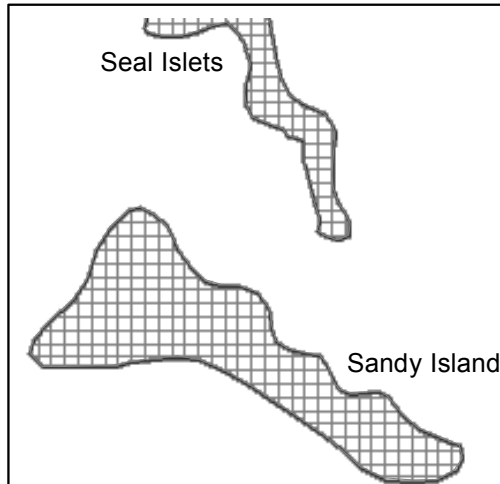
Bill Engleson, 4905 Trueman Place – stated that he is generally in favour of this application. He acknowledged that there have been some questions raised that may need to be addressed such as pollution that might occur and water concerns. He noted that the density issue is confusing, however, supported the addition of a density to the Density Bank for the benefit of affordable housing that this application would provide.

4. ADJOURNMENT

Chair Morrison asked three times if there were any in the audience who wished to comment and hearing none, the meeting was closed at 11:26 am.

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

Vicky Bockman, Recorder



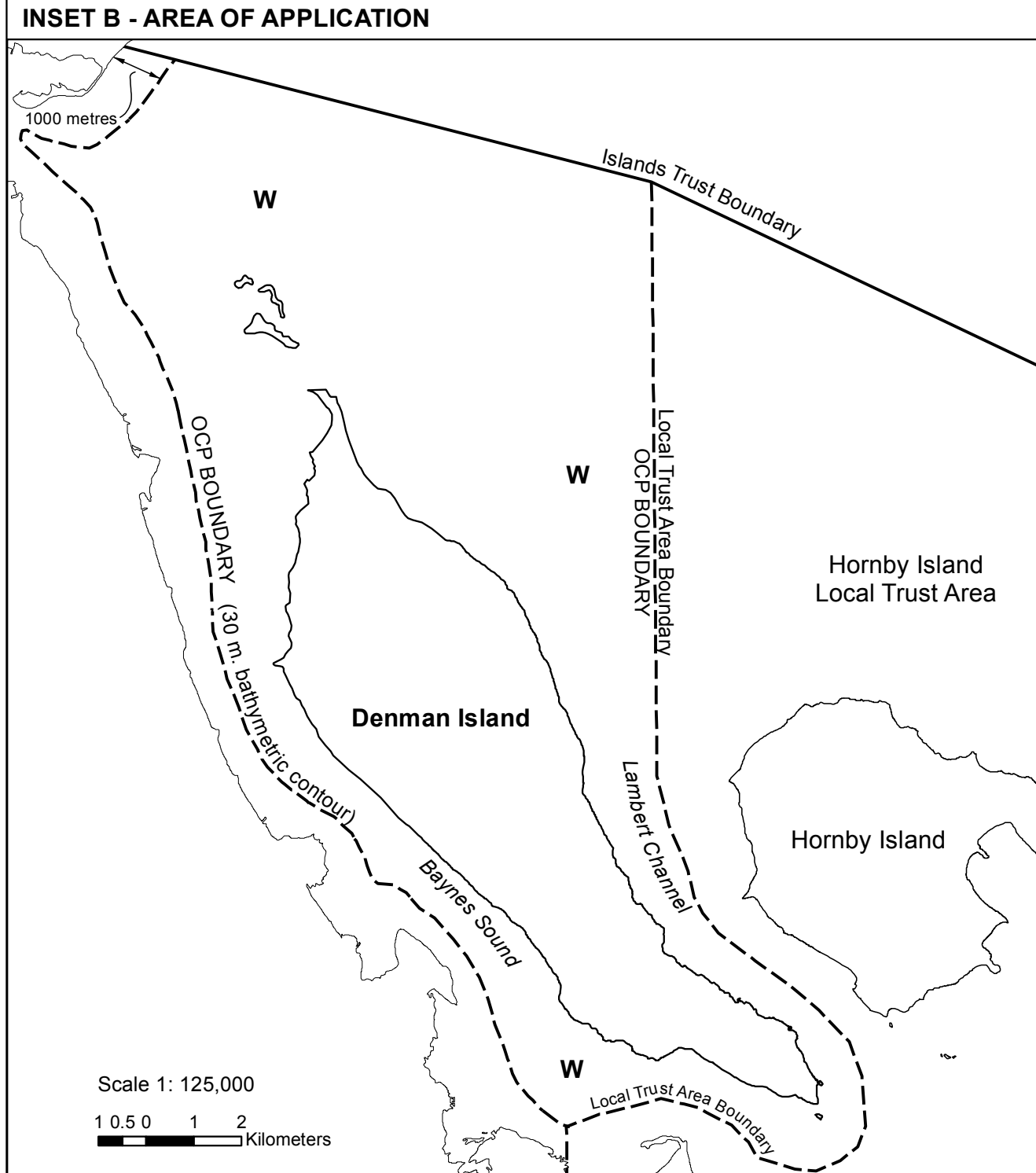
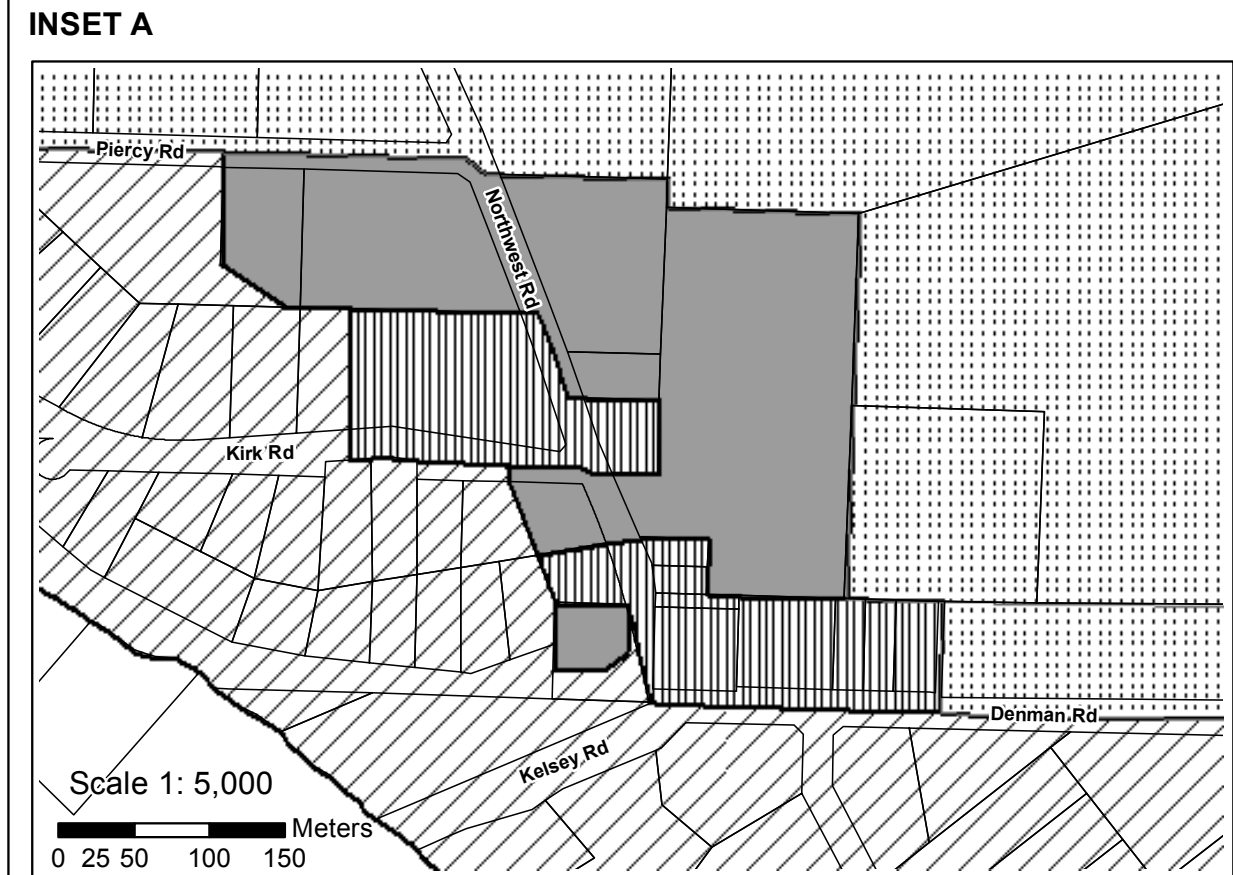
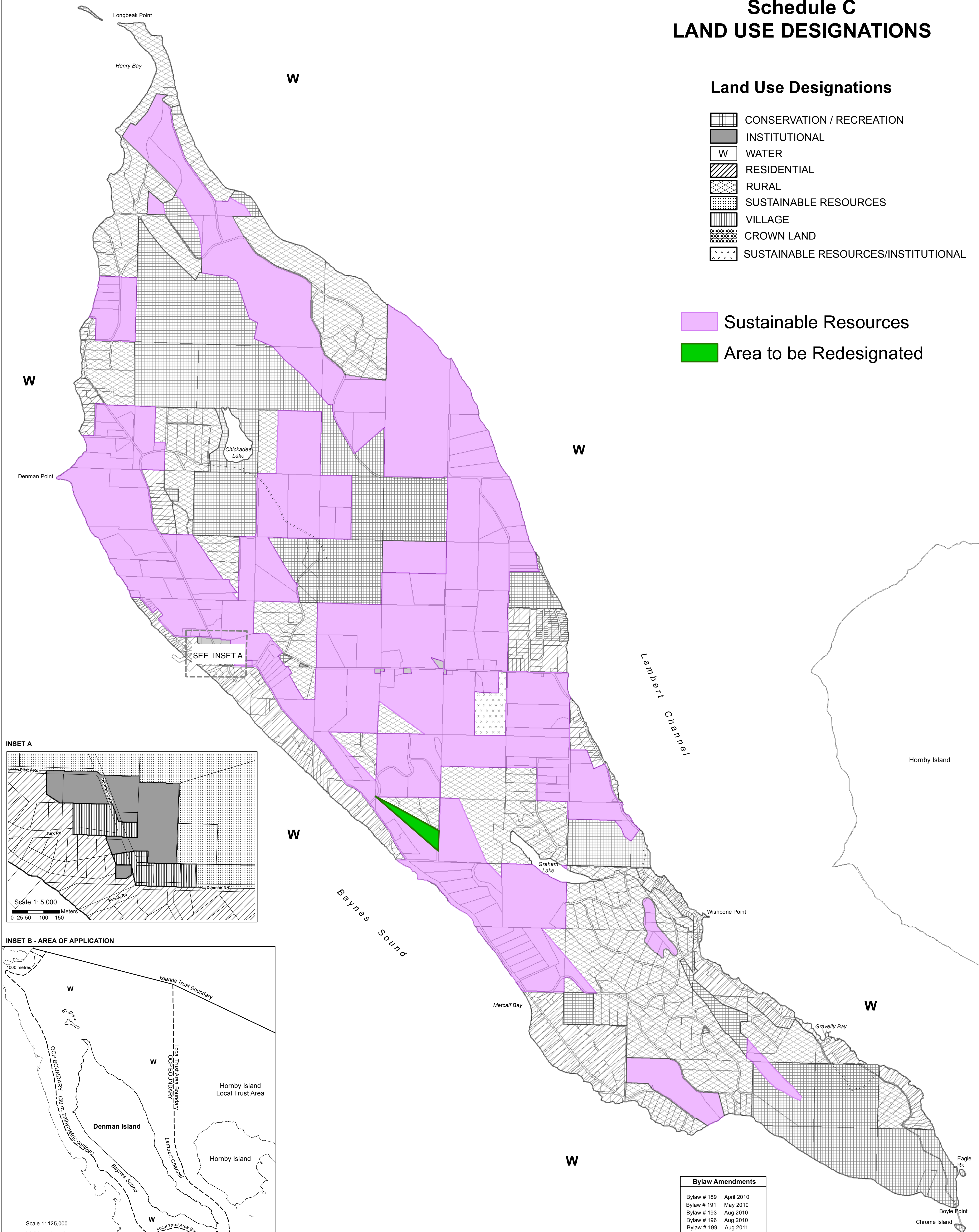
Denman Island Official Community Plan Bylaw 185

Schedule C LAND USE DESIGNATIONS

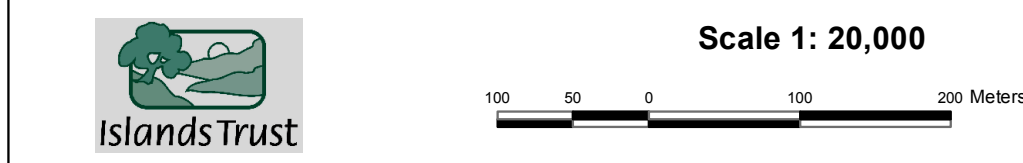
Land Use Designations

- CONSERVATION / RECREATION
- INSTITUTIONAL
- WATER
- RESIDENTIAL
- RURAL
- SUSTAINABLE RESOURCES
- VILLAGE
- CROWN LAND
- SUSTAINABLE RESOURCES/INSTITUTIONAL

- Sustainable Resources
- Area to be Redesignated



Bylaw Amendments	
Bylaw # 189	April 2010
Bylaw # 191	May 2010
Bylaw # 193	Aug 2010
Bylaw # 196	Aug 2010
Bylaw # 199	Aug 2011
Bylaw # 206	Apr 2014



D E N M A N I S L A N D

DENMAN ISLAND
LOCAL TRUST COMMITTEE

SCHEDULE C
LAND USE DESIGNATIONS

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

1. That Denman Island Local Trust Committee Bylaw No. 185 cited as “Denman Island Official Community Plan, 2008” is altered as shown on Schedule “A” of this amending bylaw.
2. This Bylaw may be cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015”.

READ A FIRST TIME THIS 28th DAY OF May, 2015

READ A SECOND TIME THIS 21st DAY OF July, 2015

PUBLIC HEARING HELD THIS st DAY OF , 2015

READ A THIRD TIME THIS st DAY OF , 2015

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____
th DAY OF _____, 2015

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT THIS
th DAY OF , 2015

ADOPTED THIS th DAY OF , 2015

SECRETARY

CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

Schedule A

Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:

1. That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new entry, in sequential order, which reads as follows:

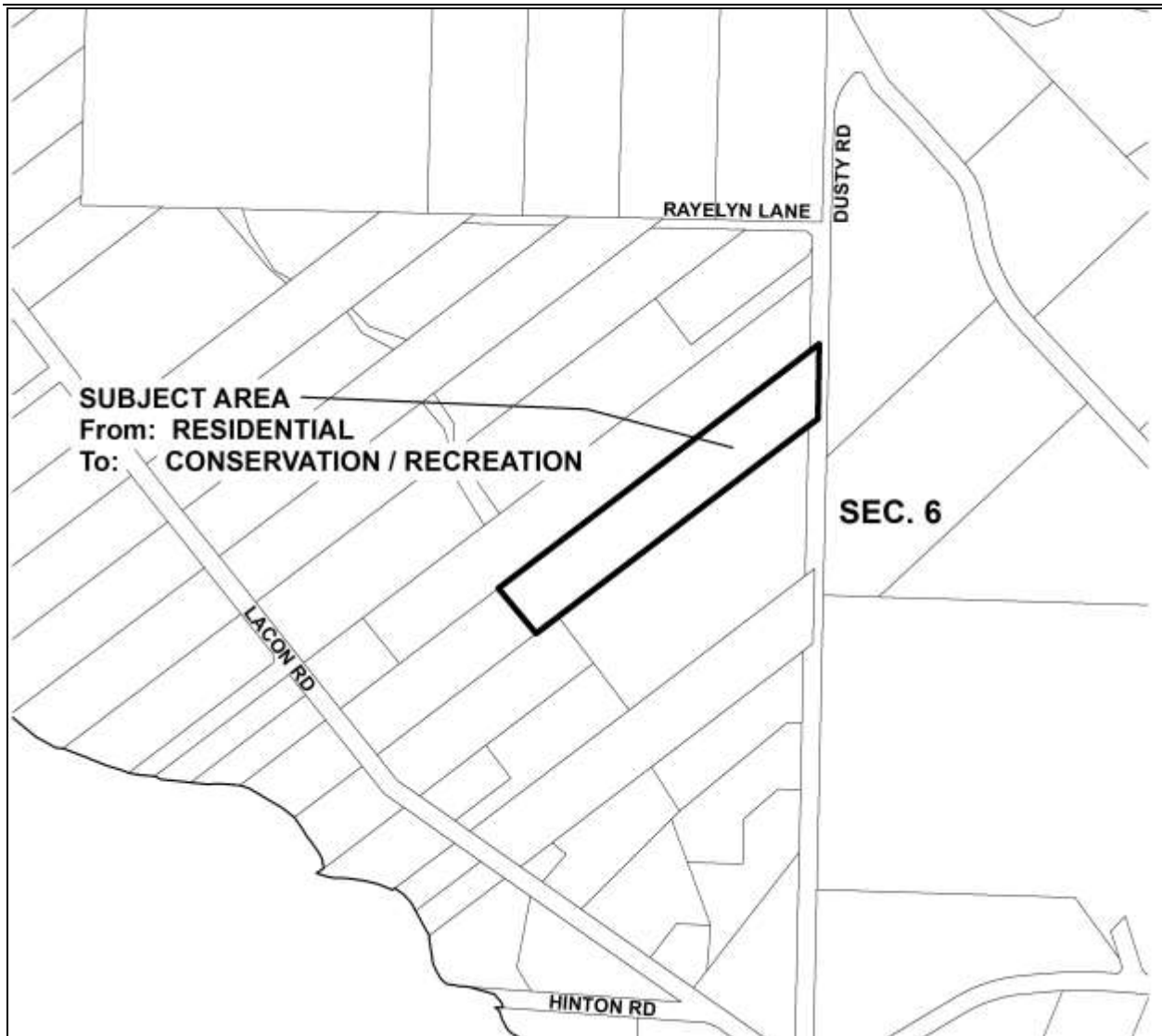
Authorizing Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative Total of residential dwelling units in the bank
219	[date of adoption]	Lot 17, Section 6, Denman Island, Nanaimo District, Plan 6404 (6080 Lacon Road)	+1	14

