



A NOTICE OF A BUSINESS MEETING OF **THE DENMAN ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:30 am on Tuesday, November 26, 2013 at the Denman Seniors Hall,
1111 Northwest Road, Denman Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		10:30 am
2.	APPROVAL OF AGENDA		
3.	CHAIR'S REPORT		
4.	TRUSTEES' REPORT		
5.	MINUTES		10:45 am
5.1	Local Trust Committee Meeting Minutes dated October 22, 2013 – <i>for adoption</i>	1	
5.2	Section 26 Resolutions Without Meeting Log dated November 14, 2013 - <i>attached</i>	13	
5.3	Denman Island Advisory Planning Commission Minutes - <i>none</i>		
5.4	Denman Island Marine Advisory Planning Commission Draft Minutes - <i>none</i>		
6.	BUSINESS ARISING FROM MINUTES		10:50 am
6.1	Follow-up Action List dated November 14, 2013 - <i>attached</i>	14	
6.2	Henry Bay Aquaculture Tenure 1411213		
	6.2.1 Memorandum dated November 8, 2013 - <i>attached</i>	17	
7.	APPLICATIONS AND PERMITS - <i>none</i>		
	PRESENTATION BY FOREST LANDS AND NATURAL RESOURCE OPERATIONS (FLNRO)		11:15 pm
	Aquaculture Practices and the FLNRO Land Tenuring Process and Procedures presented by Ken Albrecht, Technical Land Officer		
	AQUACULTURE DISCUSSION UPDATE		
	Linda Adams, CAO, Islands Trust regarding Meeting with FLNRO Ministry regarding Aquaculture Tenures		
8.	DELEGATIONS		
8.2	The Association of Denman Island Marine Stewards regarding Marine Issues		12:15 pm
9.	TOWN HALL DISCUSSION		12:30 pm
10.	CORRESPONDENCE		12:50 pm
	<i>Correspondence specific to an active development application and/or project will be received by the Denman Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
10.1	Letter dated September 27, 2013 from Simon Palmer, President of Denman WORKS! regarding Bylaw 186 and Visitor Accommodation Providers - <i>attached</i>	22	

10.2	Email dated October 25, 2013 from Simon Palmer, President of Denman WORKS! regarding Visitor Accommodation, Bylaw 186 and Cooking Facilities - <i>attached</i>	25	
10.3	Email dated October 25, 2013 from Helen and Peter Mason to Authorizing Agency Nanaimo regarding Project #102799 Salish Sea Farms - <i>attached</i>	26	
10.4	Letter dated October 30, 2013 to Habitat Conservation Trust Foundation from Trustee Busheikin regarding Support for The Association of Denman Island Marine Stewards' Sustainable Shellfish Farming in Baynes Sound Project - <i>attached</i>	27	
10.5	Letter dated November 2, 2013 from The Association of Denman Island Marine Stewards regarding Pentlatch Seafoods in Henry Bay - <i>attached</i>	28	
10.6	Letter from City of Salmon Arm dated October 28, 2013 to Agricultural Advisory Committees regarding Agricultural Land Commission (ALC) Budget - <i>attached</i>	29	
10.7	Email dated November 12, 2013 from John Allan regarding Aquaculture Licenses - <i>attached</i>	30	
10.8	Email dated November 13, 2013 from Doug Hay to FLNRO regarding Geoduck Aquaculture vs Herring Spawning in Lambert Channel - <i>attached</i>	31	
10.9	Email dated November 12, 2013 and Report from Simon Palmer, President, Denman Housing Association - <i>attached</i>	49	
11.	REPORTS		1:00 pm
11.1	Work Program		
	11.1.1 Top Priorities Report and Projects Report dated November 14, 2013 - <i>attached</i>	76	
11.2	Applications Log		
	11.2.1 Report dated November 14, 2013 - <i>attached</i>	78	
11.3	Trustee and Local Expenses		
	11.3.1 Expenses posted to October 31, 2013 - <i>attached</i>	83	
11.4	Policies and Standing Resolutions		
	11.4.1 Report – <i>attached for information</i>	84	
	BREAK		1:15 pm
12.	LOCAL TRUST COMMITTEE PROJECTS		1:30 pm
12.1	Housing Regulation Amendments for Land Use Bylaw		
	12.1.1 Staff Report dated November 7, 2013 regarding Draft Bylaws for the Implementation of Secondary Suites and Secondary Dwelling Units - <i>attached</i>	85	
13.	NEW BUSINESS		
13.1	Advisory Planning Commission - Ad for Expressions of Interest – <i>for discussion</i>		
14.	BYLAWS		2:00 pm
14.1	Draft Bylaw No. 207 (Aquaculture Practices) – Early Referral		
	14.1.1 Staff Summary Report dated November 7, 2013 - <i>attached</i>	99	
15.	ISLANDS TRUST WEBSITE		
15.1	Denman Pages – <i>for discussion</i>		
16.	NEXT MEETING		
	Tuesday, January 21, 2014 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC		
17.	TOWN HALL DISCUSSION – <i>time permitting</i>		
18.	ADJOURNMENT		3:00 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice.



Denman Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Tuesday, October 22, 2013

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

Members Present: Peter Luckham, Chair
Laura Busheikin, Local Trustee
David Graham, Local Trustee

Staff Present: Rob Milne, Island Planner
Vicky Bockman, Recorder

Media and Others Present: Approximately (14) members of the public-am
Approximately (8) members of the public-pm

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30 am. He welcomed the public and introduced himself, the Local Trustees, Staff and Recorder. He acknowledged that the meeting is being held in traditional territory of Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 10.5 Email and attachment from Pat McLaughlin regarding Application for Shellfish Tenure in Henry Bay dated October 11, 2013
- 10.6 Email from Margie Gang dated October 14, 2013 regarding Definition of Dwelling Unit
- 13.2 Memorandum regarding Aquaculture Use Applications 1414124 & 1414125 dated October 8, 2013

By general consent the agenda was approved, as amended.

By general consent the Committee directed staff to add the topic of “Adding Future Meetings” for discussion at the next Local Trust Committee meeting.

3. CHAIR'S REPORT

Chair Luckham reported that the agenda for the next Trust Council meeting, scheduled for December in Victoria, has been set and noted that a session to facilitate the discussion of economic development on the islands will include area Regional Directors. He commented that he recently attended a Cultural Connections event that focused on communications with First Nations to foster meaningful relationships that was well attended and effective.

4. TRUSTEES' REPORT

Trustee Graham reported that since the last meeting, he attended a round table gathering of Denman/Hornby health providers where discussion included the importance of secure, accessible housing in a healthy community.

He commented on a discussion with a concerned resident who reported that a shellfish tenure operator had agreed to move their raft operation to a location less troublesome to upland residents, however, in return the company indicated that they would want to increase the number of their aquaculture rafts. Trustee Graham suggested that the group of residents confer with the Association for Denman Island Marine Stewards to discuss the situation which would require a rezoning application for Local Trust Committee consideration.

Trustee Busheikin reported that she recently attended a Comox Valley Task Force on Housing and Homelessness forum which included presentation of strategies that other local governments are using to promote affordable housing. She noted that upcoming meetings she will attend include Ferry Advisory Committee and RCMP meetings.

She commented that since the last meeting, she attended a Denman Island Residents Association (DIRA) meeting where it was determined that DIRA will engage in discussions with BC Ferries to advocate for the need to retain the boat launch in the proposed new Denman West ferry terminal area.

Chair Luckham suggested that DIRA might also be interested in supporting the Local Trust Committee's effort to restrict vehicular beach access at the north side of the terminal area when meeting with BC Ferries, and staff was asked to follow-up on this suggestion and bring information back to the Committee for discussion.

5. MINUTES

5.1. Local Trust Committee Meeting Minutes dated September 24, 2013

The following amendments to the minutes were presented for consideration:

- Page 2, first paragraph, third line: replace: "create a Howe Sound Trust Area Management Plan" with "request that a Howe Sound Management Plan be created.";
- Page 2, first paragraph, fifth line: replace "organism foods" with "crops";

- Page 4, third paragraph, second line: delete “ that the law is being broken and”;
- Page 6, third paragraph, second line: replace “Federation” with “Council”;
- Page 6, Town Hall Discussion (Continued), third paragraph: insert a bullet before “support was expressed...”.

By general consent the minutes were adopted, as amended.

5.2. Section 26 Resolutions Without Meeting – None.

5.3. Denman Island Advisory Planning Commission Minutes – None.

5.4. Denman Island Marine Advisory Planning Commission Draft Minutes – None.

6. BUSINESS ARISING FROM MINUTES

6.1. Follow-up Action List dated October 10, 2013

Planner Milne reviewed the Follow-up Action List dated October 10, 2013, provided updates and responded to questions that arose.

Trustees discussed their desire to move forward with the June 4, 2013 activity, “set up a meeting with Department of Fisheries and Oceans” and potential items for discussion at that meeting were considered.

Chair Luckham commented on an item that might relate to the February 26, 2013 Vancouver Island University state of Baynes Sound activity, noting that Executive Committee has proposed that one session in the next Association of Vancouver Island & Coastal Communities conference might be an educational session at the Vancouver Island University Deep Bay Marine Field Station to talk about aquaculture.

Chair Luckham noted several items in the report that were in need of correction and/or updating and Planner Milne responded that he will complete the changes.

7. APPLICATIONS AND PERMITS - None

8. DELEGATIONS - None

9. TOWN HALL DISCUSSION

On the topic of housing, the following comments were noted:

- It was asked when the Denman Community Land Trust Association Rural Affordable Housing Project Report would be placed on the Committee’s work list.

- The Staff Report on the Housing Needs Summary discusses approaches for the definition of affordable housing and it was suggested that consideration might be given to the Denman Community Land Trust Association Keystone Project's definition within the bylaw which has just been completed.
- The Visitor Survey conducted by DenmanWORKS! over the summer combined affordable housing and visitor accommodation questions which makes analysis problematic; and the results are additionally influenced by the difficulty to say "no" in a small community.
- There was support expressed for the Housing Forum held as a setting for discussion, and encouragement for a second forum to be held.
- Simon Palmer, speaking for DenmanWORKS! advised that the results of an affordable housing survey are being tabulated and will be forwarded to the Local Trust Committee for review. He submitted a letter dated October 21, 2013 requesting an extension of the Standing Resolution regarding a moratorium restricting bylaw enforcement of guest accommodations.
- The examples given in the Housing Needs Staff Report for secondary suites on Salt Spring Island indicated the lots where secondary suites are permitted. Clarification was requested as to how those areas were chosen, noting that the basis of the decisions made elsewhere is of interest.

Planner Milne noted that water systems and availability were factors, although the focus of this report was generally on the commonality in usage of secondary suites to address housing throughout the Trust area.

On the topic of marine issues, the following comments were noted:

- It was recommended that the most effective way to meet with shellfish regulatory agencies responsible for giving tenures would be in a setting that involves both Department of Fisheries and Oceans and Ministry of Forests Lands & Natural Resource Management in one meeting.