2. Schedule C [Land Use Designations] is amended by changing the land use designations as follows:
 - a) On portions of land legally described as LOT 17, SECTION 6, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 6404 the land use designation is changed:
from “Residential” to “Conservation/Recreation”;
as shown on Appendix No. 1 attached to and forming part of this bylaw.
 - b) On portions of land legally described as LOT A, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP88949 the land use designation is changed:
from a split “Sustainable Resources” and “Rural” designation to “Rural”;
as shown on Appendix No. 2 attached to and forming part of this bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

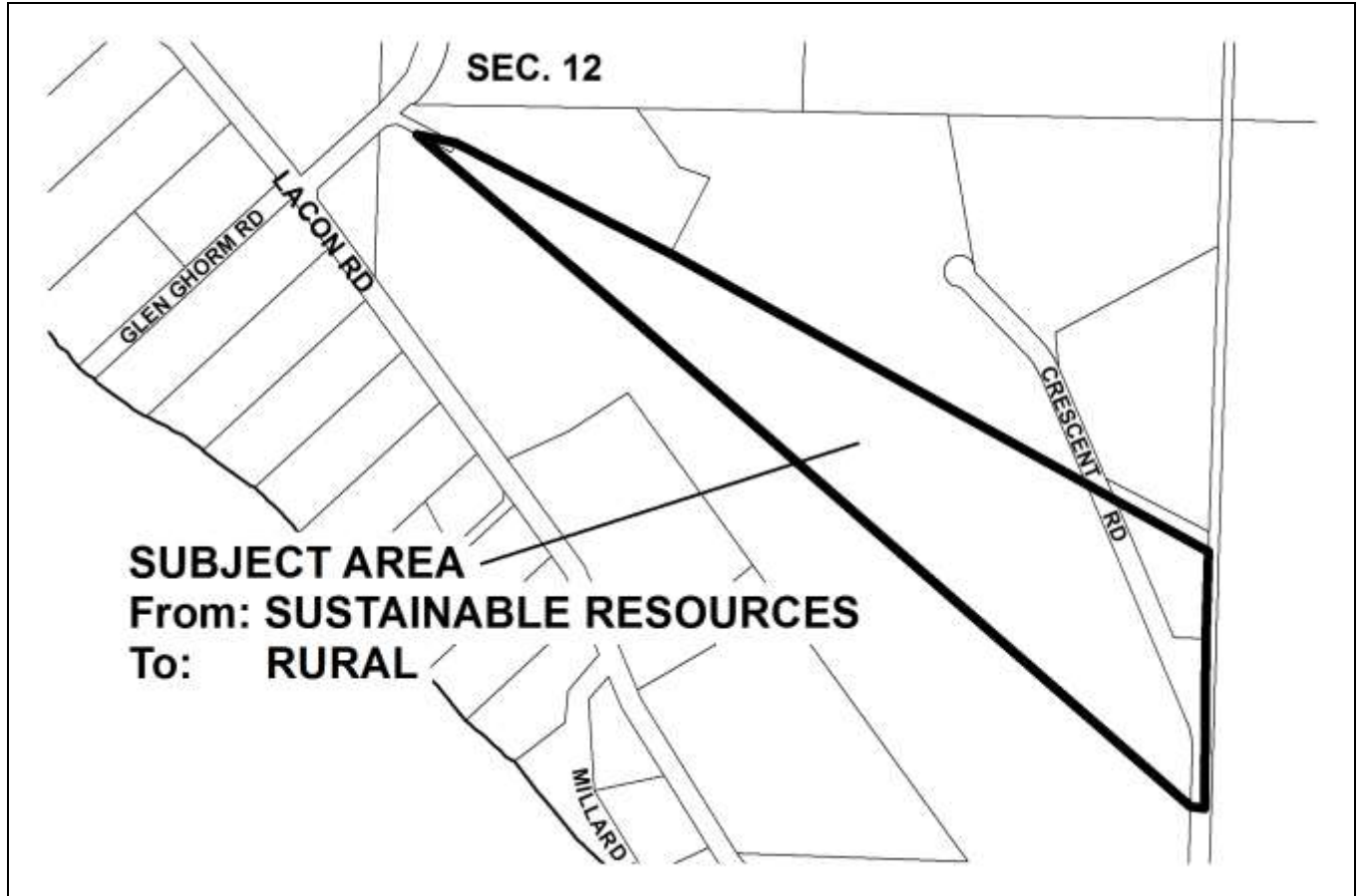
Appendix No. 1



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

Appendix No. 2



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. That Denman Island Local Trust Committee Bylaw No. 186 cited as “Denman Island Land Use Bylaw, 2008” is altered as shown on Schedule “A” of this amending bylaw.
2. This Bylaw may be cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015".

READ A FIRST TIME THIS 26th DAY OF MAY, 2015

READ A SECOND TIME THIS 21st DAY OF JULY, 2015

PUBLIC HEARING HELD THIS DAY OF , 201X

READ A THIRD TIME THIS DAY OF , 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____, 201X

ADOPTED THIS _____ DAY OF _____, 201X

SECRETARY

CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

Schedule A

Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008” is amended as follows:

1. That Table 8 – “Site Specific Regulations” of Part 3.3, “Residential Zoning Tables” be amended by the addition of a new entry in sequential order which reads as follows:

Site Specific Zoning Code	Site Specific Regulations
“R2(6)”	1 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is an average of one lot per 5.56ha.”

2. Schedule “B” [zoning map] is amended by changing the zoning classifications as follows:

- a) On portions of land legally described as LOT 17, SECTION 6, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 6404 the zoning classification is changed:

from Residential (R-1) to Conservation (CN);

as shown on Appendix No. 1 attached to and forming part of this bylaw.

- b) On portions of land legally described as LOT A, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP88949 the zoning classification is changed:

from a split zoning of Rural Residential (R2) and Forestry (F) to Rural Residential 2(6), (R2(6));

as shown on Appendix No. 2 attached to and forming part of this bylaw.

- c) On portions of land legally described as SOUTH EAST 1/4 OF SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PART IN PLANS 15079, 19060, VIP60280, VIP79163 AND VIP88949 the zoning classification is changed from:

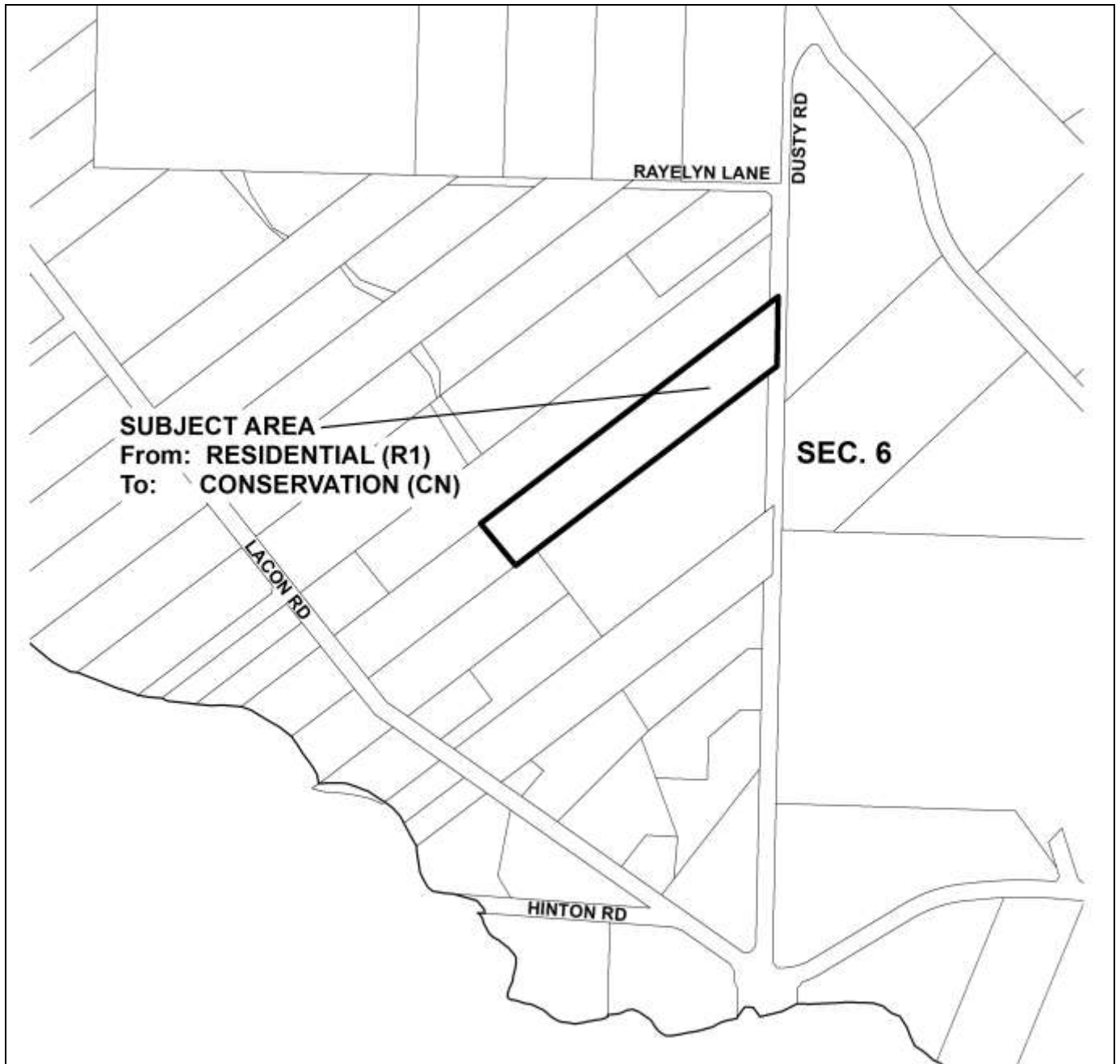
Forestry (F) to Agriculture (A)

as shown on Appendix No. 2 attached to and forming part of this bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

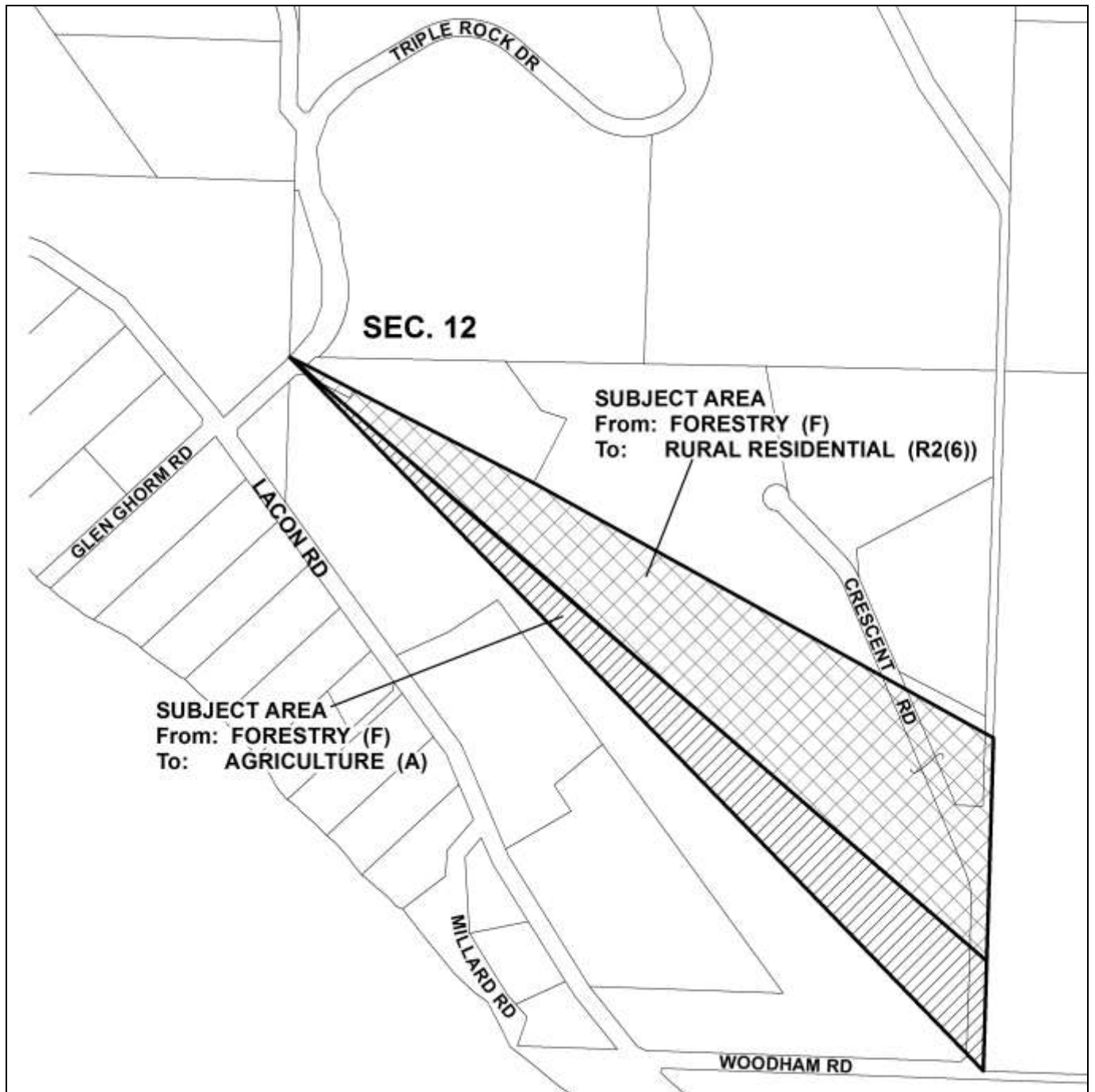
Appendix No. 1



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

Appendix No. 2





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File Nos: 219 & 220 (DE-RZ-2015.1)

The following symbols in the table indicate:

- ✓ the bylaw is consistent with the policy from the Policy Statement, or
- ✗ **the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or**
- N/A the policy is not applicable.

Explanatory notes are added in bold and italics text

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation

	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities

N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services
POLICY STATEMENT COMPLIANCE		
✓	COMPLIANCE WITH TRUST POLICY	
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:	

FOR INTERNAL USE

File Number: 1414389	Project Number: 150451
Disposition Number: 922474	Client Number: 5671

PACIFIC SHELLFISH AQUACULTURE APPLICATION

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS
FISHERIES AND OCEANS CANADA
TRANSPORT CANADA

Please refer to **Guide to Pacific Shellfish Aquaculture Application** for additional important information on how to complete this application correctly.
Incomplete applications will be returned to the applicant.

PART I – GENERAL APPLICANT INFORMATION

SECTION A: APPLICANT AND GENERAL INFORMATION

1. Applicant Name(s) (Full Legal Name(s) or Registered Company Name) Mac's Oysters Ltd.		Applicant Business Information: Telephone: (250) 335-2129 Cell: (250) 218-3790 Fax: (250) 335-2065 Email: rob@macsoysters.com
2. Applicant Business Mailing Address: 414 Emerton Rd, Fanny Bay, BC Postal Code: V0R 1W0		
3. Doing Business as: Mac's Oysters Ltd.	4. BC Inc. #, BC Registration # or BC Society # 64656	
5. Physical Business Address (if different from above): 7162 South Island Hwy. Fanny Bay, BC Postal Code: V0R 1W0		
6. Contact Name (if different from above): Rob Marshall		Contact Business Information: Telephone: () Cell: () Fax: () Email:
7. Agent/Representative (if applicable): Letter of Authorization Enclosed: ☐ Yes ☐ No		Agent/Representative Business Information: Telephone: () Cell: () Fax: () Email:
8. Business Mailing Address of Agent/Representative: Postal Code:		

9. Type of Application:

- ☒ New site ➔ **TENURE TYPE:** ☒ Licence of Occupation ☐ Lease ☐ Investigative Permit
☐ Amendment ➔ **AMENDMENT TYPE:** (please check all the boxes that apply)
☐ Tenure Area ☐ Infrastructure ☐ Production
☐ Species ☐ Other (describe):
☐ Licence Holder Change ➔ **CURRENT LICENCE HOLDER NAME:**

10. Government Reference Numbers

BC Land File # (Crown land):	<u>OR</u> Park Use Permit # (Park/Protected land):	<u>OR</u> Parcel Identification # (Private land):
NWPA #	DFO Aquaculture Facility #	

SECTION B: SITE AND INFRASTRUCTURE INFORMATION
1. Site Category

- ☒ Provincial Crown Land ☐ Provincial Park ☐ Private Land
☐ Federal Land ☐ First Nation Reserve ☐ Other (describe):

2. Geographic location of site: Baynes Sound

3. Site Common Name: None - Proposed name is 'Jack Smith Beach'

4. Pacific Fishery Management Area: 14 **Sub Area:** 8

5. Canadian Hydrographic Service Chart (CHS) Marine Chart Number: 3527 OR Topographical Map Number:

6. If the application area is surveyed, provide legal description of site (e.g. Land District and Lot Number):
7. If the application area is not surveyed, provide the metes and bounds description from a known surveyed point or geographic reference (UTM or latitude and longitude):

Point of Commencement: 49.511322deg N, -124.788198deg W; 190m @ 42deg 16min 10sec then 811m @ 129deg 37min 08sec then 190m @ 222deg 16min 10sec then 811m @ 309deg 37min 08sec back to POC.

Alternatively, provide a shape file geo-referenced to BC Albers projection (NAD 83) Shape file submitted? ☐ Yes ☐ No

8. GPS coordinates for the center of the application area/tenure:	Latitude: 49.509862 N
	Longitude: -124.784251 W

9. Total area of the site (Hectares):	Current Size:	Proposed Size: 15.4
--	---------------	---------------------

10. Culture Type (check all that apply):

- ☐ Intertidal Beach culture – culture activities take place between the high water mark and the low water mark (chart datum)
 ☐ Subtidal on/in bottom culture – culture activity takes place on the sea floor below chart datum
- ☒ Deepwater Suspended culture – culture activity takes place on the surface or within the water column
 ☒ Nursery Operation – culture activity includes juvenile rearing

NOTE: For a shellfish Hatchery Operation where the culture activity is proposed to be located on land, use the application for PACIFIC FRESHWATER AND LAND-BASED AQUACULTURE.

11. Physical Structures (Improvements):

Complete table below by checking all applicable structures, existing & proposed and estimated area of the application site that will cover all existing and planned structures. Where applicable, note the number and dimensions of the structures.

There are specific conditions of licence for shellfish aquaculture that licence holders must adhere to pertaining to the installation, inspection and maintenance of structures and gear. Please review these carefully in the Pacific Shellfish Aquaculture Application Guide or on the DFO internet site at: <http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/shell-coq-eng.html>

TABLE 11.1

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	TOTAL NUMBER	DIMENSIONS (m OR M ²) OF EACH STRUCTURE	ESTIMATED TOTAL AREA (M ²) OF COVERAGE
Work Floats					
Product handling	☐	☒	2	up to 300	up to 600
Living accommodation	☐	☐			
Other (describe):	☐	☐			

TABLE 11.2

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	NEW ESTIMATED TOTAL AREA (M ²) OF SITE COVERAGE BY STRUCTURE
Predator Protection			
Predator netting (intertidal beach)	☐	☐	
Predator netting (suspended culture vertical netting)	☐	☐	
Tubes (eg. Sections PVC or other material used in intertidal areas)	☐	☐	
Other (describe):	☐	☐	
Intertidal Beach Modification			
Rock Walls	☐	☐	
Trenches	☐	☐	
Berms	☐	☐	
Rack and Bag systems	☐	☐	
Other (describe):	☐	☐	
Nursery Infrastructure			
FLUPSY	☐	☐	
Intertidal remote setting	☐	☐	
Other (describe): rafts and trays	☐	☒	up to 5,000
Suspended Culture Gear			
Rafts	☐	☒	up to 50,400
Long lines	☐	☒	up to 2,000
Other (describe):	☐	☐	
On/In bottom Subtidal Culture Gear			
Containment structure(s) for adults or juveniles	☐	☐	
Other (describe):	☐	☐	

TABLE 11.3

DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED	DESCRIPTION OF STRUCTURES	EXISTING AT THE SITE	NEW PROPOSED
Site Marking					
Blocks	☐	☐	Navigational Markers	☐	☒
Sinking ground line	☐	☐	Anchor blocks	☐	☒
Other (describe):	☐	☐	➡ Anchor blocks DEPTH (m)		15-40

SECTION C: MAPS AND DIAGRAMS

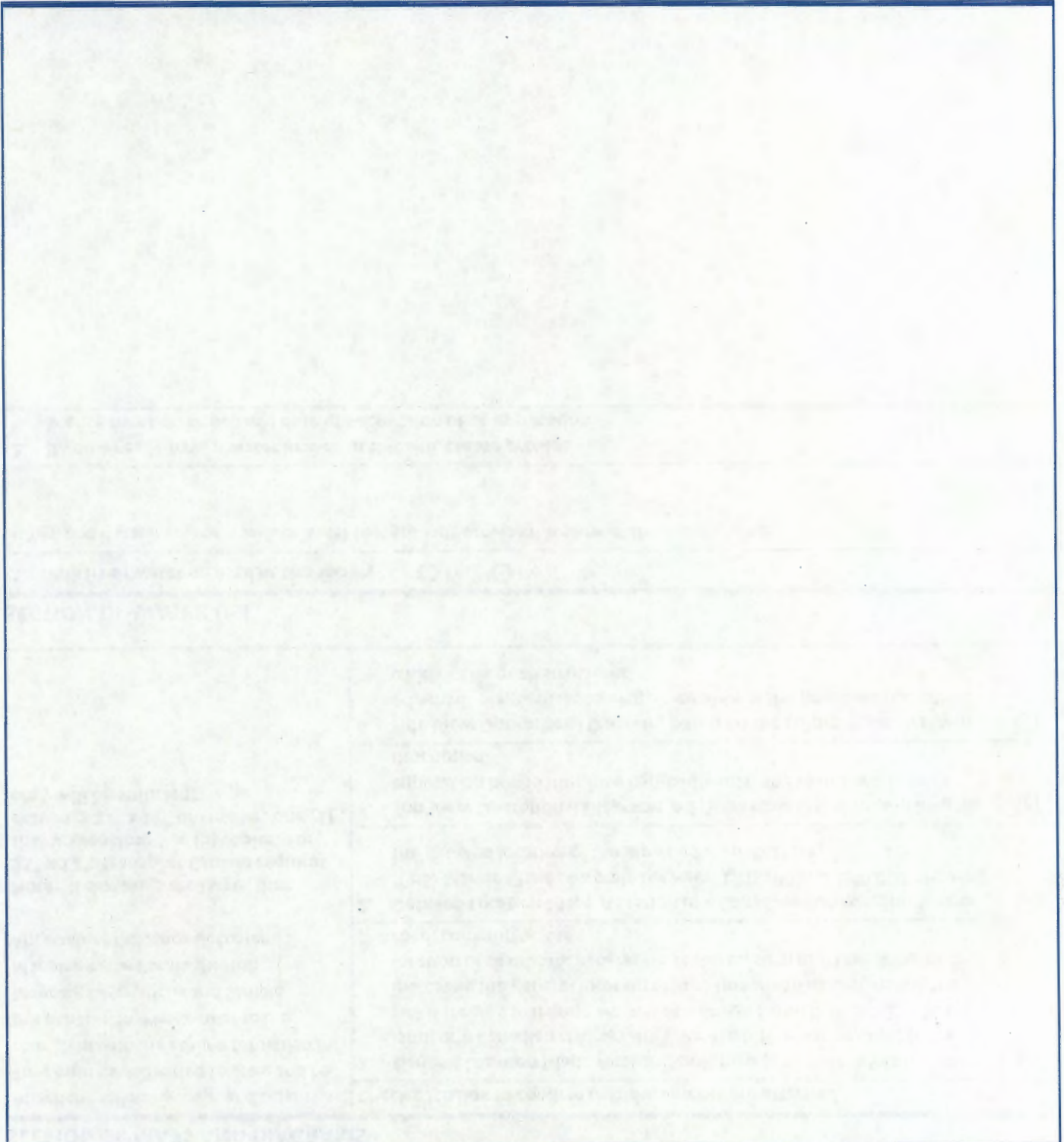
Attach the following maps and diagrams. They must be submitted to scale and be consistent with the other information in this application. Please refer to the Mapping Descriptions and Sample Mapping in the Pacific Shellfish Aquaculture Guidance Document. Note: If drawings are larger than 11" x 17", Transport Canada requires that you enclose five (5) copies. For drawings 11" x 17" or smaller, one (1) copy will be sufficient.	Check each box to confirm that documents are attached.	
	1. General Location Map: A topographic map (if the site is located on land) or a Canadian Hydrographic Service (CHS) Marine Chart (if the site is located in marine waters) at a scale of 1:50,000 to 1:250,000 indicating the general location of area under application, noting the location of significant geographic features, such as a lake, mountain, road, community, etc.	☒
	2. Detailed Location Map: A section of a Canadian Hydrographic Service (CHS) Marine Chart of a scale between 1:20,000 and 1:40,000, showing the detailed location of the area under application.	☒
	3. Top View Operational Diagram: A 1:5000 scale CHS chart showing the application boundaries, site improvements, and metes and bounds description.	☒
	4. Side View Operational Diagram, based on the culture type: A scaled schematic diagram(s) showing a side view of the proposed operation, which includes all structures.	☒

SECTION D: WATER USE

1. Will fresh water be used at this facility? ☐ Yes ☒ No
If Yes , and if water source is surface water (not ground), provide the name of the water source:
2. If you already have a water licence at this site, please provide licence number, or provide date of submission of an application:

SECTION E: FIRST NATIONS CONSIDERATION

Please describe any contact you may have had, including the name of the First Nation(s) and individuals contacted. Consult the consultative Area Database (CAD) Public Map Service for First Nations contact information instructions and supporting information - ftp://ftp.geobc.gov.bc.ca/pub/outgoing/CAD/CAD_Public_Map_Service-User_Guidance-Technical_Instructions.pdf.



PART II – INFORMATION FOR THE BC MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS (FLNRO)

The following information, along with Part I and Part V is required for the review of the Provincial Crown Land Tenure application or amendment to an existing tenure pursuant to the *BC Land Act*.

SECTION A: SITING CONSIDERATIONS

Applicants must respond to each consideration and may be required to provide additional information in some situations.

1. Does your proposal infringe on the riparian rights of an upland owner? ☐ Yes ☒ No
If **Yes**, the applicant is required to provide written consent from the private land upland owner to occupy the site for the proposed term of the tenure.

2. Is the intended use consistent with approved local government bylaws for land use planning and zoning? ☒ Yes ☐ No

If **No**, have you contacted the local government?

☐ Yes ☒ No

Provide details of communications and relevant correspondence with your application.

Provide the name of the local government(s) for the area under application:

SECTION B: ADDITIONAL CROWN LANDS INFORMATION

- | | |
|--|--|
| 1. Is applicant or applicant's spouse a provincial government employee? | ☐ Yes ☒ No |
| 2. Are all applicants Canadian Citizens or Permanent Residents;
or if a corporation, registered partnership, cooperative or non-profit society, is it registered in BC? | ☒ Yes ☐ No |
| 3. Is/Are applicant(s) 19 years of age or older? | ☒ Yes ☐ No |
| 4. For applications made by more than one individual: | ☐ Joint Tenant OR ☐ Tenants in Common |



PART III – INFORMATION FOR FISHERIES AND OCEANS CANADA (DFO)

The following information along with Part I and Part V is required for the review of the federal Aquaculture Licence application or amendment to an existing licence pursuant to the federal *Fisheries Act*, *Pacific Aquaculture Regulations*.

NOTE: If you are requesting an increase or change in species or production that requires an infrastructure modification, please ensure that Part I, Section A, Question 9; and Part I, Section B, Question 12 are completed.

DFO requires the applicant(s), if an individual or a proprietorship or a person 'doing business as', submit date(s) of birth:

Applicant 1:	Date of Birth (yyyy/mm/dd):
Applicant 2:	Date of Birth (yyyy/mm/dd):

SECTION A: ELIGIBILITY FOR A SHELLFISH AQUACULTURE LICENCE

Eligibility for a federal Shellfish Aquaculture Licence requires adherence to general Conditions of Licence. The general Conditions of Licence for shellfish aquaculture can be found at:

<http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/shell-coq-eng.html>

This completed document, when approved, will form the Site Management Plan on which your aquaculture licence conditions will be based. Please review the Conditions of Licence prior to submitting your application.

SECTION B: SANITARY GROWING WATER STATUS – BIVALVES ONLY

1. Is the application site or **any portion of it** located in marine waters that are classified as:

- ☒ Approved or Conditionally Approved for direct harvest of bivalve shellfish
- ☐ Restricted or Conditionally Restricted (no direct harvest of bivalve shellfish is permitted - depuration or relay may be permitted depending of the water quality sample results)
- ☐ Closed / Prohibited to the harvest of bivalve shellfish
- ☐ Unknown

2. Is the application site or **any portion of it** located in marine waters that are classified as:

- ☐ Prohibited – within 125 meters of finfish net pens
- ☐ Prohibited – within 125 metres of a marina
- ☐ Prohibited – within 125 meters of floating living accommodation

**SECTION C: INTERTIDAL BEACH CULTURE**

1. Estimated Intertidal culture area:			hectares (culture area located between high tide and chart datum)				
2. Intertidal Area Details by Species:							
CHECK ALL THAT APPLY	SPECIES COMMON NAME	SPECIES SCIENTIFIC NAME	FIRST YEAR THAT PRODUCTION (SALE) IS ANTICIPATED TO OCCUR	ANNUAL PRODUCTION ESTIMATE (t)	SOURCE OF STOCK BY SPECIES FOR CULTURE AT THIS SITE (CHECK ALL THAT APPLY) ¹		
					Hatchery	Natural Sets on Site	Other Stock Source ²
☐	Butter Clam	<i>Saxidomus giganteus</i>			☐	☐	☐
☐	Geoduck Clam ³	<i>Panopea generosa</i>			☐	☐	☐
☐	Kumamoto Oyster	<i>Crassostrea sikamea</i>			☐	☐	☐
☐	Littleneck Clam	<i>Protothaca staminea</i>			☐	☐	☐
☐	Manila Clam	<i>Venerupis philippinarum</i>			☐	☐	☐
☐	Nuttall's Cockle	<i>Clinocardium nuttallii</i>			☐	☐	☐
☐	Pacific Oyster	<i>Crassostrea gigas</i>			☐	☐	☐
☐	Other (describe):				☐	☐	☐
Total Annual Production estimate:					(t)		
¹Note: The source of stock for the licensed site may require additional authority to harvest wild fish from on or off your site for use as brood stock or for on-growing, as well as specific transfer and/or import licences from Canadian Food Inspection Agency (CFIA) and the Introductions and Transfers Committee (ITC). See Section H. ²Note: Other stock source – please provide details, e.g. import, relay for on-growing, etc. ³Note: Geoduck aquaculture policy approach is currently under review. This may influence the areas where applications for geoduck aquaculture will be accepted.							
3. Do you intend to use a Mechanical Clam Harvesting machine or 'stinger' harvest gear at this site?					☐ Yes ☐ No		

**SECTION D: SUBTIDAL ON/IN BOTTOM CULTURE**

1. Estimated subtidal on/in bottom culture area: _____ hectares (for the area of the sea floor below chart datum)

2. Subtidal On/In Culture Area Details by Species:

CHECK ALL THAT APPLY	SPECIES COMMON NAME	SPECIES SCIENTIFIC NAME	FIRST YEAR THAT PRODUCTION (SALE) IS ANTICIPATED TO OCCUR	ANNUAL PRODUCTION ESTIMATE (t)	SOURCE OF STOCK BY SPECIES FOR CULTURE AT THIS SITE (CHECK ALL THAT APPLY) ¹		
					Hatchery	Natural Sets on Site	Other Stock Source ²
☐	Geoduck Clam ³	<i>Panopea generosa</i>			☐	☐	☐
☐	Manila Clam	<i>Venerupis philippinarum</i>			☐	☐	☐
☐	Nuttall's Cockle	<i>Clinocardium nuttallii</i>			☐	☐	☐
☐	Other (describe):				☐	☐	☐
Total Annual Production estimate:					(t)		

¹**Note:** The source of stock for the licensed site may require **additional authority** to harvest wild fish from on or off your site for use as brood stock or for on-growing, as well as specific transfer and/or import licences from Canadian Food Inspection Agency (CFIA) and the Introductions and Transfers Committee (ITC). See Section H.