Trustee Busheikin advised that a meeting involving all parties is currently being organized.
- The window of opportunity to address zoning and geoduck issues is critical and Trustees should be involved in a multi-level group meeting.
- Attention was directed to the Baynes Sound Opinion Survey on Shellfish Aquaculture conducted by the Institute for Coastal Research at Vancouver Island University. It was the opinion that the report did not include adequate clarification about the viewpoints of Denman Islanders versus those on Vancouver Island. Approximately twenty Denman Islanders on the west side of Denman were surveyed however the impacts of the shellfish industry affect everyone on Denman every day. Only 11% of the respondents surveyed felt that there should be an increase in shellfish aquaculture in Baynes Sound; however it is the belief that this report will be used to justify further industrialization actions and Trustees were encouraged to become involved.

Trustee Busheikin advised that the researcher had offered to make a presentation on Denman Island of the research findings and she will let the researcher know that there is interest in having that occur.
- It was recommended that "raft culture" be taken out of the definition of aquaculture in the bylaw as it reflects industrialization versus farming.
- It was noted that the Gulf Islands Alliance is sponsoring a tour of six southern Gulf Islands in conjunction with the Association for Denman Island Marine

Stewards in early November to draw attention to the impacts of aquaculture and to share information about what is happening on Denman Island.

- Trustees were asked what actions would be taken on October 31, 2013 if the Henry Bay aquaculture operation is still in non-compliance.
Planner Milne responded by explaining the bylaw enforcement procedures.
- Trustees were asked if the Henry Bay operator's non-compliance would influence their consideration of the same group's further applications.
Trustees responded that any decision would be made at the time that an application for rezoning comes forward.
- Concern was expressed that there has been discussion of twenty additional rafts being added north of Millard Road.
Trustees responded that the discussion of moving those rafts further south has been brought to their attention; however this is not a process that the Local Trust Committee would initiate.

By general consent the meeting was recessed at 11:57 am and reconvened at 12:05 pm.

10. CORRESPONDENCE

Planner Milne outlined the timeline and process that staff undertakes regarding the receipt and placement of correspondence on the agendas. He noted that all submissions addressed to the Local Trust Committee get placed on the agenda. He added that correspondence with a "cc" to the Local Trust Committee will also be placed on the agenda. Correspondence addressed to the Planner may be placed on the agenda, at the Planner's discretion. Draft agendas can be prepared up to fourteen days prior to the meeting and correspondence received after that time may be brought by staff to the meeting as Late Correspondence and Trustees may review late items as necessary.

Chair Luckham recommended that correspondence, including emails, be addressed to the Denman Island Local Trust Committee to ensure placement on an agenda.

10.1. Emails dated September 21, October 3 and October 8, 2013 from Duncan and Susan Stewart regarding Aquaculture Expansion on Denman Island

Committee members received the above noted emails for information.

10.2. Email dated September 25, 2013 from Howard Stewart regarding Shoreline Degradation on Denman Island

Committee members received the above noted email for information.

10.3. Letter dated September 30, 2013 from Ron Shepherd regarding Tenure Violations

Committee members received the above noted letter for information.

10.4. Letter dated September 27, 2013 from Simon Palmer, President, Denman WORKS! Regarding Bylaw 186 and Visitor Accommodation Providers

Committee members received the above noted letter for information.

10.5. Email and attachment from Pat McLaughlin regarding Application for Shellfish Tenure in Henry Bay dated October 11, 2013

Committee members received the above noted email for information.

10.6. Email from Margie Gang dated October 14, 2013 regarding Definition of Dwelling Unit

Trustee Graham summarized the email, which suggests that “kitchen” be removed from the definition of dwelling unit as a solution to the guest accommodation issue. He noted that his research has shown that every island has a reference to cooking facility or kitchen in their definition of dwelling unit.

Chair Luckham remarked that the email will be considered as the issue is deliberated.

11. REPORTS

11.1. Work Program Reports

11.1.1. Top Priorities and Projects List Report dated October 10, 2013

Planner Milne summarized the report and provided updates.

Trustee Busheikin observed that the wording in the description of Top Priority No. 2 had changed from that created in the November 6, 2012 resolution. She suggested that to focus the range of discussion, the original wording should be restored.

DE-062-2013

It was MOVED and SECONDED,

that the Top Priority item No. 2 be corrected to read as follows: “Review of housing policies with respect to secondary cottages and suites in residential designations.”

CARRIED

Trustee Graham proposed that the Top Priority No. 2 Activity should reflect that affordable housing is not a part of this priority item.

DE-063-2013

It was MOVED and SECONDED,

that the Activity column for Top Priority item No. 2 be amended to read as follows: "Consider potential use of secondary dwelling units to meet a range of evolving housing needs."

CARRIED

DE-064-2013

It was MOVED and SECONDED,

that "DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013" be added to the Projects List with the Activity: "Consideration of recommendations".

CARRIED

11.2. Applications Log

11.2.1. Report dated October 10, 2013

The Applications Log was received for information.

11.3. Trustee and Local Expenses

11.3.1. Expenses posted to September 30, 2013

The expenses posted to September 30, 2013 were received for information.

11.4. Policies and Standing Resolutions

11.4.1. Report

The Policies and Standing Resolutions Report was received for information.

DE-065-2013

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.

CARRIED

By general consent the meeting was recessed at 12:26 pm and reconvened at 12:45 pm.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1. Housing Regulations Review

12.1.1. Staff Report dated October 3, 2013 (Summary of August 25, 2013 Housing Needs Meeting)

Planner Milne summarized the report. Discussion followed on potential approaches for next steps and the following key points were noted:

- implementation discussions will need to explore approaches to ensure safe and healthy housing including water, septic and electrical requirements;
- referral to the Advisory Planning Commission should be considered; and
- there was support for consideration of permitting secondary dwellings on properties two hectares or more in size and in the Agricultural Land Reserve and having a community discussion regarding the density cap.

Trustee Busheikin introduced a definition of attainable housing for detached units which includes limitation of rent to 30% of median income and would be regulated through Temporary Use Permits. She suggested that utilizing this tool for housing creates a hybrid model that would ensure that this housing meets a community need. There was debate on this approach.

Trustee Graham supported keeping housing costs attainable through control of the size of the unit, sharing of services and other methods. He expressed concern that the attainable housing definition might be too similar to the definition of affordable housing and noted that secondary suites are generally considered to be affordable. It was his understanding that rent can only be controlled through a housing agreement.

Temporary Use Permits (TUPs) were discussed as a possible mechanism to provide specific requirements and the following points were noted:

- support was expressed for keeping the TUP application fees low;
- the use of TUPs for secondary dwellings was considered;
- the definition of secondary dwelling unit could be expanded to include moveable dwelling units which could then also be regulated; and
- research might be conducted to determine the ability to control rent pricing through TUPs.

Discussion followed on the second Housing Forum and the following key points were noted:

- there was support to bring these ideas to a second Housing Forum for community discussion;

- preference was given for the information to be presented to the community as a list and options for discussion; and
- Trustees requested a preliminary review of the information prior to presentation at the Forum.

DE-066-2013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee give consideration to amendments to the Denman Island Land Use Bylaw to facilitate the creation of secondary suites and secondary dwelling units including the use of moveable units and using Temporary Use Permits (for secondary dwelling units only) as the regulatory tool as part of the solution to the lack of housing options on Denman Island.

CARRIED

DE-067-2013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee give consideration to amendments to the Denman Island Official Community Plan to allow secondary suites and secondary dwelling units in Rural and Sustainable Resource land designations as part of the draft work on this Top Priority.

CARRIED

DE-068-2013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to amend the Project Charter "In Scope" for removal of Affordable Housing Agreements and Multi-unit projects (i.e. co-housing or senior housing).

CARRIED

DE-069-2013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to incorporate changes made to the Charter at the June Local Trust Committee business meeting into the current version.

CARRIED

Trustee Busheikin commented that this project is intended to meet evolving housing needs on Denman Island and that the Local Trust Committee is looking at the whole spectrum, trying to create a way to allow Denman Islanders individually to create housing to meet all kinds of needs that might include seniors, changing families, or caregivers. She recognized that this is not a way for housing groups to create dedicated housing, however expressed hope that it will create options for seniors and caregivers and family members in a way that is not so specifically designated or highly regulated.

Trustee Graham added that the Local Trust Committee has done the work to craft regulations and has had discussion at the community level to create opportunities for individuals or groups to bring applications forward for addressing affordable, senior and special needs housing.

Chair Luckham opened the floor for comments from the public and the following comments were noted:

- It was pointed out that visitor accommodation has not been discussed even though it is noted as “In Scope” in the Project Charter and that combining residential and home occupation issues may be confusing and encourage short term vacation rentals.

Trustee Graham commented that the intention is to work initially on secondary cottages and suites which is a Top Priority. He pointed out that short term vacation rentals are currently not permitted and this review will not affect that designation.

DE-070-2013

It was MOVED and SECONDED

that the Denman Island Local Trust Committee instruct staff to remove in the Project Charter, from the column “In Scope”, the words “including visitor accommodation”.

CARRIED

- There was concern expressed that if the definition of attainable housing is broadened, individuals with more money will be accommodated first.
- It was suggested that the fees for affordable housing rezoning applications might also be reduced if fees are lowered for attainable housing Temporary Use Permit applications.
- Concern was expressed that renters are vulnerable and that trust is not enough - regulations to address the imbalance of power are necessary.

13. NEW BUSINESS

13.1. Islands Trust Council Strategic Plan – Local Trust Committee Input

13.1.1. Briefing dated October 3, 2013

There was discussion of the Strategic Plan Strategy item 2.5 and the need to revise the item given the unsuccessful attempt for representation on the Department of Fisheries and Oceans Committee.

DE-071-2013

It was MOVED and SECONDED

that the Denman Island Local Trust Committee amend the Activities and Phases for Strategy 2.5 (Advocate for appropriate regulation of aquaculture) to read "Executive Committee to meet with regulatory agencies responsible for shellfish activities in the Islands Trust area" and delete the activities under how we measure success.

CARRIED

13.2. Memorandum regarding Aquaculture Use Applications 1414124 & 1414125 dated October 8, 2013

Planner Milne outlined the memo which describes two applications submitted by Salish Sea Farms. The proposed reply in response to the referrals was discussed.

DE-072-2013

It was MOVED and SECONDED

that the Denman Island Local Trust Committee ask Executive Committee to arrange a meeting with the Ministry responsible for Forests Lands & Natural Resource Management and the Denman Island Local Trust Committee to discuss the issuance of License of Occupation in the Trust area.

CARRIED

Chair Luckham commented that he would like to explore an opportunity for a member of the Local Trust Committee to meet with the Chief of the K'omoks First Nation Band in an effort to move forward with communications. Discussion followed with Trustees supporting the strategy and recommending that Chair Luckham proceed with the initiative.

DE-073-2013

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request Chair Luckham to meet with the Chief of the K'omoks First Nation.

CARRIED

14. BYLAWS – None.

15. ISLANDS TRUST WEBSITE

15.1. Denman Page

There were no changes or additions requested for the Denman Page.

16. NEXT BUSINESS MEETING DATE

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, November 26, 2013 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

17. TOWN HALL DISCUSSION

Members of the public commented on topics as follows:

- It was recommended that a marine biologist be hired to perform research to identify what is unknown about the impact of geoduck aquaculture on Denman Island in order to address the concerns more specifically.
- It was suggested that the Marine Advisory Planning Commission (MAPC) be engaged as a source of support in the ongoing marine issues.
Trustees commented that timely, valuable information is being provided by a very active community group and acknowledged the value of the MAPC as well.
- It was pointed out that the new shellfish tenure applications would result in 575,000 square metres of netting in the sub-tidal zone and that in Washington State there are 43,000 tubes of PVC per acre for geoduck aquaculture.
- It was noted that the term “carrying capacity” does not take into account many other important impacts such as those on other sea life and economic stakeholders. Concern was expressed that from a social standpoint, there is no more carrying capacity.