²**Note:** Other stock source – please provide details, e.g. import, relay for on-growing, etc.

³**Note:** Geoduck aquaculture policy approach is currently under review. This may influence the areas where applications for geoduck aquaculture will be accepted.

3. Do you plan to provide any supplemental feeding of your aquaculture species at this site? ☐ Yes ☐ No

**SECTION E: DEEPWATER SUSPENDED CULTURE****1. For deepwater suspended culture sites:**

Estimated suspended structures culture area: 15.4 hectares

Minimum Depth below Structures at chart datum: 10 meters, as measured from the deepest hanging trays, lines, etc. to the sea floor.

2. Deep water suspended culture area details by species:

CHECK ALL THAT APPLY	SPECIES COMMON NAME	SPECIES SCIENTIFIC NAME	FIRST YEAR THAT PRODUCTION (SALE) IS ANTICIPATED TO OCCUR	ANNUAL PRODUCTION ESTIMATE (t)	SOURCE OF STOCK BY SPECIES FOR CULTURE AT THIS SITE (CHECK ALL THAT APPLY) ¹		
					Hatchery	Natural Sets on Site	Other Stock Source ²
☒	Eastern Blue Mussel	<i>Mytilus edulis</i>		0-25	☒	☐	☐
☒	Gallo Mussel	<i>Mytilus galloprovincialis</i>		0-25	☒	☐	☐
☒	Western Blue Mussel	<i>Mytilus trossulus</i>		0-25	☒	☐	☐
☒	Pacific Oyster	<i>Crassostrea gigas</i>		0-2246	☒	☐	☐
☒	Kumamoto Oyster	<i>Crassostrea sikamea</i>		0-25	☒	☐	☐
☒	Geoduck Clam ³	<i>Panopea generosa</i>		0-2	☒	☐	☐
☒	Giant Rock Scallop	<i>Crassadoma gigantea</i>		0-25	☒	☐	☐
☒	Japanese Scallop	<i>Mizuhopecten yessoensis</i>		0-25	☒	☐	☐
☒	Pacific Scallop (hybrid)	<i>Patinopecten x.</i>		0-25	☒	☐	☐
☒	Pink Scallop	<i>Chlamys rubida</i>		0-25	☒	☐	☐
☒	Spiny Scallop	<i>Chlamys hastata</i>		0-25	☒	☐	☐
☒	Weathervane Scallop	<i>Patinopecten caurinus</i>		0-25	☒	☐	☐
☒	Other (describe): Manila clam	<i>Venerupis philippinarum</i>		0-2	☒	☐	☐
Total Annual Production estimate:				0-2500	(t)		

¹**Note:** The source of stock for the licensed site may require **additional authority** to harvest wild fish from on or off your site for use as brood stock or for on-growing, as well as specific transfer and/or import licences from Canadian Food Inspection Agency (CFIA) and the Introductions and Transfers Committee (ITC). See Section H.

²**Note:** Other stock source – please provide details, e.g. import, relay for on-growing, etc.

³**Note:** Geoduck aquaculture policy approach is currently under review. This may influence the areas where applications for geoduck aquaculture will be accepted.

**SECTION F: DOMESTIC WASTE MANAGEMENT**

NOTE: Bivalve shellfish (clams, oysters, mussels, scallops) shall not be cultivated, stored, or harvested within 125 m of any floating living accommodation unless:

- the cultivated bivalves are seed <http://www.inspection.gc.ca/food/fish-and-seafood/manuals/canadian-shellfish-sanitation-program/eng/1351609988326/1351610579883?chap=3>; and
- a licence under the Management of Contaminated Fisheries Regulations (http://www.pac.dfo-mpo.gc.ca/fm-gp/licence-permis/forms/shellfish_licence.pdf) has been obtained for the licensed area to harvest seed from a prohibited area; or
- an approved Zero-Discharge Management Plan is in place that reduces the prohibited harvest area to 25m.

1. Is there a floating living accommodation within the marine waters of the application area?	☐ Yes ☒ No
2. If Yes, is there an approved zero waste discharge management plan in effect for this site?	☐ Yes ☐ No ☐ N/A
3. Please provide description and location of sanitary (washroom) facilities for your own and staff needs: Chemical toilets with sealed lids and hand washing facilities will be available on the work floats.	
4. Please provide the method(s) for storage and disposal of your other waste materials. (e.g., the location of an approved landfill for disposal of your waste materials): Waste materials will be disposed of at the Fanny Bay wharf disposal bin or at the Mac's Oysters processing plant.	

SECTION G: FISHERIES PROTECTION

Fisheries and Oceans Canada – Aquaculture Management Division (DFO - AMD) is responsible for the sustainable management of aquaculture in British Columbia.

Like other types of industrial development taking place in and around water, aquaculture projects have the potential to affect fish and fish habitat.

NOTE: Please note aquaculture activities may not occur in salt marsh habitat.

Aquaculture activities must not result in harm to a Species at Risk Act (SARA) listed species, their residence, or their critical habitat, as defined in the associated Recovery Strategy, or Action Plan.



1. Intertidal Culture Operations

- a) Are you proposing to undertake: substrate modifications (i.e. constructing rock walls, trenches, berm or other substrate addition, redistribution or removal); or remote setting on your licensed area? ☐ Yes ☐ No
- b) Are you proposing to: install geoduck tubes, use rack and bag structures; use a mechanical clam harvester; and/or use a motorized vehicle (i.e. truck or ATV) or a 'stinger' (high pressure water wand harvesting gear) on your licensed area in any of the following habitats? ☐ Yes ☐ No
- i) intertidal stream channels
 - ii) eelgrass beds (*Zostera* sp.)
 - iii) fish spawning areas
 - iv) SARA listed species, critical habitat, and/or residence
- c) Are you planning to access your licensed area through a marine riparian area? ☐ Yes ☐ No

2. Suspended Culture Operations

- a) Are you proposing to install any aquaculture structures or conduct aquaculture activities (including anchor system placement) in waters shallower than -10m (measured from chart datum)? ☐ Yes ☒ No
- b) Are you proposing to install any aquaculture structures or conduct aquaculture activities (including anchor system placement) in waters deeper than 10m (measured from chart datum) and over any of the following habitats? ☐ Yes ☒ No
- i) rocky reefs
 - ii) kelp beds
 - iii) eelgrass beds (*Zostera* sp.)
 - iv) fish spawning areas
 - v) glass sponge complexes (*Hexactinellidae*) and/or coral complexes
 - vi) SARA listed species, critical habitat, and/or residence

3. Subtidal On / In-Bottom Culture Operations

- a) Are you proposing to install any temporary or permanent in- or on-bottom aquaculture structures (e.g. bags on bottom, cages, nursery structures, geoduck tubes, predator netting, etc.) other than site boundary markers in any of the following important or sensitive habitats? ☐ Yes ☐ No
- i) rocky reefs
 - ii) kelp beds
 - iii) eelgrass beds (*Zostera* sp.)
 - iv) fish spawning areas
 - v) glass sponge complexes (*Hexactinellidae*) and/or coral complexes
 - vi) SARA listed species, critical habitat, and/or residence
- b) Are you proposing to use harvesting methods other than hand picking or using a stinger (high pressure water wand gear)? ☐ Yes ☐ No



SECTION H: ADDITIONAL SUPPORTING INFORMATION

A separate application will be required to access fish, import species, or to introduce or transfer some species within British Columbia, if the planned source of stock, seed or juveniles for the licensed culture species for your site is:

1. Imported from outside of Canada,
2. From a hatchery (within or beyond the Transfer Zone where your site is located),
3. Natural set seed or spat collection from off your site,
4. Harvest of wild-caught fish to be relayed to your site, or
5. From another licensed site in a different transfer zone.

Contact the Introductions and Transfers Committee for more information and to obtain an application form at:

FAMITC@dfo-mpo.gc.ca:

Additional information on Shellfish Transfer Zones in BC and the requirements for the importation, introduction or transfer of shellfish is located in the Conditions of Licence at:

<http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/shell-coq-eng.html>

PART IV – INFORMATION FOR TRANSPORT CANADA (TC)

The following information, along with Part I and Part V is required for the review of the federal *Navigable Waters Protection Act* (NWPA) approval or amendment to an existing approval pursuant to the NWPA.

SECTION A: SITING CONSIDERATIONS

Applicants may be required to provide additional information in some situations.

SECTION B: ADDITIONAL TRANSPORT CANADA INFORMATION

1. Waterway Name: Baynes Sound	
Width (m): 1,800	Depth Range (m): 5-60
2. Nearest Community: Denman Island	
3. Is this Work: ☒ Proposed ☐ Existing ☐ Modification of Existing Work	
4. To help with the review process, please include the following if available (check those you have attached):	
☐ Photographs at the site of the proposed/existing work and surrounding area	
☐ Environmental Assessment documents (if any)	

PART V – INFORMATION FOR ALL AGENCIES

All applicable components of this application package must be complete. Incomplete applications will be returned to applicant. Applicable fees must be submitted at time of application.

Please refer to **Guide to Pacific Shellfish Aquaculture "Application Checklist"** to confirm that you have completed the sections of this application that are needed for the type of application you are making (i.e. New, Amendment, Change).

PROVINCIAL FEES:

Note that the current fee schedule does not include the taxes that apply.

New site applications: http://www.for.gov.bc.ca/Land_Tenures/documents/cabinet/fees-land.pdf

Amendment applications: http://www.for.gov.bc.ca/Land_Tenures/documents/cabinet/fees-misc.pdf

FORMS OF PAYMENT:

- Cheques or Money orders must be in Canadian Funds to Minister of Finance.
FrontCounter BC will not accept personal cheques drawn on US banks, regardless of what currency.
Payment will not be accepted even if it has "CDN Funds" handwritten on the cheque.
- Debit Card (in-person only).
- Visa and MasterCard payments are accepted in-person or over the telephone. To locate a FrontCounter BC office, visit the website at <http://www.frontcounterbc.gov.bc.ca/contact/> or call the toll free number 1-877-855-3222.

PLEASE NOTE: Additional items may be required (e.g. Advertising, Security Deposit, Proof of Insurance, Letter of Consent). Some items may have additional associated costs or require additional processing time.

DISCLOSURE:

The information you provide may be subject to the following legislation: British Columbia *Freedom of Information and Protection of Privacy Act* (FOIPPA Act); the federal *Access to Information Act*; and the federal *Privacy Act*. The personal information collected by the Government of BC is collected under the authority of section 25 (c) of the FOIPPA Act and will be used to process your applications and will be shared only with the necessary government agencies needed to provide you with the service that you have requested. If you have any questions regarding the handling of your personal information, please contact the Manager, Privacy, Information Access and Records Management for the Province of BC c/o FrontCounter BC, 2080a Lablanc Road, Nanaimo, BC V9T 6J9 and/or the Director, Access to Information and Privacy Secretariat at the Department of Fisheries and Oceans Canada and Transport Canada.

The Province of British Columbia, Fisheries and Oceans Canada, and Transport Canada do not consider the information submitted in this form to be confidential unless it is subject to the privacy protection of the *Freedom of Information and Protection of Privacy Act* or the *Access to Information Act*.

I understand that the information supplied will be used to review my applications under the BC Land Act, BC Fisheries Act, federal Fisheries Act and the federal Navigable Waters Protection Act and information will be shared amongst the other agencies, First Nations and/or with the public.

IMPORTANT: Federal regulations require that applications submitted on behalf of a company be signed by a company director. Please email aquaculture.licensing@dfo-mpo.gc.ca for direction regarding supporting documentation.

Signature(s) of applicant(s)
or authorized representative

Printed name(s) of Applicant(s)
or authorized representative*

Date

G. McEwan

Gordon McEwan

July 28 / 15

*If signature is by an authorized representative please supply a letter granting authorization to act on behalf of the applicant.