18. ADJOURNMENT

By general consent the meeting was adjourned at 3:17 pm.

Peter Luckham, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder



RWM From: September 18, 2013 To: November 14, 2013

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2013-05	In Favour	"That the Denman Island Local Trust Committee (DILTC) invite MLA Don McRae (Comox Valley) to attend the meeting between the DILTC and the Minister responsible for Shellfish Tenures as per the motion of the DILTC at its October 22nd meeting."	Oct 24, 2013



Islands Trust

Follow Up Action Report w/ Target Date

Denman Island Sep-12-2011

No.	Activity	Responsibility	Target Date	Status
1	Reschedule the meeting with the K'omoks First Nation. Meeting to be separate from Hornby LTC, but on same day and directly after.	Rob Milne	Oct-25-2011	On Going

Jun-05-2012

No.	Activity	Responsibility	Target Date	Status
1	Add "Discussion of Bylaw Enforcement" to the Denman Island Local Trust Committee business meeting in 18 months time (December, 2013) possibly to coincide with a discussion on affordable housing.	Rob Milne	Dec-01-2013	On Going

Nov-06-2012

No.	Activity	Responsibility	Target Date	Status
1	Staff to write a letter or email to agencies that deal with shellfish aquaculture requesting that when engaging with planning and consultation they invite the Association of Denman Island Marine Stewards to participate.	Rob Milne	Dec-11-2012	On Going

Dec-11-2012

No.	Activity	Responsibility	Target Date	Status
1	Prepare report and amended draft bylaw addressing APC comments for draft DPA 4 guidelines. Recommend to LTC that revised DPA 4 and draft DAI are referred to the APC together. Update Jan 22, 2013: Revised DPA 4 guidelines to move forward in concert with RAR mapping, to take place later in 2013.	Rob Milne	Jan-22-2013	On Going

Feb-26-2013

No.	Activity	Responsibility	Target Date	Status
1	Draft amendments to Land Use Bylaw that serve to restrict structures in W3 and vehicular traffic on shorelines. Bylaw No. 207 out for referral comments.	Rob Milne	Jun-04-2013	On Going
1	Assist with planning the 'State of the (Baynes) Sound' conference hosted by Vancouver Island University. Update April 2, 2013: Target date extended due to rescheduling of conference to October 2013. UPDATE- Notified August 19 that conference is indefinitely postponed due to VIU resource/capacity issues.	Rob Milne	Nov-01-2013	On Going

Jun-04-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to set up a meeting with Department of Fisheries and Oceans aquaculture management personnel regarding aquaculture practices in Baynes Sound	Rob Milne		On Going

Sep-24-2013

No.	Activity	Responsibility	Target Date	Status
1	that the Denman Island Local Trust Committee request staff to draft a letter for the Chair's signature to write and ask Fisheries and Oceans Canada (DFO) to declare a moratorium on geoduck aquaculture on the shores and waters of Denman Island until such time as a full and independent research study is conducted to assess the impacts of geoduck cultivation and harvest, including the cumulative environmental impacts. This research should also include the socio-economic impacts on other stakeholders such as the herring fishery.	Rob Milne		Done
1	that the Denman Island Local Trust Committee request staff to comment on Comox Valley Regional District Referral BC File 106585 that our concerns relate to the carrying capacity of Baynes Sound with respect to all aquaculture and the direct effect on west Denman shores of aquaculture industrial debris of approximately two to three tons per year, and cc to Kenneth Albrecht.	Rob Milne		Done

- 1 that the Denman Island Local Trust Committee request staff to relate to Integrated Land Management Bureau (ILMB) Islands Trust meeting participants that the Denman Island Local Trust Committee will expect a meeting with ILMB should the tenure/license process not accommodate the desire of the Denman Island Local Trust Committee and Denman community on requiring local government zoning before issuance of license/tenure.
-

Courtney Simpson

Oct-28-2013

Done



Memorandum

6.2.1

700 North Road Gabriola Island, BC V0R 1X3

Telephone (250) 247-2063 FAX: (250) 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

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

Date November 8, 2013 File Number DE-BE-2013.1

To Denman Island Local Trust Committee

From Courtney Simpson
Regional Planning Manager
Northern Office

Re Henry Bay Aquaculture Tenure 1411213

In response to investigation from Islands Trust Bylaw Enforcement regarding aquaculture operations in Henry Bay in an area not zoned for aquaculture, the attached letter dated October 11, 2013 was received from Chief Councillor Robert Everson of the K'ómoks First Nation. This letter explains that the K'ómoks First Nation is asserting its aboriginal rights and title with regards to fishing activities in this area and will continue to do so with or without zoning from the Denman Island Local Trust Committee.

Also attached is a response letter dated November 1, 2013 from Linda Adams, CAO of the Islands Trust. This letter explains that we did not previously understand that the K'ómoks First Nation was asserting its aboriginal rights and title through the aquaculture practices of Pentlatch Seafoods Ltd and that Islands Trust staff will be seeking further advice from provincial and federal agencies, in order to provide appropriate advice to the Denman Island Local Trust Committee in this matter.

Section 35 of the *Constitution Act, 1982* recognizes and affirms aboriginal and treaty rights of the aboriginal people in Canada. K'ómoks First Nation's assertion that their aquaculture operation in Henry Bay is an aboriginal rights is not a matter for a local government to adjudicate. Staff will be seeking advice from higher levels of government to provide appropriate advice to the Denman Island Local Trust Committee.

At the same time, Chair Luckham of the Denman Island Local Trust Committee has sought an informal meeting with Chief Councillor Robert Everson. Regardless of what specific advice staff will be providing the Local Trust Committee on this matter, strengthening our relationship with the K'ómoks First Nation will be important moving forward.

Regarding concerns among Denman Islanders of the impacts on the ecology of Baynes Sound and community of Denman Island due to expansion of the aquaculture industry, staff will also be relaying community concerns regarding these issues to provincial and federal agencies. Given the limits to the role of local government in addressing these issues, community advocacy may be better aimed at these agencies directly rather than through the Denman Island Local Trust Committee.

pc Linda Adams, CAO
David Marlor, Director of Local Planning Services
Lisa Gordon, Director of Trust Area Services
Rob Milne, Island Planner
Peter Phillips, Bylaw Enforcement Officer

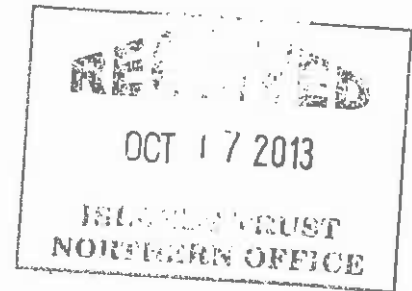


K'ómoks First Nation

3320 Comox Road, Courtenay BC V9N 3P8 Tel: (250) 339-4545 Fax: (250) 339-7053

October 11, 2013

Ms. Linda Adams, Chief Administrative Officer
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8



Dear Ms. Adams:

Re: The Assertion of K'ómoks First Nation Aboriginal Rights and Title near Xelikw' (Henry Bay)

The Chief and Council of the K'ómoks First Nation (KFN) will be responding to the letter that Peter Phillips sent to our 100% wholly owned corporation, Pentlatch Seafoods LP (PSL) on July 31, 2013.

As you are well aware from previous letters and dialogue between KFN, Islands Trust and the Denman Island Local Trust Committee, the K'ómoks First Nation has maintained its aboriginal jurisprudence and sui genre rights to the lands and waters of **Ihaytayich, xelikw', jáji7em and Kw'ulh**. Furthermore, we have maintained the position that we do not recognize the authority of Islands Trust or the Denman Island Local Trust Committee, especially when it comes to any bylaws that may have an impact upon the lands and waters that we have had access to since time immemorial.

With regards to the Local Trust's zoning, which is inconsistent with our fishing activities near **xelikw'**, KFN did make attempts to address your organizations concerns as far back as 2010. As an act of respect for your organizations and the Province of BC, KFN took a pro active approach to addressing the aquaculture zoning that was put in place near our tenure site without any consultation with KFN. We met with yourself and Duncan Williams in Comox, and followed up with additional consultations with yourself, your staff, Mr. Luckham and Duncan Williams in Victoria. And in April of 2011, KFN went as far as to submit a letter to Mr. Luckham for a Temporary Use Permit, while the zoning inconsistency was addressed, and unfortunately, the Local Trust Committee held a meeting and decided to not act upon the letter or support the Temporary Use Permit.

Today, the K'ómoks First Nation, through its aquaculture practices, is asserting its rights and title in and around **Ihaytayich, xelikw', jáji7em and Kw'ulh**, and we will continue to assert those rights, with or without your organization's zoning. Never the less, in the future, if your organizations would like to have your zoning consistent with our activities, we would welcome you into our community to have that discussion. However, KFN would leave it with your

organizations to submit the appropriate applications on behalf the KFN and to cover all of the associated costs and expenses with the processes.

In closing, the K'omoks First Nation does recognize your organizations wants and needs for processes on how the residents of Ihaytayich (Denman Island) should conduct themselves, while residing within our core territory, but those processes should not inhibit our distinct and inherent rights. In closing, we would expect the residents of Ihaytayich, the Local Trust Committee and Islands Trust to respect our fishing gear (rafts) near xelikw'. If for some reason our gear is removed or damaged/vandalized, KFN will hold your organizations responsible for all costs associated with the re-building process and any loss of revenues.

Respectfully,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, enclosed within a large, irregular oval shape.

Robert Everson,
Chief Councillor

Cc:

Duncan Williams, Executive Director, Forests, Lands and Natural Resource Operations
David Marlor, Director of Local Planning Services for Islands Trust
Peter Luckham, Chair Denman Island Local Trust Committee
Mark Stevenson, K'omoks Chief Treaty Negotiator
Heinz Dyck, Provincial Chief Negotiator
Ken Albrecht, Forests, Lands and Natural Resource Operations
Todd Johansson, DFO Aquaculture Management



200 - 1627 Fort Street, Victoria, BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

November 1, 2013

File Number: 0460-20

K'ómoks First Nation
3320 Comox Road
Courtenay, BC V9N 3P8

Attn: Robert Everson, Chief Councillor

Dear Chief Councillor Everson:

Re: Your letter of October 11, 2013

Thank you for your letter of October 11, 2013 regarding aboriginal rights and title to the lands and waters of Ihaytayick, xelikw', jáji7em and Kw'ulh and advising us that you do not recognize the authority of the Denman Island Local Trust Committee to plan and regulate land use in this area. I understand your letter was in response to recent communications between our bylaw enforcement officer and Richard Hardy of Pentlatch Seafoods Ltd. This occurred during our staff's investigation of complaints received about aquaculture rafts being installed in an area of Henry Bay that the Denman Island Local Trust Committee had not zoned for aquaculture. While we did not previously understand that the K'ómoks First Nation was asserting its aboriginal rights and title through the aquaculture practices of Pentlatch Seafoods Ltd., we thank you for this explanation.

By copy of this letter, I have referred your letter to the Denman Island Local Trust Committee – it is the elected local government body that the province has charged with land use planning and regulation in the area you refer to. The Denman Island Local Trust Committee will receive and discuss your letter at its next public meeting, scheduled for November 26, 2013. At or after that meeting, the Denman Island Local Trust Committee will direct staff how to respond.

Islands Trust staff will be seeking further advice from provincial and federal agencies, in order to provide appropriate advice to the Denman Island Local Trust Committee in this matter.

It seems more important than ever to improve communications and mutual understanding between the K'ómoks First Nation and the Denman Island Local Trust Committee. I understand that Mr. Peter Luckham, Chair of the Denman Island Local Trust Committee and Denman Island Trustee Laura Busheikin would like to meet with you to introduce themselves, get acquainted with you and plan for a future meeting to discuss mutual land use issues. Chair Luckham has advised me that he has contacted you to arrange such a meeting.

.../2

November 1, 2013
Councillor Everson
Page 2

My role as Chief Administrative Officer is to advise decision-makers and ensure Islands Trust staff are equipped to do the same; I can assure you of my commitment to learn about and advise Islands Trust decision-makers of the importance of respecting the legal rights of all parties, including aboriginal constitutional rights, while fulfilling the provincial mandate of the Islands Trust.

Sincerely,



Linda Adams
Chief Administrative Officer
Islands Trust
ladams@islandstrust.bc.ca
(250) 405-5160

Pc: Denman Island Local Trust Committee
Islands Trust Executive Committee
Mark Stevenson, K'ómoks Chief Treaty Negotiator
Todd Johansson, Senior Aquaculture Management Coordinator, Aquaculture
Resource Management, Fisheries and Oceans Canada
Heinz Dyck, Chief Negotiator - MARR
Duncan Williams, Executive Director – Tenures, Competitiveness and Innovation
Division - MFLNRO
Ken Albrecht, Technical Land Officer – Aquaculture, West Coast – MFLNRO
David Marlor, Islands Trust, Director of Local Planning Services
Courtney Simpson, Islands Trust, Regional Planning Manager – Northern Office

Denman WORKS!

P.O. Box 99, Denman Island BC, V0R 1T0
www.denmanworks.com : denmanworks@gmail.com

Denman Island Local Trust Committee

September 27 2013

Dear Trustees,

Bylaw 186 & Visitor Accommodation Providers

At its September 30 2011 monthly meeting this Society received a request from Hornby Denman Tourist Services Society for assistance in approaching you, the DILTC, with regard to possible Bylaw amendment. This because their members were finding that relevant Bylaws and their questionable enforcement were making it impossible for them to operate reasonably or economically.

Denman WORKS! agreed to help because Visitor Accommodation has long been recognized as the second most important economic driver, after agriculture, on the island and because our Society is tasked with the economic enhancement of Denman Island.

Accordingly we assigned one of our Directors to research Bylaw 186 and develop a number of Bylaw amendment recommendations that we would then pass to DILTC for consideration and further action.

The extract from the Minutes of our December 14 2011 meeting, below, is self-explanatory.

Guest-Related Bylaw Amendment

See attached memo and a copy of the motion found below. M. McKeachie reported on his extensive research into existing guest-related bylaws, and the near impossibility of comprehending them, even for a lawyer. Discussion ensued about rental accommodations, affordable housing/secondary suites, legal non-conforming dwellings, short-term and long term rentals, the recent Hornby Island bylaw amendments for vacation rentals, and the need for Denman Island Trustees to take the initiative to review the bylaws. It was agreed that in the case of vacation rentals there is a need for absent property owners to have an on island contact to deal with noise complaints.

MCKEACHIE/ ANDREW: Whereas the mandate of Denman WORKS! is to support the enhancement of the economic and social health of Denman Island, its residents, businesses and community organizations;

AND WHEREAS amendment of Denman Island Land Use Bylaw 186 is desirable with respect to the provision of rental accommodation with a view to enhancing affordable housing and visitor accommodation

Be it moved:

1. That Denman WORKS! request that the Denman Island Trustees review and amend the Bylaws as under, and, receiving it, work with interested parties and the community to obtain support before Island Trustees for passage of the required amendments.
2. That Bylaw amendments address the following:
 - a. Guest accommodation in secondary suites with “cooking facilities” be permitted when within a principal dwelling unit so long as the premises comply with Water and septic regulations and such other conditions as the Trustees might prescribe;
 - b. Guest accommodation in accessory buildings with cooking facilities be permitted, so long as the premises comply with Water and septic regulations and such other conditions as the Trustees might prescribe;
 - c. Definition of ‘cooking facilities’ in Land Use Bylaw 186;
 - d. Accessory buildings that are currently non-conforming as guest accommodation to be permitted where such exist as of December 1 2011 (or such other date that the Trustees choose) and are subsequently registered with Islands Trust;
 - e. Removal of time limits regarding guest accommodation and accessory building use.

CARRIED

This was forwarded to you and discussed at your January 2012 meeting, the Minutes of which state that you wanted to hear more community opinion, possibly through a forum organized by Denman WORKS!

At our March 21 2012 meeting it was agreed that our Director, Morley McKeachie, author of the Bylaw 186 research, should represent our case for amendment before you at your April 3 2012 meeting. The outcome, in brief, was a moratorium on Bylaw 186 enforcement to provide time for community input on visitor accommodation and to show whether there is interest in having DILTC review Bylaw 186.

To better inform all concerned of the economic contribution of visitors to the island and therefore of the importance of visitor accommodation, Denman WORKS! decided to fund a Visitor Survey which was carried out over the following summer months.

The Survey is available at DenmanWORKS.com under 'E' Articles and Reports in 2012 but the annual economic contribution of visitors to Denman Island may conservatively be stated as being in excess of \$500,000. (Extrapolating from the 77 survey days delivering \$355,740 in revenue to the island and concluding that the remaining 288

days, albeit 'off-season', provide only a further \$144,000, may even be understating the economic contribution of visitors.)

To meet the need for receiving community input on the question, Denman WORKS! hosted a 'Denman Island Visitor Accommodation Bylaw Meeting' on October 25 2012 and employed an off-island professional facilitator to conduct it. His notes are in your files but in summary the 45 attendees (excluding Trustees) unanimously endorsed the Bylaw amendment request in respect of cooking facilities in visitor accommodation and went further in favouring - Short Term Vacation Rentals when the owner or qualified agent is on-island; separate kitchens in caregiver accommodation within primary dwellings; and a number of other broad changes.

Further endorsement of Bylaw amendment was provided by a petition, signed by over 200 Denman residents, of which you have the original, with wording very similar to the Motion reproduced above.

So the people, your constituents have spoken and you, gratifyingly, placed 'housing issues' as one of three tasks on your 'work-plan' for 2013 and no doubt beyond.

But in doing so I would ask, on behalf of not just the visitor accommodation providers but also the many artists, artisans, service providers and others, sometimes hard-pressed to make a living on Denman, that you include in any Bylaw amendment the original request made of you by this Society back in December 2011 and that was arguably the catalyst for your current review.

As you well know, island economies are fragile and your 'preserve' mandate must therefore apply as much to the human beings on this island as to the land itself. Our visitors provide irreplaceable economic benefit to the island as a whole, second only to agriculture, and their accommodation must be both facilitated and encouraged.

Sincerely

Simon Palmer - President

From: Simon Palmer [simonpalmer3720@gmail.com]
Sent: October 25, 2013 3:05 PM
To: Peter Luckham; David Graham; Laura Busheikin
Cc: Rob Milne; Simon Palmer
Subject: Visitor Accommodation, Bylaw 186 & Cooking Facilities

Trustees,

Now that you have re-written the Activity definition under Item#2 of your Top Priorities list to remove visitor accommodation from your deliberations, I would be most grateful for a response to my letter, enclosed, of September 27 2013, specifically what you propose doing.

Told by you that we needed to demonstrate the need for Bylaw amendment allowing cooking facilities in visitor accommodation, we researched the Bylaw, held a public meeting, did a formal survey of visitors and collected signatures for a petition, all with much effort & at some cost.

What this only confirmed is that the question of cooking facilities in visitor accommodation is not a simple, easily-dismissed matter of narrow self-interest to a minority of providers but one of significant economic importance to Denman as a whole.

Denman WORKS! spends much time, and tax money, trying to encourage economic development, yet our Bylaws tell visitors that a hot evening meal is illegal if they contemplate an overnight stay.

Somehow our efforts should be coordinated rather than contradictory.

Thank you for extending the moratorium on Bylaw enforcement, perhaps next you would amend the Bylaw so that enforcement is no longer needed.

Sincerely - Simon Palmer - President, Denman WORKS!

From: Helen Mason <hp_mason@telus.net>
Date: November 1, 2013 at 10:55:29 AM PDT
To: Laura Busheikin <lbusheikin@islandstrust.bc.ca>, David Graham
 <dgraham@islandstrust.bc.ca>
Subject: Fwd: Project #102799 Salish Sea Farms

Hello Laura and David,

I'm forwarding f.y.i. an e-mail sent to Authorizing Agency Nanaimo on October 25th.

Thanks.
 Helen Mason

----- Forwarded Message -----

From: Helen Mason <hp_mason@telus.net>
 To: AuthorizingAgency Nanaimo <AuthorizingAgency.Nanaimo@gov.bc.ca>
 Sent: Fri, 25 Oct 2013 17:36:44 -0600 (MDT)
 Subject: Project #102799 Salish Sea Farms

Dear Sirs,

Re: Your Project #102799
 The Salish Sea Farms Pacific Shellfish Application for Henry Bay, Denman Island

Part 11 - Section A - Siting Considerations:

In the box pertaining to the question "Is the upland property Crown land", the YES box is ticked. This is incorrect; my wife and I have a home there and have owned the property since 1972. Prior to that it was owned and occupied by the Runkle family since the 1930s. Why should I believe anything Salish Sea Farms says when such an obviously misleading statement is made.

The harvesting of geoducks by using high volume water is environmentally damaging according to your own research document, as well as noisy to both upland owners and tourists anchored in Henry Bay.

Peter Mason



Laura Busheikin
Denman Island Local Trustee

5351 Denman Road
 Denman Island BC V0R 1T0
 Telephone: **250.335.2089**

Email: lbushiekin@islandstrust.bc.ca
 Web www.islandstrust.bc.ca

October 30, 2013

Habitat Conservation Trust Foundation
 19 Dallas Rd
 Victoria, BC, V8W 5A6

Re: Support for Association of Denman Island Marine Stewards' Sustainable Shellfish Farming in Baynes Sound Project

To Whom it May Concern,

I am writing to encourage you to fund this project. As an elected member of Denman Island's land use planning body, the Denman Island Local Trust Committee, and a member of the Islands Trust Council, I can report that our Committee is deeply concerned about the impact of shellfish aquaculture, as currently practised, on the sensitive habitat and native species of Baynes Sound. Addressing these negative impacts has held the number one spot on our Committee's work program for the past two years.

This project is hugely needed for the whole region, and indeed has potential to favourably influence shellfish aquaculture practices throughout British Columbia, proving that it is possible to farm successfully while enhancing, rather than harming, the environment. Another key benefit of this approach is the preservation of opportunities for outdoor recreational activities such as kayaking, canoeing, wildlife viewing and sport fishing. Current shellfish aquaculture activities have rendered much of the foreshore and waters of Baynes Sound unsafe and inappropriate for such uses.