Side View Operational Diagram: Long-Line

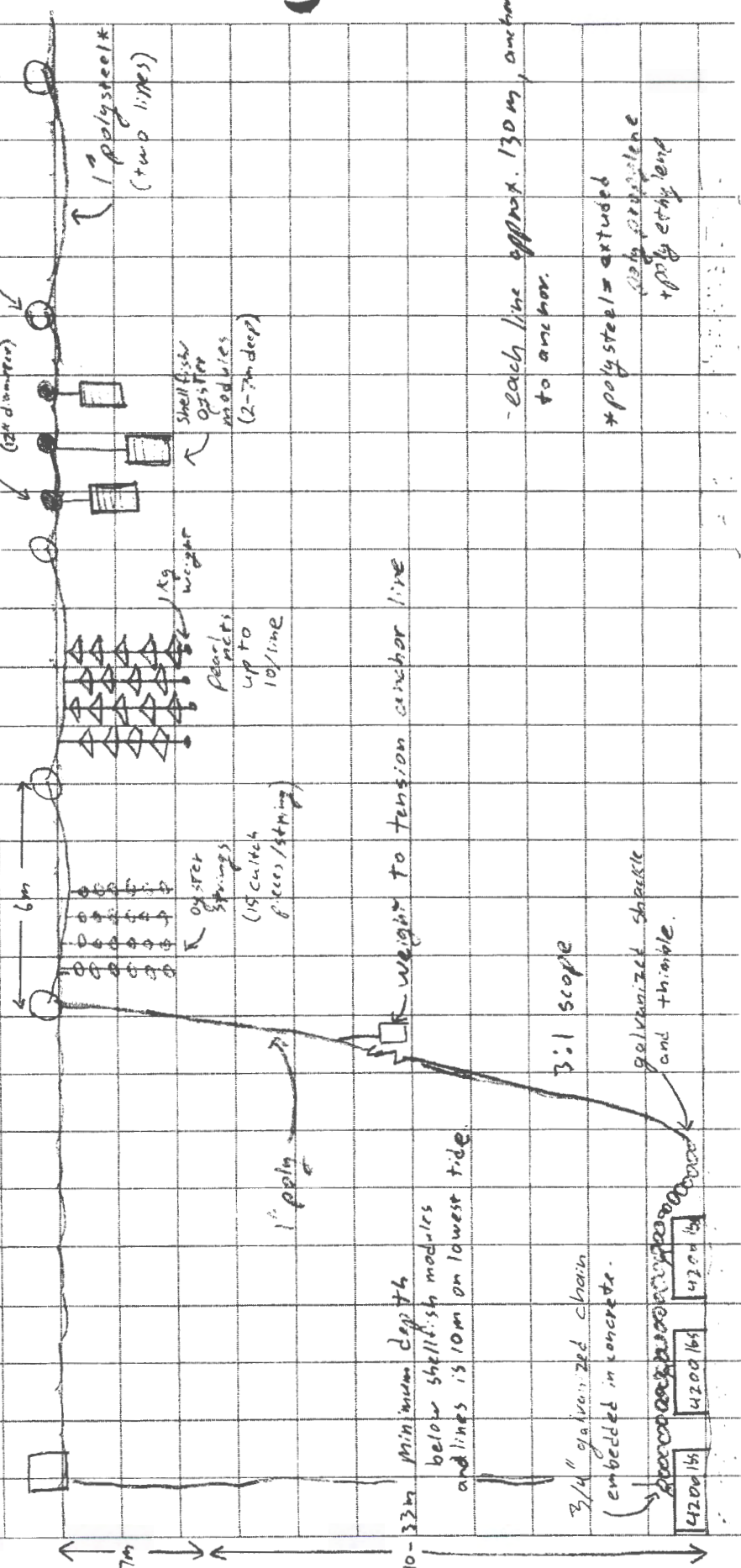
Applicant Name: Mac's Oysters Ltd

Land File #: N/A

Agua Reference #: N/A

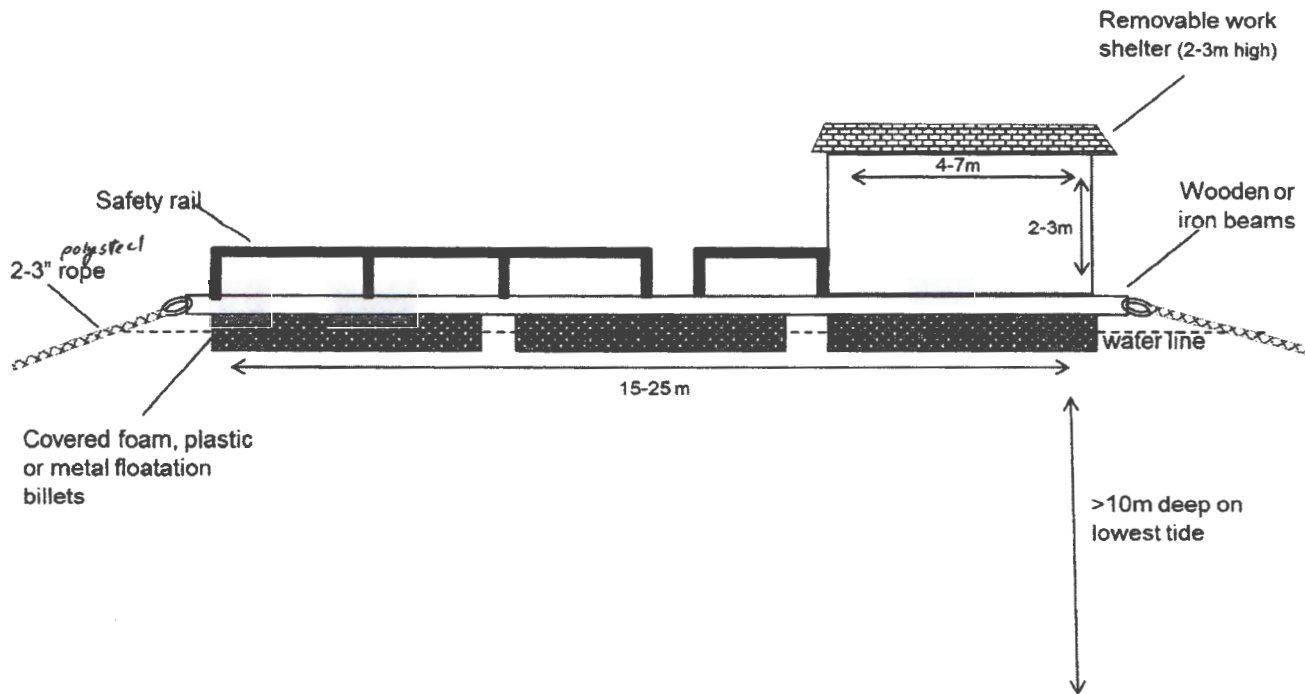
Shellfish Long-Line - Side View

Marker float
(yellow or lens corners)
with radar reflectors



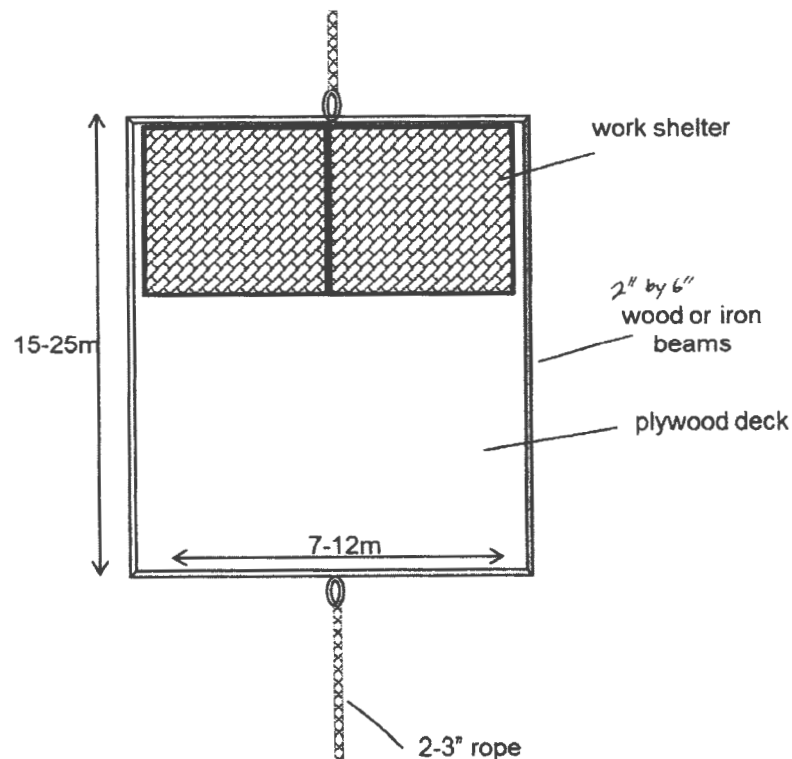
Operational Diagram – Work Float Side View
 Applicant Name: Mac's Oysters Ltd.
 Lands File #: N/A
 Aqua Reference #: N/A

*Product Handling
 work Float- Side View*



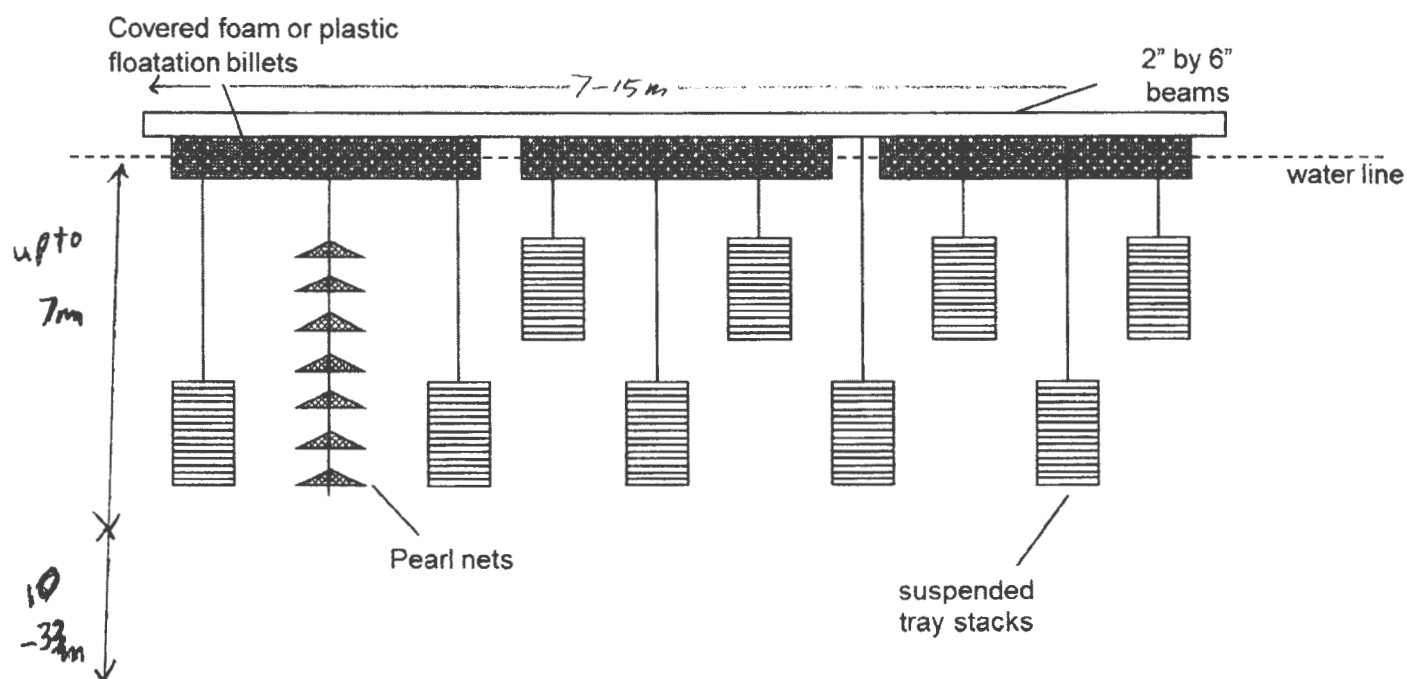
Operational Diagram: Work Float Top View
 Applicant Name: Mac's Oysters Ltd.
 Lands File #: N/A
 Aqua Reference #: N/A

*Product Handling
 Work Float- Top View*



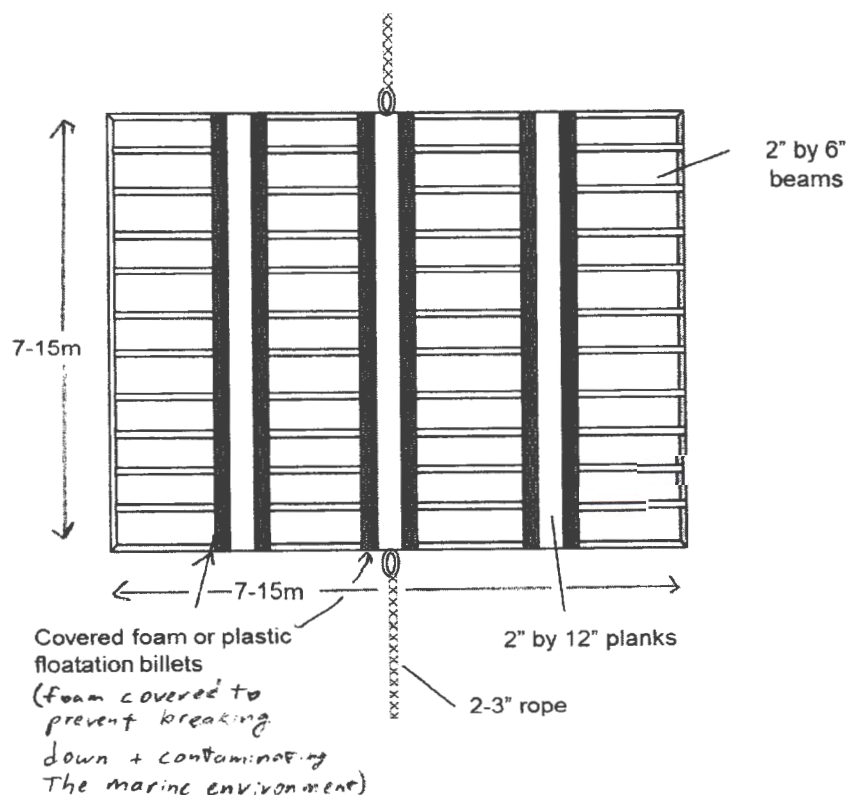
Operational Diagram – Shellfish Raft Side View
 Applicant Name: Mac's Oysters Ltd.
 Lands File #: N/A
 Aqua Reference #: N/A

Shellfish Raft - Side View



Operational Diagram: Deep Water Rafts Top View
 Applicant Name: Mac's Oysters Ltd.
 Lands File #: N/A
 Aqua Reference #: N/A

Shellfish Raft – Top View



Oysters Containers – Thunderbird plastics



Shellfish Container

Usage:

- Very affordable and easy way to grow small to jumbo oysters. Excellent way to harvest oysters or other shellfish.

Features:

- Holes on sides and bottom for maximum water flow
- Durable in extreme weather or water conditions
- High profits/fastest growth time
- Economical and practical
- Used to grow extra small to jumbo oysters and other shellfish
- Stacks can be lowered from rafts or used for growing on beaches
- Lids Available
- 100% recyclable

Materials:

- Injection molded high density polyethylene

Dimensions:

- 24 X 24 X 8.25 inches (OD)
22 X 22 X 7.5 inches (ID)

Weight:

- 4.5 lb container, 2.5 lb lid

Load Capacity

- Up to 25.3 lbs

Colour:

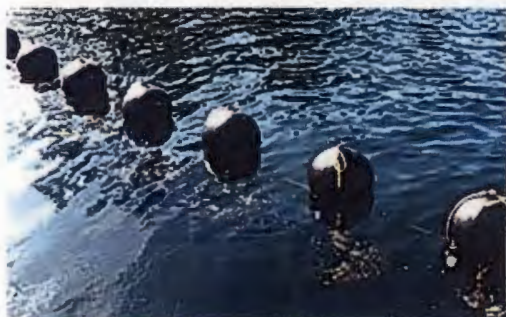
- Black or custom colors available upon request

Dark Sea's Suspension 1000 Growing System



For years, frustration has mounted in the oyster farming industry. Frustration that has largely been due to a lack of innovation in the development of oyster culture technology and hence, less than maximum yields and profits from oyster crops.

Developed by oyster farmers, for oyster farmers, the Suspension 1000 is a state-of-the-art oyster growing system. Drawing from first-hand experience and a working knowledge of the deficiencies in existing systems, our mandate was to create a simple, effective tray system to be used throughout all growth phases in the off-bottom culture of oysters.



Features:

- Quality Construction: Injection molded UV protected virgin plastic.
- Designed for maximum water flow and strength
- Secure, simple and fast hanging system
- Suspends the tray and stack from the middle for balance.
- Trays nest together for extra security.
- All metal fittings are of stainless steel.



Systems:

- Trays are stacked on a center pole (Suspender) to any number high. Usually 10 or 15 trays per stack.
- Suspender can be built by the farmer (Cost Saving) to any height.
- The suspender is comprised of a 316 SS Base and a 304 SS top Eye which are both glue bonded at either end of a length of 1 1/4" DWV ABS pipe to form the suspender.
- 10 tray stack requires 45 lbs. buoyancy.*
- 15 tray stack requires 70 lbs. buoyancy.*

Pearl Nets for bivalves farming



The suspended cultivation using long lines with pearl nets has been used widely for aquaculture farming of some varieties of mollusc bivalves. Among the farmed species with pearl nets are oysters, clams and scallops.

The special care that pearl oysters need, make pearl nets the best solution for farming. Light and robust at the same time, pearl nets allow a secure and easy handling of the oysters.

As trusted suppliers and manufacturers, we have worked very closely with farmers in order to develop better and long lasting pearl nets.



Pearl Nets made of quality materials

Both, our pearl nets and [lantern nets](#), are made of 100% pure high density polyethylene that warranties an optimal protection for the larvae.

The steel frames used in our pearl nets and [lantern nets](#) are first welded and secondly coated with plastic, in order to avoid any rust. This special feature together with our top class nettings give an exceptional lifespan to our pearl nets and [lantern nets](#).



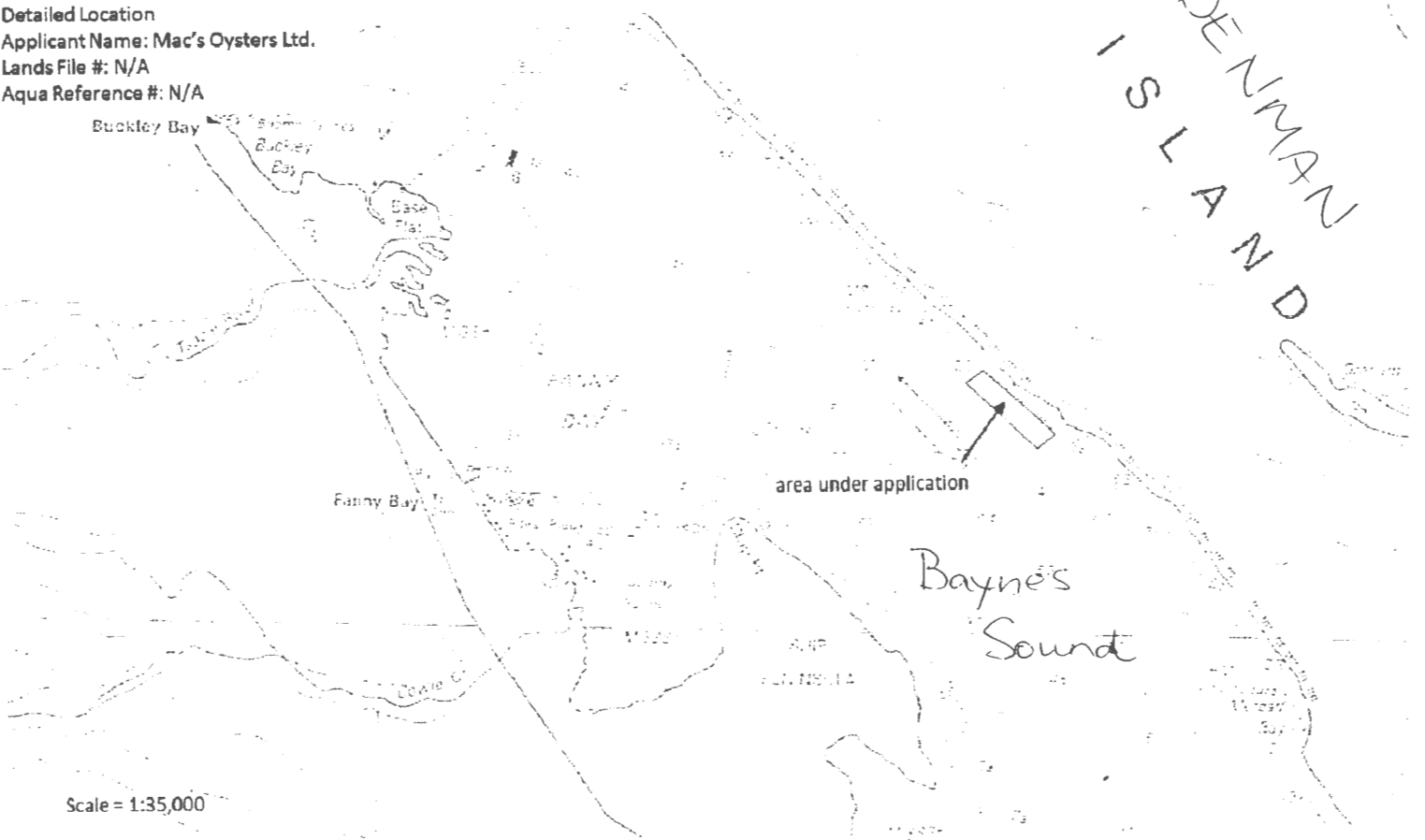
Exclusive Pearl Nets with zip

Two Strand Oyster Rope

This rope, normally in stock is an unusually constructed 2 – Strand poly rope especially for the "Off Bottom" Oyster Grower. Small Oysters are tucked between the strands of this rope at intervals and then specific lengths holding perhaps 3 dozen or more oysters are suspended in the sea either from rafts or longline systems to grow and mature to a marketable size. At harvest the complete line is retrieved very quickly and this is a method that requires very little maintenance throughout the growing cycle. Our Black Poly 2-strand rope is the latest most UV resistant version and comes in rolls 3/16" diameter X 1800' long.



Detailed Location
Applicant Name: Mac's Oysters Ltd.
Lands File #: N/A
Aqua Reference #: N/A



Aqua Reference #: N/A



Operational Diagram-top view
Applicant Name: Mac's Oysters Ltd.
Lands File #: N/A
Aqua Reference #: N/A

Denman
Island

Scale = 1:5,500
N

0 ————— 200 m

POC = 49.511322deg N,
-124.788198W

Baynes
Sound

Lines
approx
30 m
apart

Legend

Raft Line

Work Float

Long Line

Corner markers
yellow with radar
reflectors

Anchor
Locations



700 North Road, Gabriola Island, BC V0R 1X3

Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Service BC **1 800-663-7867** or in Vancouver 604-660-2421

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

March 31, 2016

Islands Trust File Number: DE-CL-2016.1
Forest, Lands, and Natural Resource Operations / 1414389
Referral #: 77928297-006

Nichole Prichard
FrontCounterBC
Land Officer
(250) 751-7266

Sent via E-Referral

Dear Nichole,

Re: Proposal for New Deepwater Shellfish Aquaculture Facility, Baynes Sound, off the Lacon Road Coast, Denman Island

Below please find the referral response for the above noted Crown Land application for the above mentioned location.

1. Does this application impact your agency's legislated responsibilities?

Yes.

If yes, how will the proposal impact your legislated responsibility and please identify the relevant legislation (section) and what mitigative measures will be required to address these impacts.

The proposed Baynes Sound location for this project lies off Denman Island along the Lacon Road Coast. The proposed location for the license of occupation is in the W1 – Water Conservation Zone within the area of the Denman Island Local Trust Area. Aquaculture activities are not permitted within this Zone. A rezoning will be required.

The proposed project location is situated within a Rockfish Conservation Area as defined by the Department of Fisheries and Oceans Canada. It is also within an area identified by the Islands Trust as being of conservation significance for forage fish species. Islands Trust would expect that measures supporting forage fish conservation would be implemented for this project.

There is a public beach access at the end of Millard Road, Denman Island. Although access to boaters and other users is not blocked completely by the proposed licence area, there is the potential for trespass across this area. The proposed project may pose potential negative impacts to public access, contrary to *Objective 7 To ensure public access to the foreshore and off-shore water*, see below.

Islands Trust legislated responsibility over zoning and land use comes from the following:

- **Part 26 of the Local Government Act (all sections)**

- **Islands Trust Act**
- **Islands Trust Act Regulations**
- **Islands Trust Policy Statement:**

Commitments of Trust Council

- 4.5.1 *It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.*
- 4.5.3 *It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.*
- 4.5.4 *It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.*
- 4.5.5 *It is Trust Council's policy that development should be directed to sites away from:*
 - *areas of environmental sensitivity, and*
 - *areas of naturally occurring stocks of clams or oysters.*
- 4.5.6 *It is Trust Council's policy that aquaculture should be directed to sites away from: areas of recreational significance,*
 - *areas where an aquaculture operation would conflict with established or designated upland land uses, and*
- 4.5.7 *It is the position of Trust Council that aquaculture related development, activity, buildings or structures should not result in site alteration.*

In addition, the Denman Island Local Trust Committee *Official Community Plan* contains significant policies related to the Marine Environment. Those that may impact this application are included, below for convenience; however, the applicant should review the Bylaws directly. The Denman Island *Land Use Bylaw* outlines the requirements for the W1 – Marine Conservation and W3 – Aquaculture Zones. Aquaculture is not allowed in any other zone than the W3 Zone. A re-zoning application is required for the proposed project which meets the requirements of both the OCP and LUB.

OCP Excerpt:

C.3 – THE MARINE ENVIRONMENT

The Water designation, which is shown on Schedule C, includes all of the marine areas within the Denman Island Trust Committee Area as far west as the 30 metre bathymetric contour off the shore of Vancouver Island.

Guiding Objective

To protect the foreshore, coastal waters and native marine life and to retain sufficient natural habitat to ensure the preservation of native species.

The Marine Environment – Objectives

Objective 1 To ensure maximum protection of foreshore areas, estuaries, surrounding waters, and native life forms, including bird and animal life, against loss or damage caused by human intrusion

Objective 2 To minimise pollution from human use of the foreshore, estuaries, surrounding waters and adjacent upland, and to maintain the purity of coastal waters

Objective 3 To protect undisturbed areas on the foreshore and the surrounding waters, to preserve areas where the herring spawn annually, and to protect, and where necessary restore, important sea duck foraging areas (for example: eelgrass beds).

Objective 4 To protect the natural and scenic values of the coastline that provide the Island with its rural marine character

Objective 5 To ensure that use of the foreshore or offshore water does not result in loss or damage to the natural environment.

Objective 6 To minimise any negative impacts either of marine uses on adjacent upland or of upland uses on the marine area.

Objective 7 To ensure public access to the foreshore and off-shore water.

Objective 8 To recognise that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character, to support shellfish aquaculture when practiced in a low-impact, environmentally sound manner and to encourage the employment of Island residents in the industry.

THE MARINE ENVIRONMENT – POLICIES

GENERAL

- Policy 1 Foreshore and water areas surrounding Denman Island that have significant scenic and environmental values should be protected.*
- Policy 3 In the Water designation, zoning regulations should:*
- be extended out from Denman Island to the 30 metre bathymetric line off Vancouver Island or mid-channel, whichever is furthest west in Baynes Sound, and elsewhere to the local trust area boundary;*
 - protect environmentally sensitive marine sites from development;*
 - **promote conservation, with the exception of areas used for shellfish aquaculture or transportation as of the date of adoption of this Plan and any areas rezoned for shellfish aquaculture purposes under Policies 14 and 15 of this section;** and,*
 - protect all foreshore fronting provincial and regional parks and all foreshores southward from McFarlane Road to, and including, the caves along East Road.*
- Policy 4 The LTC should, through the use of zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas:*
- Protect the remaining integrity of the foreshore, shoreline, and natural coastal and intertidal processes;*
 - Discourage uses that disrupt natural features and processes;*
 - Allow for natural erosion and accretion processes, without endangering structures;*
 - Encourage owners of shoreline properties to retain, whenever possible, natural vegetation and natural features on areas adjacent to the foreshore; and*
 - Discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities.*
- Policy 6 The Local Trust Committee should encourage any individual or group undertaking a foreshore study to determine sites suitable for the protection of native organisms.*

- Policy 7 *The Local Trust Committee should secure funding for a study that would work towards identifying and establishing one or more marine protected areas that may be included as a subsequent amendment to this Plan.*

USE AND DENSITY

- Policy 8 *In the Water designation, marine navigational aids, mooring buoys and swim platforms for small-scale, non-commercial recreational use may be considered in all water areas surrounding Denman Island, and mooring buoys for aquaculture purposes should be permitted in, and immediately adjacent to, all water areas where aquaculture is a permitted use.*
- Policy 9 *In the Water designation, facilities for ferries, water taxis, fishing boats and pleasure boats should be limited to existing locations. However, zoning regulations may permit public dockage on the foreshore area adjacent to the Denman West and Denman East ferry docks, provided such a use is primarily to serve the residents of Denman Island.*
- Policy 10 *In the Water designation, the Plan recognises the need for occasional barge loading and off-loading; commercial barging may be permitted by temporary use permit.*
- Policy 11 *Zoning regulations should prohibit sewage outflow pipes in all marine areas in the Denman Island Local Trust Area.*
- Policy 12 *In the Water designation, the following should be prohibited:*
 - *private docks;*
 - *filling, excavating, removal or moving of sand, gravel, rock or any other natural deposit, other than for normal aquaculture practices; and*
 - *the use of motorised personal watercraft, (for example, jet ski boats or seadoos), including renting and launching of these personal watercraft.*

SITING

- Policy 13 *The Local Trust Committee should amend the zoning regulations to limit the location, size, and height of structures on the foreshore. Structures that were legally in place on the date of adoption of this Plan should continue to be permitted. Structures for aquaculture uses should be consistent with provincial standards and the Farm Practices Protection (Right to Farm) Act; however, for other uses, buildings for storage, habitation or shelter should be prohibited.*
- Policy 14 *All buildings and structures located on adjacent upland should have setbacks sufficient to protect the foreshore and coastal marine environment.*

ZONING AMENDMENTS

- Policy 15 *As part of any zoning amendment application, in the Water designation, the Local Trust Committee may require an environmental impact assessment, in the event that no other agency has required an environmental assessment.*
- Policy 16 *The Local Trust Committee should consider zoning amendments for a public docking facility that are consistent with the following policies:*
 - *the public docking facility should be of an appropriate scale for the islanders' needs and address the environmental concerns of the area;*

- filling, excavating and removal of sand, gravel, rock or any other natural deposit should be minimal;
- the adjacent upland portion of the public docking facility should not impact negatively on the neighbourhood; and
- the Local Trust Committee should establish the public docking facility as a development permit area for the protection of the natural environment.

DEVELOPMENT APPROVAL INFORMATION - CIRCUMSTANCES AND SPECIAL CONDITIONS

- Policy 17** *Applicants for a zoning amendment in the Water designation may be required to provide development approval information.*
- Policy 18** *The areas designated Water in this Plan are designated to protect the natural environment and sensitive ecosystems, while allowing for recreational and transportation activities that support the Denman community. The objectives of the designation of this area as an area, within which development approval information may be required, include ensuring that new uses do not harm sensitive natural habitat features and systems, and preserving the rural nature of the local trust area. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Water designation.*

2. If the Proposal proceeds, will the proponent require approval or a permit from your agency? If yes, please explain.

Yes. The proposed location for the license of occupation is in the W1 – Water Conservation Zone within the area of the Denman Island Local Trust Area. Aquaculture activities are not permitted within this Zone. A rezoning will be required.

3. Will on-going compliance monitoring be required by your agency as a result of your legislated responsibilities?

Yes. On-going confirmation of compliance with permit conditions and industry best management practices is considered essential for any approval of the proposed aquaculture uses, subsequent to a successful application for rezoning.

4. Will this application affect public use of this area? If yes, please explain.

The proposed new use may potentially impact the aesthetic (visual), environmental and recreational values of the area and public access.

5. Is the application area zoned for the proposed purpose?

No. The proposed location of the project is within the W1 – Water Conservation Zone. Aquaculture is not permitted within this Zone. A rezoning is required.

Recommendations

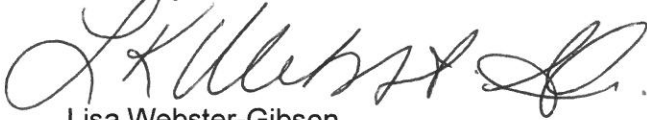
No objection to approval of project subject to a successful application for rezoning

It is requested that no licenses of occupation be approved without consideration of the Denman Island Local Trust Committee *Official Community Plan* (<http://www.islandstrust.bc.ca/media/298836/debl-185-ocp-with-photos-consolidated-dec-2014.pdf>); the Denman Island *Land Use Bylaw* (<http://www.islandstrust.bc.ca/media/339442/debl-186-lub-consolidated-feb-12-2016.pdf>) and the *Islands Trust Policy Statement* policies (cited above in question 1).

As you may already know, this area is within the Comox Valley Regional District boundaries and should also be referred to their office.

If you have any questions in regards to the attached referral response, please contact me by telephone at 250-247-2204 or email at lwebstergibson@islandstrust.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Webster-Gibson', written in a cursive style.

Lisa Webster-Gibson
A/Planner 1

pc: Denman Island Local Trust Committee
Rob Milne, Island Planner
Rob Marshall, agent contact (rob@macsoysters.com)

Attachments: 1. Aquaculture Application

**LETTER OF UNDERSTANDING
ON
CROWN LAND ADMINISTRATION
WITHIN
THE ISLANDS TRUST AREA**

BETWEEN

**MINISTRY OF ENVIRONMENT, LANDS AND PARKS
LANDS REGIONAL OPERATIONS DEPARTMENT**

AND

ISLANDS TRUST

JUNE 28, 1994

LETTER OF UNDERSTANDING
On
CROWN LAND ADMINISTRATION
WITHIN THE ISLANDS TRUST AREA

BETWEEN: MINISTRY OF ENVIRONMENT, LANDS AND PARKS
LANDS REGIONAL OPERATIONS DEPARTMENT

AND: THE ISLANDS TRUST

1.0 PURPOSE

- 1.1 The purpose of this agreement is to foster an ongoing consultative process between Islands Trust and BC Lands to coordinate their respective roles within the Trust Area relative to Crown lands in accordance with the Protocol Agreement on Crown lands in the Trust Area between the Ministry of Environments, Lands and, Parks and the Islands Trust as endorsed by the Minister of Municipal* Affairs.

2.0 PRINCIPLE

- 2.1 This agreement acknowledges mutual respect for each agency's policies and areas of jurisdiction.
- 2.2 This agreement is consistent with the mandate of each agency, and conforms with and is subject to the *Islands Trust Act, Municipal Act, Ministry of Lands, Parks and Housing Act, Land Act* and *Greenbelt Act*.

3.0 MANDATE AND ADMINISTRATIVE RESPONSIBILITIES

- 3.1 BC Lands is responsible for managing and allocating provincial Crown land, including aquatic land, in the interest of the public for conservation, recreation, commercial, settlement and industrial uses. Entrusted with the authority to make decisions on the use of Crown land, BC Lands considers the broad range of interests when allocating Crown lands for the best possible use of the land.
- 3.2 The Islands Trust through the following corporate entities is responsible for:

Trust Council - making recommendations to the Lieutenant Governor in Council respecting the acquisition., use and disposition by the Crown in right of the province of land situated within the trust area, establishing general policies to carry out the object of the Trust, ensuring proposed local planning activities comply with the Trust object and policy statement;

Trust Fund Board - acquiring and holding land in perpetuity to protect significant environmental sites and features; and

Local Trust Committees - providing local land use planning and regulation and responding to the concerns of island resident and property owners.

4.0 OBJECTIVES

Specific objectives of this agreement are to:

- 4.1 Provide an efficient decision making process that is perceived by all interested parties as reasonable and fair.
- 4.2 Coordinate the inter-agency processes by which information is communicated and decisions are made.
- 4.3 Standardize the process for communications and decision making within each agency.
- 4.4 Endorse a process for resolving disagreements on decisions.