The Association of Denman Island Marine Stewards is well-respected in the community and was recognized several years ago with an Islands Trust Community Stewardship Award (given to its founder, Pat McLaughlin). I can vouch for the competency and integrity of this organization and am confident in their ability to carry out this project successfully, putting your potential funding to good use.

Please consider giving this exciting project your full support.

Yours sincerely,

Laura Busheikin
 Denman Island Local Trustee

cc Islands Trust Northern Office

Preserving Island communities, culture and environment

The Association for Denman Island Marine Stewards

P.O. Box #7, Denman Island, B.C. V0R 1T0

e-mail; shelleymckeachie@gmail.com or, edijohnston@gmail.com

November 2, 2013

Trustee Busheikin
lbusheikin@islandstrust.bc.ca
Trustee Graham
dgraham@islandstrust.bc.ca
Trustee Luckham
pluckham@islandstrust.bc.ca

Dear Trustees Busheikin, Graham and Luckham,

October 31/13 marked the end of the 90 day period given to Pentlatch Seafoods Ltd. to cease and desist or take action to come into compliance with the Denman Island local zoning bylaws. We want to formally bring it to your attention that a week ago Pentlatch Seafoods towed in 2 more rafts to Henry Bay. This action clearly demonstrates that it's unlikely they intend to respect the demand letter issued by the Trust Bylaw Enforcement Department.

We understand that the Trust Bylaw Enforcement Officer, Peter Phillips, will report to the DLTC the status of this file at the next LTC meeting on November 26th. Should it be confirmed by this report that Pentlatch Seafoods does not intend to take action to comply with the local zoning bylaws then ADIMS asks that you act swiftly and decisively by applying for a court injunction.

With each day, week, and month that you allow to go by, the Local Trust Committee's message will be interpreted that you have neither the will nor the ability to assert your zoning bylaws and this will serve to reinforce Pentlatch Seafoods illegal activity. It will also encourage them and other applicants to proceed with ever greater confidence that there will be no substantive consequences to their disregard for the legal authority of Denman Islands local government. We also fear that this will reduce the credibility of the LTC and the Islands Trust with the other levels of government – Regional District, Provincial and Federal – as well as your constituents who do not want you to compromise efforts to regain control of our shoreline.

Respectfully,

Shelley McKeachie
Co-Chair, Association for Denman Island Marine Stewards

Cc:
Rob Milne, Denman Island Trust Planner
Sheila Malcolmson, Chair of the Islands Trust Council

City of Salmon Arm

500 - 2 Avenue NE

Mailing Address: Box 40

Salmon Arm, BC V1E 4N2

Tel: 250.803.4000 Fax: 250.803.4041

www.salmonarm.ca



Salmon Arm

October 28, 2013



Honourable Bill Bennett
Minister of Energy and Mines
(Minister Responsible for Core Review)
PO Box 9060 Stn Prov Govt
Victoria BC V8W 9E3

Dear Sir:

Re: Core Review - Agricultural Land Commission

Please note that our Council, at their Regular Meeting of October 28, 2013 discussed the possibility of budget reductions to the Agricultural Land Commission (ALC) as part of the provincial Core Review.

The purpose of this letter is to confirm Council's support for the ALC. As such we are requesting that the ALC budget not be reduced. The ALC is vital to the preservation of agricultural land and sustainability of agriculture in British Columbia.

Regards,

Nancy Cooper
Mayor

:kja

- C. Honourable Pat Pimm, Ministry of Agriculture, PO Box 9043 Stn Prov Govt, Victoria, BC V8W 9E2
Agricultural Land Commission, 133-4940 Canada Way, Burnaby, BC V5G 4K6
Agricultural Advisory Committees throughout British Columbia

From: John Allan [jnallan@shaw.ca]
Sent: November 12, 2013 5:51 PM
To: David Graham; Laura Busheikin
Subject: Re: Islands Trust Aquaculture License Application Julisdiction

Hello David and Laura:

I just bought a property at Komas Ranch, located at the West end of Denman Island. I am a retired Professional Forester, who has insight into Forest Land Tenures and Forest Management regulations on the BC coast.

I am writing to you to ask what jurisdiction the Island Trust has in the approval of Aquaculture Licenses and land rezoning pertaining to both inter tidal and sub tidal lands adjacent to a Gulf Island? There have been some rafts recently anchored off Henry Bay as part of a license – 1411213 - applied for by Pentlatch Seafoods. This is a “sub tidal” aquaculture operation. I have not seen this application document. A current license – 1414124 - application for “sub tidal” aquaculture clearly states that Islands Trust must be consulted by a licensee in the process of obtaining the necessary land rezoning. Part of the rezoning process appears include consultation with upland owners.

Please confirm your organizations legal jurisdiction in the approval of aquaculture licenses adjacent to Islands your organization has land use jurisdiction over. If you have jurisdiction, why did you not consult with the uplands owners? Or is the upland owner in this case the Province because the immediate uplands are the inter tidal lands? Has a license been issued for application 1411213? If not, why are there rafts located in the application area? If you have jurisdiction over the approval process and the applicant is trespassing by anchoring these rafts, what are you going to do about it?

I am just trying to understand the approval process for Aquaculture licenses.

Regards,

John

From: Doug Hay [hay.doug@shaw.ca]
Sent: November 13, 2013 3:11 PM
To: FLNR.deputyministersoffice@gov.bc.ca
Cc: kathy.evans@gov.bc.ca; Laura Busheikin; David Graham; bjolliffe@comoxvalleyrd.ca; march.klaver@dfo-mpo.gc.ca; brenda.mccorquodale@dfo-mpo.gc.ca; Diana.Trager@dfo-mpo.gc.ca
Subject: Geoduck aquaculture versus herring spawning in Lambert Channel

November 12, 2013

Mr. Tim Sheldon, Deputy Minister
 Ministry of Forests, Lands and Natural Resource Operations
 PO BOX 9049, STN PROV GOVT
 Victoria, BC, V8W 9E2
FLNR.deputyministersoffice@gov.bc.ca

Re: Geoduck aquaculture versus herring spawning in Lambert Channel

Dear Mr. Sheldon,

The BC Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) has received six shellfish aquaculture applications for different locations in Lambert Channel, Baynes Sound, and Comox Harbour. Details of the applications were provided in an advertisement in the newspaper 'Comox Valley Echo'. The advertisement provided websites that showed the details of the individual applications. Each application is about 16 pages and has maps and coordinates describing the locations of the proposed aquaculture developments. *The advertisement also advised that MFLNRO will receive comments on the applications until November 28, 2013.* This letter was prepared in response to that invitation.

The following pages (**please see attachment**) explain that Lambert Channel is the most important herring spawning area in British Columbia. For that reason it would be wise to consider the significance of this area when making decisions about any aquaculture applications. The attached pages provide detail and explanation about the importance of this area for herring, and comment on some of the potential impacts of geoduck aquaculture. The concern is that the proposed aquaculture developments could jeopardize the amount and quality of herring spawning habitat leading to a decline in the herring resource, with unforeseen ecosystem impacts. Such impacts could affect other fauna, especially migratory and resident seabirds, as well as traditional, recreational and commercial fisheries.

The attached comments also explain that in the last 80 years herring have used only about twenty percent of the BC coastline for spawning although most spawning occurs in about ten percent, or less, of the total coastline. This assertion is based on analysis of nearly 80 years of monitoring by DFO and over 30,000 spawning records. The implication is that there are many potential aquaculture locations, in the approximately 80-90 percent of BC coastline that herring do not use for spawning. Aquaculture developments in non-herring-spawning areas would not pose the same risks to herring spawning habitat as the proposed developments in Lambert Channel and adjacent areas.

This letter requests that herring spawning habitat issues be considered in decisions about proposed aquaculture developments. In my view such a request is consistent with established policy of your department. Specifically a bullet in your department's Annual Service Plan report (for 2011/2012), reads as follows: "*Enhance protection, management and stewardship of all natural resources, including ecosystems, water quality and quantity, fish and wildlife habitat, and species at risk.*" (See Goal 2: Objective 2.1). The purpose of this letter is to ask you to ensure that your staff adhere to this objective when considering the applications for aquaculture development in Lambert Channel.

The rational use and development of our nearshore coastal marine ecosystem is very important for me, as a scientist and as a resident of BC. Responsible aquaculture development should not occur at the expense or well-being of other resources or valuable parts of our ecosystem. Prior to retirement in 2005 I spent much of my career as a research scientist at the Pacific Biological Station, Nanaimo, addressing issues related to spawning and reproductive biology of herring and other forage fishes. A lot of effort was made, by me and others, to identify important areas for herring and other species. It is troubling to see that shellfish aquaculture applications can be considered without any reference to readily accessible baseline information on coastal habitats. I stress, however, that this letter reflects my views as an individual citizen. I do not speak for the Pacific Biological Station, or Fisheries and Oceans Canada, or any other organization. Thank you for your attention to this issue. Please feel free to contact me if there are any questions or any matters requiring clarification.

Sincerely



D.E. Hay, PhD
2510 Holyrood Drive
Nanaimo BC
hay.doug@shaw.ca

cc: The Honourable Steve Thomson, MLA, Minister of Forests, Lands, and Natural Resource Operations steve.thomspn.mla@leg.bc.ca

cc: Kathy Evans, BC Crown Lands Operations and Aquaculture Manager kathy.evans@gov.bc.ca

cc: Laura Busheikin, Islands Trust, Denman Island Trustee lbushaikin@islandstrust.bc.ca

cc: David Graham, Islands Trust, Denman Island Trustee dgraham@islandstrust.bc.ca

cc: Bruce Jolliffe, Area "A" Director, Comox Valley Regional District bjolliffe@comoxvalleyrd.ca

cc: March Klaver, Senior Aquaculture Advisor, DFO march.klaver@dfo-mpo.gc.ca

cc: Brenda McCorquodale, Senior Aquaculture Management Coordinator, DFO
brenda.mccorquodale@dfo-mpo.gc.ca

cc: Diana Trager, Director, Aquaculture Management Division, DFO Diana.Trager@dfo-mpo.gc.ca

November 12, 2013

Mr. Tim Sheldon, Deputy Minister
Ministry of Forests, Lands and Natural Resource Operations
PO BOX 9352, STN PROV GOVT
Victoria, BC, V8W 9M1
FLNR.deputyministersoffice@gov.bc.ca

Re: Geoduck aquaculture versus herring spawning in Lambert Channel

Dear Mr. Sheldon,

The BC Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) has received six shellfish aquaculture applications for different locations in Lambert Channel, Baynes Sound, and Comox Harbour. Details of the applications were provided in an advertisement in the newspaper 'Comox Valley Echo'. The advertisement provided websites that showed the details of the individual applications. Each application is about 16 pages and has maps and coordinates describing the locations of the proposed aquaculture developments. *The advertisement also advised that MFLNRO will receive comments on the applications until November 28, 2013.* This letter was prepared in response to that invitation.

The following pages explain that Lambert Channel is the most important herring spawning area in British Columbia. For that reason it would be wise to consider the significance of this area when making decisions about any aquaculture applications. The attached pages provide detail and explanation about the importance of this area for herring, and comment on some of the potential impacts of geoduck aquaculture. The concern is that the proposed aquaculture developments could jeopardize the amount and quality of herring spawning habitat leading to a decline in the herring resource, with unforeseen ecosystem impacts. Such impacts could affect other fauna, especially migratory and resident seabirds, as well as traditional, recreational and commercial fisheries.

The attached comments also explain that in the last 80 years herring have used only about twenty percent of the BC coastline for spawning although most spawning occurs in about ten percent, or less, of the total coastline. This assertion is based on analysis of nearly 80 years of monitoring by DFO and over 30,000 spawning records. The implication is that there are many potential aquaculture locations, in the approximately 80-90 percent of BC coastline that herring do not use for spawning. Aquaculture developments in non-herring-spawning areas would not pose the same risks to herring spawning habitat as the proposed developments in Lambert Channel and adjacent areas.

This letter requests that herring spawning habitat issues be considered in decisions about proposed aquaculture developments. In my view such a request is consistent with established policy of your department. Specifically a bullet in your department's Annual Service Plan report (for 2011/2012), reads as follows: "*Enhance protection, management and stewardship of all natural resources, including ecosystems, water quality and quantity, fish and wildlife habitat, and species at risk.*" (See Goal 2: Objective 2.1). The purpose of this letter is to ask you to ensure that your staff adhere to this objective when considering the applications for aquaculture development in Lambert Channel.

The rational use and development of our nearshore coastal marine ecosystem is very important for me, as a scientist and as a resident of BC. Responsible aquaculture development should not occur at the expense or well-being of other resources or valuable parts of our ecosystem. Prior to retirement in 2005 I spent much of my career as a research scientist at the Pacific Biological Station, Nanaimo, addressing issues related to spawning and reproductive biology of herring and other forage fishes. A lot of effort was made, by me and others, to identify important areas for herring and other species. It is troubling to see that shellfish aquaculture applications can be considered without any reference to readily accessible baseline information on coastal habitats. I stress, however, that this letter reflects my views as an individual citizen. I do not speak for the Pacific Biological Station, or Fisheries and Oceans Canada, or any other organization.

Thank you for your attention to this issue. Please feel free to contact me if there are any questions or any matters requiring clarification.

Sincerely



D.E. Hay, PhD
2510 Holyrood Drive
Nanaimo BC
hay.doug@shaw.ca

cc: The Honourable Steve Thomson, MLA, Minister of Forests, Lands, and Natural Resource Operations
steve.thomspn.mla@leg.bc.ca

cc: Kathy Evans, BC Crown Lands Operations and Aquaculture Manager kathy.evans@gov.bc.ca

cc: Laura Busheikin, Islands Trust, Denman Island Trustee lbusheikin@islandstrust.bc.ca

cc: David Graham, Islands Trust, Denman Island Trustee dgraham@islandstrust.bc.ca

cc: Bruce Jolliffe, Area "A" Director, Comox Valley Regional District bjolliffe@comoxvalleyrd.ca

cc: March Klaver, Senior Aquaculture Advisor, DFO march.klaver@dfo-mpo.gc.ca

cc: Brenda McCorquodale, Senior Aquaculture Management Coordinator, DFO brenda.mccorquodale@dfo-mpo.gc.ca

cc: Diana Trager, Director, Aquaculture Management Division, DFO Diana.Trager@dfo-mpo.gc.ca

Comments on six applications for shellfish aquaculture in Lambert Channel, Baynes Sound and Comox Harbour: impacts on herring spawning with reference to Land file applications: 1414123-1414128

Objectives and a request

This commentary advises that recent applications for tenure for shellfish aquaculture in Lambert Channel and adjacent areas (Appendix Figure 1) would occur on the most important herring spawning habitat on the British Columbia coast. The proposed developments could have deleterious impacts on spawning herring through the use of ‘anti-predator’ nets that have been shown to snare herring as ‘bycatch’. Other deleterious impacts would occur through the loss of submerged vegetation required for herring spawn. The survival of eggs and herring larvae could be deleteriously impacted through increased sedimentation as a consequence of alteration and disruption of the substrates.

The purpose of this letter is not to take issue with the concept or development of geoduck aquaculture. Instead the intention is to point out that herring need high quality spawning habitat. The maintenance of robust herring populations, as important components of our coastal marine ecosystem, requires the protection of their key spawning habitat, in the same way that salmon spawning habitats are protected. *Protection of vital herring spawning habitat does not imply a cessation to shellfish aquaculture. Less than ten percent of the entire BC coast is classified as important herring spawning area. Shellfish aquaculture could occur on the other 90 percent of the coast without direct impacts on herring.*

The request made in this letter is simple: please ensure that any decisions made about the aquaculture applications for tenure recognize the implications on herring spawning habitat and take full account of the importance of herring in the coastal marine ecosystems. This decision should consider:

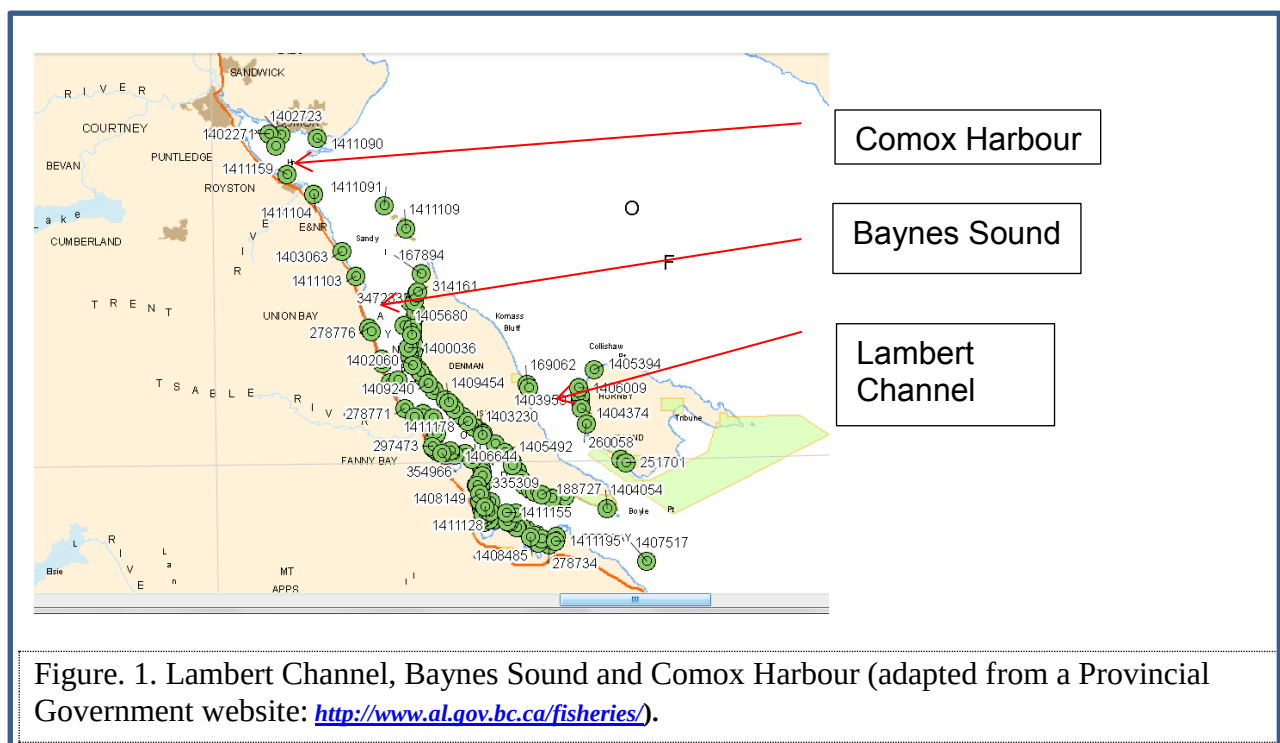
- (1) The potentially adverse effects of the proposed developments on herring, as spawning adults and on developing eggs and larvae;
- (2) The corresponding adverse effects on the ecosystem, including possible trophic impacts on migratory and resident marine seabirds that rely on herring;
- (3) The economic importance of herring, both as a contributor to commercial fisheries and as an indispensable linkage in traditional and recreational fisheries for piscivorous salmonids: coho and chinook.

The following pages present some brief analyses and summaries of some pertinent information relevant to these decisions.

Background: proposed aquaculture sites versus herring spawning sites

Lambert Channel refers to the waters between Denman and Hornby Island. Baynes Sound is the area between the west side of Denman and the east side of Vancouver Island. Comox Harbour is the water between the north side of Denman Island and Vancouver Island (Fig. 1). The six applications are mainly in Lambert Channel, Comox Harbour and the shoreline immediately north of Cape Lazo, nearly all of which are very important herring spawning habitats. To date, most aquaculture developments have been confined to Baynes Sound and Comox Harbour with relatively little development in Lambert Channel.

The exact locations of herring spawning habitats are well known and are published in DFO publications and websites. The most important spawning habitats are called ‘vital’ spawning areas. Nearly all of the locations identified in the six applications occur in habitats that are called ‘vital’.



Estimation of herring spawning habitat

Herring spawning locations have been documented in most of BC for over 70 years and more than 80 years in the Strait of Georgia where, since 1928, the first detailed spawning records were recorded, showing dates, locations and an estimate of magnitude (total length or egg density). Estimates of spawn abundance are now an integral part of the methodology for annual estimates of herring abundance (e.g. Cleary and Schweigert 2012). Since 1928 herring sites have been documented on a total of 5297 km on the BC coast and 863 km within the Strait of Georgia (defined as the waters between southern Johnstone Strait and the Strait of Juan de Fuca). The total length of the Strait of Georgia coastline is about 3720 km. Therefore, since

1928, herring have spawned one or more times on 22.2 percent of the coastline within the Strait of Georgia but the most important spawning areas occur only on about ten percent of the total coastline.

The amount of spawn per km-segment varies, with some locations having wide, shallow-slope beaches with abundant inter-tidal and submerged vegetation. Such areas often receive substantially more spawn (eggs) than areas with narrow, steep-sloped beaches and limited vegetation. The relative amount of spawn, per km-segment, has been quantified in the form of a 'spawn-habitat-index' (see the following Fisheries and Oceans website for a complete description: <http://www.pac.dfo-mpo.gc.ca/science/species-especes/pelagic-pelagique/herring-hareng/herspawn/cumulati-eng.html>).

Each km-segment has an associated reference in a statistical database on spawning data within the segment, including an estimate of the cumulative amount of spawn measured since spawn surveys first started. The relative importance of each km-segment can be 'ranked' with the single km-segment with the most spawn having a rank of 1, and the segment with the least spawn having a rank of 5297. It follows that any segment with a rank between 1 and 529 would be among the highest ten percent of the index values – or the top ten percent of the most important spawning areas in BC. The estimates are shown for the entire BC coastline in the following site: <http://www.pac.dfo-mpo.gc.ca/science/species-especes/pelagic-pelagique/herring-hareng/herspawn/cumulati-eng.html>. **Eleven of the segments are within the top one percent of all spawn habitat ranks and all but three of the segments have a rank that is among the top ten percent of all BC spawning .** The spawn data summarized by km-segments in Table 1 correspond, as closely as possible, to the proposed aquaculture locations described in the applications and the numbers on Figure 2. Appendix Table 1 shows all km-segments for all coastal areas in DFO Statistical Area 14 (excluding areas south of Baynes Sound).