5.0 DECISION MAKING

The following guidelines are endorsed for routine consultation between BC Lands and Islands Trust on matters of mutual concern:

- 5.1 An annual meeting between senior officials shall be held at the beginning of the fiscal year to discuss initiatives, agency directions and items of mutual concern.
- 5.2 When planning activities are intended, early consultation will be initiated and terms of reference shall be exchanged. The agencies may enter into joint planning studies for the foreshore or untenured Crown land.
- 5.3 Prior to any status change of an Islands Trust reserve, notice shall be given to the Islands Trust Planner.
- 5.4 Where proposed changes to the Islands Trust Policy Statement affect Crown lands, a letter of intent with a description of the change will be referred to BC Lands.
- 5.5 Input on Crown Land Referrals shall be communicated from a local trust committee through Islands Trust planning staff to BC Lands' staff.

6.0 COORDINATION OF AGENCY PROCESSES

6.1 Maior Review of Community Plan

- a. Terms of reference and boundary proposal for the Official Community Plan (OCP) are referred to the BC Lands Regional Director at least 20 working days before the scheduled public meeting to launch the OCP program.
- b. BC Lands Regional Director or designate returns comments within 20 working days, regarding concerns, information, or research conducted by BC Lands that would assist the OCP process.
- c. Should there be mutual agreement that a major community concern has developed over an issue involving Crown land in a community planning process, a BC Lands designate will work with the Trust to address such issues whenever possible.
- d. First draft plan, with maps; and subsequently the final draft plan, maps, special projects, and appendices will be sent to BC Lands for comments pertaining to the mandate of BC Lands. At each stage, comments are due within 20 working days.

- e. Ten days prior to advertising a Public Hearing, the OCP bylaw together with a brief description of changes to the final draft will be sent to BC Lands for comment. Comments should be received within the ten days prior to advertising the Public Hearing. Where there are outstanding concerns not satisfactorily addressed by the final OCP, BC Lands will request a meeting as provided for in Section 8.0 of this agreement to be held within 20 days.
- f. A certified copy of the adopted bylaw will be sent to the BC Lands Regional Director.

6.2 Amendments to Regulating Bylaws

- a. After first reading and at least 20 working days prior to advertising for public hearing, bylaws affecting Crown lands are referred to the BC Lands Regional Director for comment.
- b. When BC Lands has a major concern over a proposed bylaw amendment, at least 10 days prior to advertising for Public Hearing, staff will consult directly to determine how concerns may be addressed.
- c. Comments received from BC Lands related to its mandate will be read out at Public Hearing.
- d. A certified copy of the adopted bylaw will be sent to the BC Lands Regional Director.

6.3 Crown Land Applications

This category includes Crown land referrals for new applications as well as any applications to change the use of existing tenures.

- a. A copy of the application for tenure, including a sketch of the proposed use, dimensions of the tenure and any structures and proposed working plans, and a listing of the referral agencies for the application will be sent to the Trust Planner for comments. The Planner will forward this package to the Local Islands Trust Committee members.
- b. Islands Trust Planner will send, within 30 working days unless otherwise agreed upon, to the designated BC Lands' staff, comments regarding zoning, land use and compliance with existing bylaws relating to the mandate of the Islands Trust.
- c. Agency and public comments will be available for the review of the Islands Trust upon request.
- d. Prior to issuing a decision letter to the applicant, BC Lands will notify Islands Trust of its decision. Islands Trust may request a meeting with BC Lands, as provided for in Section 8 of this agreement, to discuss outstanding areas of disagreement. .
- e. When projects are subject to rezoning the applicant will be directed to the Trust office for the proper application process.
- f. When an offer for private sale of Crown land is made and when BC Lands is consulted by an agency on an intended transfer, BC Lands shall advise the Islands Trust.
- 9- Upon cancellation of a map reserve in favour of another Provincial agency, BC Lands will notify the Islands Trust.

6.4 Replacement Tenures

- a. BC Lands will identify for the Trust at the annual consultation meeting referred to in Clause 5.0, all *Land Act* tenures (including commencement date and term) existing within the Trust Area.
- b. One year prior to the expiry of any tenure, the Trust may notify BC Lands of specific concerns which it may have with respect to the replacement of any tenure.
- c. Should the Trust require additional information in order to adequately consider the replacement of a tenure, BC Lands will assist the Trust in obtaining that information.
- d. BC Lands will notify the Trust of the issuance of any new tenures or the termination of any tenures as they occur.

6.5 Trespass Concerns

- a. Trespass will be investigated by BC Lands upon receipt of a written report from the Islands Trust expressing specific concerns.
- b. BC Lands will determine, in consultation with Islands Trust, whether to accept an application for the trespass, require removal, or apply other options.
- c. Islands Trust may request a meeting pursuant to Section 8.0 when there is disagreement as to the course of action.

7.0 STANDARDIZATION OF SEPARATE AGENCY PROCESSES

7.1 Administrative Processes

Administrative processes of both agencies are attached in the Appendix for the Trust's OCP (Section 6.1) and Bylaw Referral Processes (Section 6.2), and BC Lands Crown Land Application (Section 6.3) Referral Process.

8.0 RESOLUTION OF DISAGREEMENTS

- 8.1 Either BC Lands or Islands Trust may request a meeting to discuss outstanding concerns not satisfactorily addressed by a decision.
- 8.2 Any meeting mutually agreed upon will address the reasons and rationale for the decision and will be concluded within ten working days or other time period as may be mutually agreed to by the parties.
- 8.3 The meeting will be arranged with the planning staff where possible, or with BC Lands management and Islands Trust Trustees and staff if necessary.
- 8.4 Where the above process is not successful and both BC Lands and Islands Trust have demonstrated that all efforts have been made to resolve the issue, a further period of 20 working days shall be allotted prior to publication of, or public action on, the decision. This period will afford both parties the option of initiating ministerial discussion of the issue.

9.0 TERMS OF AGREEMENT

- 9.1 From time to time the Executive Director of the Islands Trust and the Executive Director of Lands Regional Operations Department may amend this agreement upon mutual agreement.
- 9.2 This agreement will be reviewed by both parties every three years from the effective date, or upon 30 days written notice by either Islands Trust or BC Lands.
- 9.3 It is recognized that both parties will provide reasonable effort within the limits of their resources to implement this agreement on the basis that:
 - upon proper notification and follow-up, either agency may assume a non-response as an indication that the other agency does not have an objection to the proposed matter; and
 - neither party may assign responsibilities to the other.

**PROTOCOL AGREEMENT
ON
CROWN LANDS IN THE TRUST AREA**

BETWEEN

**MINISTRY OF ENVIRONMENT, LANDS AND PARKS
LANDS REGIONAL OPERATIONS DEPARTMENT**

AND

ISLANDS TRUST

JUNE 28, 1994

PROTOCOL AGREEMENT

on

CROWN LANDS IN THE TRUST AREA

BETWEEN:

MINISTRY OF ENVIRONMENT, LANDS AND PARKS
LANDS REGIONAL OPERATIONS DEPARTMENT

AND:

ISLANDS TRUST

WHEREAS:

The legislated object of the Islands Trust, pursuant to Section 3 of the *Islands Trust Act*, is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations, and the government of the province;

Pursuant to Section 8(2)(a) of the *Islands Trust Act*, for the purpose of carrying out the object of the Trust, the Islands Trust Council may, subject to approval by the Minister of Municipal Affairs, enter into agreements with the province and agents of the province respecting the coordination of administrative activities within the Trust Area;

The Islands Trust through the following corporate entities is responsible for:

Trust Council - making recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition by the Crown in right of the province of land situated within the trust area, establishing general policies to carry out the object of the Trust, ensuring proposed local planning activities comply with the Trust object and policy statement;

Trust Fund Board - acquiring and holding land in perpetuity to protect significant environmental sites and features; and

Local Trust Committees - providing local land use planning and regulation and responding to the concerns of island resident and property owners.

BC Lands is responsible for managing and allocating provincial Crown land, including aquatic land, in the interest of the public for industrial, commercial, settlement, recreation and conservation uses. Entrusted with the authority to make decisions on the use of Crown land, BC Lands considers the broad range of interest when allocating Crown lands for the best possible use of the land;

Crown lands in the Trust Area form part of the unique amenities of the Trust Area and require extra effort to protect their unique character;

Both BC Lands and the Islands Trust share responsibility for the protection and conservation of Crown lands in the Trust Area for the enjoyment of present and future generations;

Both BC Lands and the Islands Trust recognize that environmental and land use planning issues related to Crown lands are complex, often transcending political boundaries, and thus require coordinated responses from the parties;

AND WHEREAS:

Both parties recognize the need to clarify BC Lands responsibility for Crown lands, local trust committee responsibility for land use planning and regulations in local trust areas and the Islands Trust responsibility to preserve and protect unique amenities and the environment of the Trust Area.

THEREFORE:

BC Lands and the Islands Trust are committed to developing agreements and procedures to promote interagency cooperation and consultation to enhance their respective abilities to achieve their mandates with the Trust Area in a manner which is respectful of each agency's jurisdiction and capability.

ADMINISTRATION OF PROTOCOL

The key contacts for administering this Protocol are the:

Executive Director - Lands Regional Operations Department
Executive Director - Islands Trust

TERMS OF PROTOCOL

The parties may agree to amend or terminate this Protocol at any time.

PROTOCOL AGREEMENT

ON

AQUACULTURE USES IN THE ISLANDS TRUST AREA

BETWEEN:

PROVINCIAL MINISTRY OF AGRICULTURE, FISHERIES AND FOOD

AND:

ISLANDS TRUST

WHEREAS:

Pursuant to Section 3 of the *Islands Trust Act*, the legislated object of the Islands Trust, is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations, and the government of the Province;

Pursuant to Section 8.1 of the *Islands Trust Act*, for the purpose of carrying out the object of the Trust, the Islands Trust Council may, subject to the approval by the Minister of Municipal Affairs and Housing, enter into agreements with the Province and agents of the Province respecting the coordination of administrative activities within the Trust Area;

The **ISLANDS TRUST**, through the following corporate entities is responsible for:

Trust Council - making recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition by the Crown in right of the Province of land situated within the Trust Area, establishing general policies to carry out the object of the Trust, ensuring proposed local planning activities comply with the Trust object and Policy Statement;

Trust Fund Board - acquiring and holding land in perpetuity to protect significant environmental sites and features; and

Local Trust Committees - providing local land use planning and regulation and responding to the concerns of island residents and property owners;

The Aquaculture and Commercial Fisheries Branch of the Ministry of Agriculture, Fisheries and Food (The Ministry) is responsible for the orderly and sustainable development and growth of the aquaculture industry, including the administration of licenses for aquaculture operations under the *Fisheries Act* and establishing farm operating standards under the *Farm Practices Protection (Right to Farm) Act* and their regulations. Aquatic Crown Lands in the Trust Area form part of the unique amenities of the Trust Area and require special attention to maintain their unique character;

Both the Ministry and the Islands Trust share responsibility for the protection and conservation of aquacultural habitat and resources in the Trust Area for the enjoyment of present and future generations;

Both the Ministry and the Islands Trust recognize that environmental and land use planning issues related to aquacultural uses are complex, often transcending political boundaries, and thus require coordinated responses from the parties;

AND WHEREAS:

Both parties recognize the need to clarify:

1. the Ministry's responsibility for aquaculture in the Trust Area;
2. local trust committee responsibility for land use planning and regulations in the Trust Area; and
3. the Islands Trust responsibility to preserve and protect unique amenities and the environment of the Islands Trust Area;

THEREFORE:

The Ministry and the Islands Trust are committed to:

1. develop agreements and procedures to promote a consultative process on issues of common interest;
2. set out a process by which consultation will take place; and
3. identify those issues that should be the subject of consultation; in order to enhance their respective abilities to achieve their mandates within the Trust Area in a manner which is respectful of each agency's jurisdiction.

ADMINISTRATION OF PROTOCOL

The key contacts for administering this Protocol are the:

Executive Director - Islands Trust
Director - Aquaculture and Commercial Fisheries Branch

TERMS OF PROTOCOL

The parties may agree to amend or terminate this Protocol at any time.

From: [REDACTED]
Sent: Tuesday, March 08, 2016 11:21 AM
To: deltcwebmail
Subject: Contact Form Submission

Contact: Denman Island Local Trust Committee
Name: Sharon Small
Email: [REDACTED]

Write your message:

I urge the LTC to put on the agenda Mac Oyster Application 1414389 that involves a 1 km long deep water operation stretching from the south end of the existing Taylor Shellfish 40 raft deep water array, and across Millard Beach. This application needs to be turned down for the standard reasons: DFO has not yet conducted a load capacity study for Baynes Sound; it violates the OCP to support small scale shellfish aquaculture that preserves and protects a fragile ecosystem; it violates riparian rights; and adds to the noise, sound and sight pollution for established upland lot owners. Respectfully, Sharon Small

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO.207**

Schedule 'A'

-
1. Part 3.7, "Water Zoning Tables" is amended by the addition of a new "Table 5 – Prohibited Uses" as shown below:

Table 5 – Prohibited Uses

The regulations listed in this table are intended to be applied in conjunction with the provisions of Table 1, "Permitted Uses" in order to provide additional guidance and clarity on acceptable implementation actions and practices associated with the permitted uses

Zoning code	Regulations
W1, W4	Despite Table 1 of this Section the use of vehicles and ground based machinery on the foreshore is prohibited
W3	Despite Table 1 of this Section the use of vehicles and ground based machinery on the foreshore is prohibited except where specifically authorized by an aquaculture license issued by the Department of Fisheries and Oceans

The Association of Denman Island Marine Stewards (ADIMS)

Co-Chairs: Barbara Mills - bcmills45@gmail.com, Phone: 250-335-0775

Shelley McKeachie - shelleymckeachie@gmail.com, Phone: 250-335-2558

March 23, 2016

Denman Island Local Trustees:

Laura Busheikin

David Critchley

Re: Marine Issues are a Top Priority and, as such, require funding to implement.

Dear Trustees,

It has come to the attention of the Association for Denman Island Marine Stewards (ADIMS) that, although Marine Issues were designated a Top Priority by both the Denman Island Local Trust Committee and Trust Council, no funds have been allocated to achieve this goal. It would be difficult to implement actions, tasks, etc. that would lead to successful completion of this top priority without funding. We hope that Trust Council will support the motion to allocate funds for the creation of a dedicated marine issues committee with a staff person who is knowledgeable in marine issues; ideally a marine biologist.

The marine ecosystem in Baynes Sound and Lambert Channel is vital to the health of the entire Pacific Coast and is experiencing serious degradation. ADIMS, therefore, respectfully asks that funding also be found at the local level to aid in the completion of the Denman Island LTC Marine Issues Top Priority. We suggest funds could be used for:

- ⑩ Local public consultation meeting re: driving on the beach issue with invited experts such as marine biologist and forage fish expert, Ramona de Graaf, which would allow for two way dialogue to address concerns of residents and other stakeholders.
- ⑩ Signage at Buckley Bay and other strategic locations alerting beach users to the fact that the upper regions of our beaches are spawning areas for forage fish, valuable habitat, and corridors for non-motorized use only.
- ⑩ Exploration of tenure boundaries to determine if they are adhering to their assignment (as the CVRD Baynes Sound Initiative has done).
- ⑩ Circulation of Green Shores for Homes or other relevant information on how foreshore property owners can protect their homes from sea level rise yet still preserve habitat.
- ⑩ Applying for Crown land tenures for designated public beaches.

Thank you for your time and consideration.

Respectfully, Edi Johnston
Secretary, ADIMS
edijohnston@gmail.com

cc: Chair Morrison
Trust Planner Milne

From: "Ralph" [REDACTED]
Date: March 9, 2016 at 1:41:54 PM PST
To: <smorrison@islandstrust.bc.ca>, <dcritchley@islandstrust.bc.ca>, <busheikin@islandstrust.bc.ca>
Subject: Beach access on Denman Island

Hello Susan, David & Laura

Just wanted to share my thoughts on some beach access issues. I think enough time has been spent/wasted on trying to close our beaches to vehicle traffic (especially local shellfish farmers). We could spend Islands Trust time more wisely on opening up the many beach access points to the public (not for vehicles).

I am attaching the map that shows the beach access points on our island. Many of them cannot be easily found, or found at all, from the island roadways. They have either been left to grow over or have been incorporated into the adjoining properties. I have been told I was on private property – but the map shows there is a beach access.

The issue of shell fish farmers on the beaches with vehicles is another issue. Some of the people who do not use boats to work their leases are locals, and many of those who use boats aren't even Canadian. Are we to put islanders out of business over an issue that has little or no data to back it up?