Lambert Channel and the immediately adjacent areas are especially important herring spawning area on the BC coast. About 38 percent of all the herring spawning that has ever occurred (based on >30,000 records) in BC has occurred in the two general areas: 35 percent in the Lambert Channel area and 3 percent in the areas immediately north of Cape Lazo (corresponding to the red circles in Figure 2).

The aquaculture applications would occupy a cumulative shoreline length of 24 km, all of which has been classified as 'vital' or especially important herring spawning habitat (Figure 2). **How much spawning habitat would be impacted? Approximately 17 percent of all the herring spawn that has ever been recorded in BC since 1928 was deposited within the 24 km that are proposed for aquaculture.** This estimate is conservative when compared to more recent years – and if estimated since 1980, the proportion deposited within the 24 km application area would increase to 22 percent. In other words, on average, about 22 percent of all of the herring spawning in BC would be impacted.

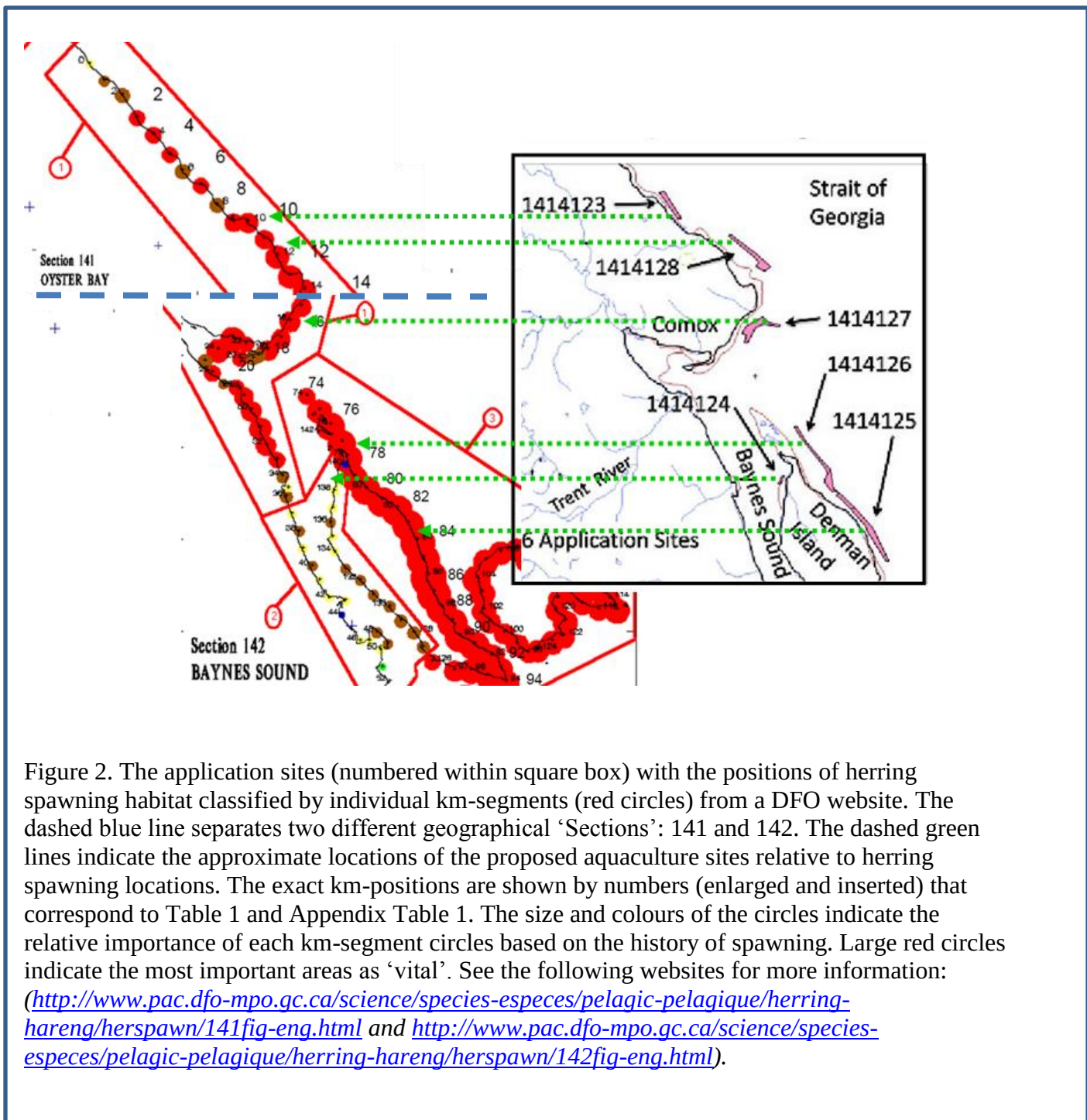


Table 1. Details on the herring spawn index by km-segment for proposed shellfish aquaculture sites of six applications (left column) for aquaculture licences in Lambert Channel, Baynes Sound and Comox Harbour (abstracted from Appendix Table 1). The latitude and longitude of each shoreline km (in decimal degrees) is shown for km-segments for each site locations. The herring spawn index is a site-specific estimate of the relative amount of herring spawn since 1928 –presented in units of hectares (ha). See the text for explanations and references. The ‘rank’ refers to the relative importance of each km-segment according to the spawn deposition that has been assessed for the entire BC coast. *Eleven of the segments are within the top one percent (bold font) of all spawn habitat values and all but three of the segments have a rank that is among the top ten percent of all BC spawning areas (indicated by underlined font).* The ‘percent SOG’ spawn is an estimate of the total percentage of spawn in the Strait of Georgia (since 1928) deposited on each one-km segment. The cumulative total of this column is the proportion of the total spawn habitat that would be impacted by each of the applications (bold font in blank rows). The final column is the estimated annual value (in thousands of dollars) for each spawn segment (assuming a total annual export value of the fishery of \$30 million).

Application No. (last three digits)	Latitude	Longitude	Location Name	Frequency	Index (ha)	Index (ha)	Rank	Km-segment	Section	Percent SOG spawn	Value per km per year (\$thousands)
127	49.683	-124.878	Willemar Bluff	26	162.1822	0.0162182	<u>90</u>	16	142	0.445	59.1
127	49.673	-124.887	Point Holmes	22	140.1608	0.0140161	<u>117</u>	17	142	0.384	51.0
127	49.667	-124.898	Willemar Bluff	20	137.2893	0.0137289	<u>127</u>	18	142	0.376	50.0
										1.205	\$160.1
126	49.623	-124.842	Fillongley Park	40	192.8969	0.0192897	<u>51</u>	76	142	0.529	70.2
126	49.613	-124.832	Fillongley Park	41	195.0534	0.0195053	<u>48</u>	77	142	0.535	71.0
126	49.605	-124.827	Fillongley Park	42	202.9374	0.0202937	<u>45</u>	78	142	0.556	73.8
126	49.593	-124.82	Fillongley Park	29	151.4597	0.015146	<u>102</u>	79	142	0.415	55.1
126	49.587	-124.81	Fillongley Park	47	229.9909	0.0229991	<u>33</u>	80	142	0.631	83.7
126	49.580	-124.795	Fillongley Park	49	245.1589	0.0245159	<u>25</u>	81	142	0.672	89.3
										3.338	\$443.3
125	49.575	-124.782	Fillongley Park	48	249.5854	0.0249585	<u>21</u>	82	142	0.684	90.9
125	49.567	-124.772	Fillongley Park	62	320.5448	0.0320545	<u>6</u>	83	142	0.879	116.7
125	49.557	-124.763	Fillongley Park	74	358.5672	0.0358567	<u>3</u>	84	142	0.983	130.6
125	49.547	-124.758	Fillongley Park	62	320.0111	0.0320011	<u>7</u>	85	142	0.877	116.5
125	49.537	-124.753	Whalebone Pt	76	370.998	0.0370998	<u>2</u>	86	142	1.017	135.1
125	49.527	-124.748	Whalebone Pt	66	330.0456	0.0330046	<u>4</u>	87	142	0.905	120.2
										5.345	\$710.0
124	49.590	-124.833	Henry Bay	5	13.2622	0.0013262	1324	139	142	0.036	4.8
124	49.600	-124.828	Henry Bay	2	5.3129	0.0005313	2337	140	142	0.015	1.9
										0.051	\$6.8
123	49.762	-124.953	Little Rvr	8	35.9842	0.0035984	<u>501</u>	7	141	0.260	13.1
123	49.750	-124.938	Little Rvr	10	24.9175	0.0024918	719	8	141	0.180	9.1
123	49.740	-124.923	Little Rvr	11	42.9452	0.0042945	<u>427</u>	9	141	0.310	15.6
										0.749	\$37.8
128	49.730	-124.895	Little Rvr	21	72.6015	0.0072602	<u>252</u>	11	141	0.524	26.4
128	49.720	-124.883	Little Rvr	31	172.2568	0.0172257	<u>76</u>	12	141	1.243	62.7
128	49.708	-124.872	Little Rvr	33	188.9875	0.0188988	<u>56</u>	13	141	1.363	68.8
128	49.700	-124.858	Kye Bay	26	171.9943	0.0171994	<u>78</u>	14	141	1.241	62.6
										4.371	\$221.0
										15.6%	\$1579.0

Impacts of the proposed aquaculture operations

The applications pertain to culture of geoducks and sea cucumbers. *A priori*, impacts can be evaluated either as an impacts on the physical habitat (mainly the bottom sediments) or biotic habitat (impacts of other species that use the habitat) or socio-economic impact, including the impact on recreational and or commercial fisheries. The locations of the application can be examined relative to (1) the potential shoreline vegetation and (2) the estimated widths of herring spawns as determined by divers during annual herring spawn surveys.

The first impact on the proposed culture sites would be on submerged vegetation. The locations of the proposed aquaculture sites overlap with submerged shoreline vegetation distribution used by herring for spawning (from Haegele and Hamer, 1981). Inter-tidal and submerged vegetation is an essential component of herring spawning habitat. Reduction or destruction of this component of the habitat would have a corresponding impact on the potential for herring spawning.

If the aquaculture applications pertain to sea cucumber culture then there are some other, unresolved issues. Some advocates of sea cucumber aquaculture (or ‘ranching’) advise that they graze only dead detritus, and pose no risk to natural fauna. This is not consistent with the evidence presented by Haegele (1993) that examined consumption of herring eggs by (*Parastichopus californicus*). In tests in laboratory aquaria six of nine *Parastichopus californicus* consumed herring eggs. Haegele (Table 2) estimated the daily ration of these animals to be about 9000 eggs/d. Therefore there is a valid concern about the potential predation by sea cucumber on herring spawning. Clearly, without more definitive examination of this issue, the available evidence indicates that the culture of sea cucumbers could present a risk to herring spawn in the impacted areas.

The most recent review of geoduck aquaculture is a paper by Sauchyn et al.(2013). The main conclusions and advice of the *Sauchyn et al* are copied below (in Italics):

CONCLUSIONS – extracted from Sauchyn et al.(2013)

“Larger-scale research is required to examine potential effects due to commercial-scale, more frequent culture/harvest events occurring at various times of the year. Additional work would include a higher-power experimental design to evaluate the potential effects of anti-predator tubes and nets (which provide structure and could lead to changes in abundance and diversity of some organisms) and harvesting. Potential impacts of culture/harvest on local sensitive aquatic vegetation (e.g. eelgrass), water column properties, and larger infaunal organisms should be examined.”