In fact, a study done for the B.C. Ministry of Sustainable Resources & DFO stated:

"Although surf smelt eggs were not found throughout the winter sampling period in Baynes Sound, sediment grain size analysis from Baynes Sound contrasted with results from Puget Sound suggests suitable substrate is not present at all but one of the aquaculture and opportunity sites sampled."

DOCUMENTING PACIFIC SAND LANCE (*Ammodytes hexapterus*) SPAWNING HABITAT IN BAYNES SOUND AND THE POTENTIAL INTERACTIONS WITH INTERTIDAL SHELLFISH AQUACULTURE, report prepared for the BC Ministry of Sustainable Resource, by Archipelago Marine Research Management.

Denman Island "old-timers" confirm that historic spawning runs of smelt were only on the sandy east side of the island, not on the rocky west side where most of the tenures are located. The published work by Ramona deGraaf claims that some areas on the west side of the island have substrate compositions that would be suitable for spawning, but this doesn't prove that spawning ever occurred there. And the results of her further sampling program for forage fish eggs has yet to be published, so we can't know whether spawning is actually taking place in areas where driving does or doesn't occur.

Although island environmentalists whole-heartedly supported driving on the marsh-grass areas of west-side beaches to eradicate *Spartina*, the report quoted above claims that, " Brackish marshes fringe many of the estuaries, delta and gravel flat habitats in Baynes Sound. These are perennial plants which require a well drained substrate and seasonal freshwater flows. Vehicle use in these areas will compact the substrate and alter soil drainage, potentially resulting in long term loss of important habitat."

So what are we protecting? Why do we need to close beach access points to vehicles if nothing is being damaged?

DE-2015-094

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct the Marine Advisory Planning Commission to investigate and report on the possibilities for improving existing beach accesses to reduce the impact of Bylaw No. 207 on shellfish growers such to include: 1) the identification of growers who use vehicles on the beach and 2) the physical suitability of existing access points to provide access to those growers.

Surely the LTC has better things to spend our time & tax dollars on than this. As an islander I would like to see positive, progressive projects that justifies the large amount of tax money that goes into running the Islands Trust. Making Denman a friendly place for locals & visitors would be a great start.

Islands Trust time on fixing the “big hill” to meet current safety standards would be a good topic.

Even after attending numerous LTC meeting I am still confused by the bureaucracy and “subsection this, after 2.1.1a”, etc. etc.

Many islanders do not attend meetings because they are mid-day, during the week. Even if they did attend they would be confused with the language & process.

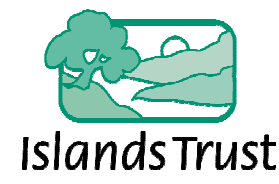
The IT is not fully *user-friendly*.

Ralph McCuaig



**Denman Island
Official Community Plan
Bylaw 185**

**Schedule F
BEACH RIGHTS-OF-WAY**



Scale 1: 20,000
0 500 1000 Meters

D E N M A N I S L A N D

**DENMAN ISLAND
LOCAL TRUST COMMITTEE**

**SCHEDULE F
BEACH RIGHTS-OF-WAY**



Top Priorities

Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Relationship building with Komoks First Nation				
1	Implementation of Denman Island Farm Plan	Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods.		Rob Milne	
2	Review of visitor accommodations regulations	Proposed focus of review is on allowing the provision of cooking facilities for guests.		Rob Milne	
4	Marine Issues		03-Mar-2015	Laura Busheikin David Critchley	

**Projects****Denman Island**

No.	Description	Activity	R/Initiated
1	A Protected Area Network on Denman Island		15-Mar-2011
1	Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots". 2. Formatting of Agriculture definition	15-Aug-2011
1	Regulations governing wind towers and Ocean Loop Geo-Exchange Systems.	Monitor recommendation from Trust Council.	15-Aug-2011
1	Regulation limiting the gross floor area of a dwelling		25-Oct-2011
1	Regulations to promote greenhouse gas emissions reduction.		25-Oct-2011
1	Review and Update of Development Procedures Bylaw No. 71		11-Dec-2012
1	Review of OCP/LUB regarding implementation of Denman Island Farm Plan and ensuring food security.	Include consideration of Exploring Food Security in the Islands Trust Area in the final report	02-Apr-2013
1	DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013	Consideration of recommendations	22-Oct-2013
1	Review of LUB in consideration of the new Federal Marihuana for Medical Purposes Regulation	Review the Staff Report dated April 28, 2014.	15-Jul-2014
1	Alternative Dispute Resolution	To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee	26-May-2015
1	Downtown Village Neighbourhood Planning	The plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; and addressing of water and septic concerns.	26-May-2015
1	Implementing Riparian Area Regulation		01-Dec-2015

Projects

Denman Island

No.	Description	Activity	R/Initiated
1	Review effectiveness of Secondary Suites and Cottages bylaw.		12-Jan-2016



Islands Trust

Print Date: April 7, 2016

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2015.1	Denman Community Land Trust Association Planner: Rob Milne	17-Dec-2015	PID: 009-708-537 Severn - 3730 Denman Road Exclusion of 1.6ha in the ALR
Planning Status			
<u>Status Date:</u>			

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2006.2	Stoneman, Daniel/Debra Planner: Courtney Simpson	31-Aug-2006	The use of presently cleared areas within the Komass Bluff permit area for agricultural use.
Planning Status			
<u>Status Date:</u> 04-Apr-2011 No change: waiting for info from applicant.			
<u>Status Date:</u> 04-Feb-2010 No change			
<u>Status Date:</u> 01-May-2009 No change			

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella Planner: Marnie Eggen	21-Mar-2011	For barn sited within DP #1: Komass Bluff
Planning Status			
<u>Status Date:</u> 29-Jul-2013 File passed on to Bylaw enforcement			

Applications

Status Date: 05-Oct-2012

Letter sent to applicant re: further info required

Status Date: 01-Nov-2011

Awaiting info from applicant

File Number	Applicant Name	Date Received	Purpose
DE-DP-2013.1	Stoneman, Daniel & Debra	17-Jun-2013	
Planner: Courtney Simpson			

Planning Status

Status Date: 16-Jul-2013

Staff report to July 16 LTC meeting. LTC resolved to not issue permit but to amend 1999 development permit.

Status Date: 16-Jul-2013

Staff preparing development permit amendment

Status Date: 24-Jun-2013

Planner Reviewing File

File Number	Applicant Name	Date Received	Purpose
DE-DP-2015.3	Etienne Design	30-Nov-2015	PID: 028-879-465 8330 Owl Crescent Road. Proposed 2650 square foot residence.

Planner: Teresa Ritemann

Planning Status

Status Date: 21-Mar-2016

Planner TR amended proposed permit. Finished review and gave to Planning Team Assistant to close file.

Status Date: 15-Mar-2016

LTC approved issuance of permit with amendments. Resolution DE-2016-16.

Status Date: 06-Jan-2016

Staff conducted site visit on 5-Jan. Staff Report to be written and aim to appear on 15-Mar LTC agenda.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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**Applications**

DE-DVP-2011.1

Day, Ella

13-May-2011

Barn on property line

Planner: Marnie Eggen**Planning Status****Status Date:** 29-Jul-2013

no change; file passed on to bylaw enforcement

Status Date: 09-Nov-2012

BCLS survey confirms barn sited on lot line; Applicant intends to apply for lot line adjustment

Status Date: 05-Oct-2012

Letter sent to applicant requesting further information otherwise issue will be transferred over to bylaw enforcement

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2016.1	Citizen Design Build Inc.	21-Mar-2016	variance to setbacks from Streams, Lakes and Wetlands 40m from Graham Lake to buildings and structures and sewage disposal field 15m from stream to sewage disposal field

Planner: Marnie Eggen**Planning Status****Status Date:****Rezoning**

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2015.1	Neilsen, Henning	12-Jan-1900	To change Land Use Designation of a portion of the subject property from Residential to Conservation/recreation and that portion to be transferred to Islands Trust Fund - remainder to be used for residential

Planner: Rob Milne**Planning Status****Status Date:** 21-Apr-2015

LTC consideration of staff report. Resolution for staff to prepare draft bylaws for May 26, 2015 LTC meeting.

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
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**Applications**

DE-SUP-2006.7 Stoneman, Daniel/Debra 31-Aug-2006 Agricultural (including buildings consistent with ALR legislation)
Planner: Courtney Simpson

Planning Status

Status Date: 08-Jan-2009
 On hold pending outcome of court case

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Day, Jean Ella	02-Nov-2009	2900 SWAN RD

One 26 foot high barn.

Planner: Marnie Eggen

Planning Status

Status Date: 30-Jun-2011
 On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011
 New info submitted by applicant indicates bld sited on lot line; options provided to applicant

Status Date: 20-Jan-2011
 Applicant submitted partial application

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2014.10	Stoneman, Daniel & Debra	29-Sep-2014	Residence, Garage, Chicken House, Beach Stairs, Woodshed

Planner: Rob Milne

Planning Status

Status Date: 03-Nov-2014
 On hold pending confirmation of compliance with condtions of approval for DE-DP-2014.2

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2015.9	Etienne Design	22-Oct-2015	PID: 028-879-4658330 Owl Crescent Road. Proposed 2650 square foot residence.

Planner: Teresa Rittemann

Planning Status

Applications

Status Date: 21-Mar-2016

Planner TR finished review and gave to Planning Team Assistant to close file.

Status Date: 15-Mar-2016

LTC resolved to issue related Development Permit DE-DP-2015.3. Resolution DE-2016-016.

Status Date: 06-Jan-2016

Applicant has submitted a DP application. Staff conducted site visit on 5-Jan. Staff Report to be written and aim to appear on 15-Mar LTC agenda.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2016.2	HARRISON, Terrence	23-Feb-2016	PID: 000-409-669 Building a garage, gazebo and storage shed - seasonal use.
Planner: Lisa Webster-Gibson			
Planning Status			
<u>Status Date:</u>			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2016.3	Citizen Design Build Inc.	21-Mar-2016	1 proposed Single Family Dwelling to replace existing 1 Home office 1 Workshop to replace existing shed 1 Temporary Use Secondary Dwelling (Guest House)
Planner: Marnie Eggen			
Planning Status			
<u>Status Date:</u>			

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	De Villiers & Fraser, Etienne & Louise	24-Dec-2014	2201 Tristone Road S.946 (2 lot subdivision)
Planner: Teresa Rittemann			
Planning Status			

Applications

Status Date: 06-Jan-2016

Applicant has submitted a DP application. Staff conducted site visit on 5-Jan. Staff Report to be written and aim to appear on 15-Mar LTC agenda.

Status Date: 17-Nov-2015

No change in status.

Status Date: 27-Aug-2015

No change in status. Planner TR emailed applicant on Aug 4 to check in on progress and to see if applicant had questions. No response from applicant.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY Planner: Rob Milne	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application
Planning Status			
Status Date:			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
DE-TUP-2016.1	Citizen Design Build Inc. Planner: Marnie Eggen	21-Mar-2016	for secondary dwelling for potential accommodation for the owner's relatives currently residing on Denman. Designed with to suit special needs housing.
Planning Status			
Status Date:			

Islands Trust
 LTC EXP SUMMARY REPORT F2016
 Invoices posted to Month ending March 2016

615 Denman	Invoices posted to Month ending March 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	1,203.73	-453.73
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,500.00	3,351.35	-851.35
65210-615	LTC - Local Exp - APC Meeting Expenses	750.00	688.29	61.71
65220-615	LTC - Local Exp - Communications	300.00	75.00	225.00
65230-615	LTC - Local Exp - Special Projects	750.00	1,609.08	-859.08
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>5,723.72</u>	<u>-1,423.72</u>
Projects				
73001-615-3001	Denman RAR	2,500.00	769.10	1,730.90
73001-615-4048	Denman Memo of Understanding with K'omoks FN	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>4,500.00</u>	<u>769.10</u>	<u>3,730.90</u>

Denman Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 1, 2012	DE-041-2012	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED: 1. That as the Denman Island Local Trust Committee intends to review the home based guest accommodation regulations in Bylaw No. 186 bylaw enforcement activity is restricted where the guest accommodation provides the following unlawful facilities: 1. a second set of cooking facilities is provided in a lawful dwelling for the use of guests; 2. accessory buildings are used as bedrooms for guest accommodation provided that no more than three bedrooms exist in total; 2. That despite section 1 and 2 above bylaw enforcement activity will not be restricted if: 1. there are issues related to health, safety, or environmental damage; 2. there is a written complaint about bona fide serious nuisance issues such as noise or parking congestion related to the guest accommodation; 3. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Denman Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time without notice; 4. That unless the Denman Island Local Trust Committee extends the effective period on this enforcement policy it expires on December 31, 2012 or when the guest accommodation regulation review is complete, whichever is the sooner.
2.	October 22, 2013	DE-065-2013	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee renew Standing Resolution No. DE-041-2012 to be extended to December 31, 2014.

3.	September 16, 2014	DE-2014-054	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED , that the Denman Island Local Trust Committee renew Standing Resolution No. DE-065-2013 to be extended to December 31, 2015.
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REQUEST FOR DECISION

To: Denman Island Local Trust Committee **For the Meeting of::** April 19, 2016

From: Rob Milne, Island Planner

Date Prepared: March 23, 2016

SUBJECT: 2015-2016 ANNUAL REPORT – APPROVAL OF DENMAN ISLAND LOCAL TRUST COMMITTEE SECTION

RECOMMENDATION: That the Denman Island Local Trust Committee approves the attached text for inclusion in the 2015-2016 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#). To comply with the schedule indicated in the policy, the Executive Committee has adopted the following schedule for preparation of individual committee reports:

Committee reports:	Reports to be approved on the following dates:
TPC	May 16
LPC	May 25
FPC	May 31
TFB	May 10
EC	May 18
Denman	April 19 / May 17
Gambier	March 17 / May 19
Gabriola	April 14 / May 7
Galiano	April 4 / May 2
Hornby	April 1
Lasqueti	April 18 / May 14
Mayne	March 21 / April 25
North Pender	April 28
Salt Spring Island	April 7 / May 5
Saturna	April 21 / May 21
South Pender	April 5 / May 10
Thetis	March 29 / May 24
Ballenas-Winchelsea	May 18
Executive Islands	

Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings listed above.

FINANCIAL: None

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Community Sport and Cultural Development and circulate it as indicated in Trust Council's policy.

OTHER: n/a

BACKGROUND

- The Executive Committee will consider the format and outline of the 2015-2016 Annual Report at its meeting on March 22nd or April 6th.

REPORT/DOCUMENT: Denman Island Local Trust Committee input to Annual Report (draft)

KEY ISSUE(S)/CONCEPT(S): Consistent Annual Report sections from each committee

RELEVANT POLICY: This approach complies with Section 19 of the *Islands Trust Act* and Trust Council's [Annual Report Policy 6.10.i](#).

DESIRED OUTCOME: Trust Council is able to easily approve its annual report in June 2016 without further editing from staff or trustees at the Trust Council meeting.

RESPONSE OPTIONS

Recommended: That the Denman Island Local Trust Committee approves the attached text for inclusion in the 2015-2016 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

Alternative: None

Prepared By: Rob Milne, Island Planner

Reviewed By/Date: Ann Kjerulf, Regional Planning Manager
David Marlor, Director of Local Planning Services

Denman Island Local Trust Committee

The Denman Island Local Trust Committee held ten regular business meetings in the 2015-2016 fiscal year as well as one Community Information Meeting (CIM), one special meeting and two public hearings. Work for this period focused on advancing Local Trust Committee priorities to address a lack of dining options for overnight visitors to the Island as well as the implementation of the *Riparian Areas Regulation*.

A CIM was held to consider the proposed RAR bylaws in April, 2015 and a public hearing was held in November. Following Executive Committee approval, RAR OCP Bylaw No. 212 was submitted to the Ministry of Community Services and Cultural Development for Ministerial approval. The LTC is looking forward to that approval.

This past period also saw the completion of the consultation process for tourist accommodation Bylaw No. 216 which went to public hearing on December 1, 2015 and was given final reading on January 28, 2016. The adoption of this bylaw allows B&B operators to provide cooking facilities for their visitors.

A special meeting of aquaculture stakeholders was held on November 3, 2015 to discuss the contentious issue of “driving on the beach” associated with some aquaculture operations. The meeting was successful in creating an opportunity to explore the various viewpoints surrounding this issue.

Also during this period, the Denman and Hornby Trustees took steps toward building a relationship with the K’omoks First Nation. An introductory meeting was held on February 2, 2016 at the K’omoks Office and further meetings are anticipated in the future.