Although this conclusion seems to be directed more at vegetation and infaunal animals (creatures that live in the sediments) it applies especially to benthic spawning fishes, such as herring, sand lance, surf smelt and many other species.

ADVICE from Sauchyn et al.(2013).

“The following question was posed by Fishery and Aquaculture Management in the official Request for Science Information and/or Advice: “Does harvesting geoduck in the intertidal or subtidal marine environment have a significant environmental impact?” The current small-scale (3 x 20 m) and short-term (1-year) intertidal study revealed few ecologically-significant

effects of intertidal geoduck culture/harvest. There were two notable exceptions. The silt and clay fraction of the sediment increased significantly immediately after (1 day) harvesting, but only within the culture plot (0 m) and the impact was short-lived, sediment structure returning to baseline values within 123 days after harvesting. There was also a lack of seasonal increase in infaunal abundance and richness after harvesting in the harvest zone (0 m), an increase evident at 10 m outside the disturbed plot. The study, unfortunately, cannot assess the rate of recovery of the infaunal community after harvesting due to the subsequent seasonal decline in abundance and richness and lack of long-term sampling. These two impacts were restricted to the area of harvest and the change in sediment composition was relatively short-lived (123 days). It must be noted, however, that changes in habitat, size of the culture/harvest plot, frequency of culture, and seasonal timing of out-planting and harvest may alter the degree of impact on, and rate of recovery of, the marine environment. Further research is required to examine potential culture/harvest effects due to commercial-scale, more frequent culture/harvest events occurring at various times of the year in varying environments.”

These conclusions also are summarized in a 2012 DFO ‘Science Advisory Report’ based on the same study. Both reports emphasize that the comments were limited to ‘short-term’ impacts. Neither report considered the impacts on inter-tidal and shallow sub-tidal spawning habitats on fish species such as herring, sand lance or surf smelt.

Therefore in addition to the conclusions from Sauchyn et al.(2013) this document points out that the proposed aquaculture could lead to (i) a loss or disruption of macrophytes used as spawning substrates; and (ii) potential deleterious impacts of sediments on developing fish eggs. The loss of spawning substrate has an obvious impact. The additional impacts of increased sedimentation are a particular concern for herring embryos and larvae as described in recent work (Griffin et al. 2009, 2013).

A further important point about severe alteration of shoreline vegetation and substrates is that the impacts could well extend beyond the exact boundaries of the application sites. An industrial project within part of a major herring spawning region, such as Lambert Channel may impact much more than the specific sites and extend beyond the culture sites to adjacent locations.

Ecosystem and socio-economic impacts

There is a risk that any major disruption to herring spawning could lead to either a change of herring spawning areas or a decline in overall abundance of herring in the Strait of Georgia. In both cases there could be cascading and increasing adverse impacts on other valued ecosystem components, such as marine birds and salmon.

Spawning habitat is essential to produce commercially valuable herring. It follows that spawning habitat then has economic ‘worth’ that can be evaluated by pro-rating that value of the fishery (as landed value, or as a contribution to the GDP) according to the amount of spawn habitat that is required to sustain it (Hay, 1991). This value was estimated in Table 1 (last column) which shows the estimated annual return, in dollars, of each km of herring spawn in herring Sections 142 and 141. The estimated annual worth of the 24 km of impacted coastline, as herring spawning habitat, is estimated at about \$1.58 million dollars per year. This estimate is based on an estimated worth of the commercial fishery in BC at about \$30 million per year, which is the value of the herring as a Canadian export product to Japan (Japanese Customs data). This estimate is actually very

conservative because the economic value of each km was pro-rated according to the total catch and contribution of spawning areas *throughout all of BC*. If the estimation were confined to the spawning and value of herring landed from within the Strait of Georgia, then the estimated economic worth of each km-segment of herring spawning habitat, within the Strait, would increase substantially, by a factor of two or more.

The point of the preceding calculations is to illustrate that undisturbed herring spawning habitat in Lambert Channel, Baynes Sound and Comox Harbour has ***significant intrinsic economic value*** – that sometimes can be estimated in terms of monetary value. However, the contribution to the commercial industry is just one form or estimate of such value - and there are others – that also might be weighed in terms of its extraordinary contribution to this ecosystem (as a trophic base for salmon and seabirds). **It would be counter-productive to destroy the habitat for one species, especially one as important as herring, in a quest to culture another.** It is unnecessary to degrade or destroy the most important herring spawning habitat on the BC coast – especially when there are areas of the coastline that could be considered and that do not pose the same risks.

There also would be impacts on commercial fisheries. Of course, one is a possible decline in herring spawning biomass in the Strait of Georgia. Another impact of concern is the presence of submerged infra-structure (tubing or anti-predator nets) that could adversely affect both commercial and recreational fishing gear, leading to declines in catches.

Recommendations

This document echoes the main points of the CSAS report by Sauchyn et al (2013) about impacts of geoduck culture: that there is insufficient information to evaluate the long-term ecological impacts and more investigation is required. This applies especially to proposed aquaculture developments in Lambert Channel that has the most important spawning areas on the BC coast. Therefore there is ample reason for concern that there could be severe negative impacts on herring spawning areas. Such impacts may also affect other species, such as sand lance and surf smelt that also spawn in inter-tidal and shallow sub-tidal habitats. This also warrants investigation. The most important recommendation, however, is that intense aquaculture development should not proceed in the vital herring spawning areas of Lambert Channel.

References

- Cleary, J.S. and J.F. Schweigert. 2012. Stock Assessment and Management Advice for the British Columbia Herring Stocks: 2010 Assessment and 2011 Forecasts. DFO Can. Sci. Advis. Sec. Res. Doc. 2011/115. viii + 90 p.
- DFO. 2012. Assessing potential benthic habitat impacts of small-scale, intertidal aquaculture of the geoduck clam (*Panopea generosa*). DFO Can. Sci. Advis. Sec. Sci. Advis. Rep.2011/083.
- Griffin, F.J., E.H. Smith, C.A. Vines, and G.N. Cherr. 2009. Impacts of suspended sediments on fertilization, embryonic development, and early larval life stages of the Pacific Herring, *Clupea pallasii*. *Biological Bulletin*, 216:175-187.
- Griffin, F.J., T. DiMarco, K.L. Menard, J.A. Newman, E.H. Smith, C.A. Vines, and G.N. Cherr. 2012. Impacts of suspended sediments on Pacific herring (*Clupea pallasii*) larval survival and condition. *Estuaries and Coasts*, DOI 10.1007/s12237-012-9518-7.
- Haeghele, C. W., and M. J. Hamey. 1981. Shoreline vegetation on herring spawning grounds for Comox, Denman Island and Hornby Island. Can. MS Rep. Fish. Aquat. Sci. 1617: 41 p.
- Haeghele, C. W. 1993. Epibenthic invertebrate predation of Pacific herring, *Clupea pallasii*, spawn in British Columbia. *Can Field-Nat* 107(1): 83-91.
- Hay, D.E. 1991. How much is herring worth? Potential economic and ecological consequences of impacts on herring spawning areas, p. 583-591. *In* Proceedings of the International Herring Symposium, October 23-25, 1990. Anchorage, Alaska. Alaska Sea Grant Program Report No.9101.
- Hay, D.E., C. Fort, J. F. Schweigert, L. Hamer and P.B. McCarter. 2011. Investigating changes in Pacific herring spawn intensity (layers). DFO Can. Sci. Advis. Sec. Res. Doc. 2011/064. vi + 89 p.
- Sauchyn, L., Pearce, C.M., Blackburn, J., Keddy, L., and Williams, S. 2013. Assessing potential benthic habitat impacts of small-scale, intertidal aquaculture of the geoduck clam (*Panopea generosa*). DFO Can. Sci. Advis. Sec. Res. Doc. 2013/001. vi + 34 p.

Appendix Figure 1. Advertisement from the Comox Valley Echo.

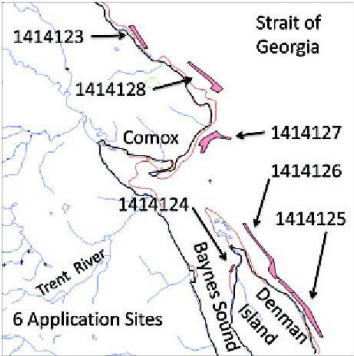
Land Act:
**Notice of Intention to Apply for a
Disposition of Crown Land**

Take notice that **Salish Sea Farms LP of Comox, BC**, intends to make six applications to Ministry of Natural Resource Operations (MFLNRO), West Coast Service Centre, for a **Licence of Occupation – Shellfish** (Geoduck on bottom) situated on Provincial Crown lands located within the core territory of the K'omoks First Nation.

The following Land File Numbers have been established for the applications; **1414123, 1414124, 1414125, 1414126, 1414127, 1414128**. Written comments concerning these applications should be directed to the Manager, Aquaculture, Ministry of Forests, Lands and Natural Resource Operations 2500 Cliffe Avenue, Courtenay, BC, V9N 5M6, or emailed to: **AuthorizingAgency.Nanaimo@gov.bc.ca**. Comments will be received by MFLNRO until November 28, 2013. MFLNRO may not be able to consider comments received after this date. Please visit our website:

<http://arfd.gov.bc.ca/ApplicationPosting/index.jsp>
for more information.

Be advised that any response to this advertisement will be considered part of the public record. For information, contact the FOI Advisor at the Ministry of Forests, Lands and Natural Resource Operations regional office.



Appendix Table 1. Details on the herring spawn index by km-segment for herring sections 142 and 143, with reference to the positions of six applications (shaded boxes) for aquaculture applications in Lambert Channel, Baynes Sound and Comox Harbour. All data on herring spawning were taken from DFO websites indicated in the text. Each km-segment corresponds to the numbers shown in Figure 1. The latitude and longitude of each shoreline km (in decimal degrees) is shown for km-segments in different locations. The herring spawn index is a site-specific estimate of the relative amount of herring spawn since 1928 –presented in units of hectares (ha). See the text for explanations and references. The ‘rank’ is the rank among the more than 5000 km included in the estimation of the herring spawn index. The ‘percent SOG’ spawn is an estimate of the total percentage of spawn in the Strait of Georgia (since 1928) deposited on the one km-segment. The final column is the estimated monetary value (dollars/km/year) of the herring spawn as a support to the annual herring fishery (see text for explanation). The yellow highlighted rows refer, approximately, to the km segments related to each of six different applications.

Km-segment	Application (last 3 digits)	Latitude	Longitude	Location Name	Freq-uecy	Index (ha)	Rank	Section	Percent SOG spawn	Value (Dollars/km/ly)
15		49.692	-124.868	Willemar Bluff	19	139.9	120	142	0.384	50945
16	127	49.683	-124.878	Willemar Bluff	26	162.2	90	142	0.445	59057
17	127	49.673	-124.887	Point Holmes	22	140.2	117	142	0.384	51038
18	127	49.667	-124.898	Willemar Bluff	20	137.3	127	142	0.376	49993
19		49.662	-124.912	Willemar Bluff	9	64.1	300	142	0.176	23344
20		49.662	-124.923	Union Bay	11	58.0	327	142	0.159	21131
21		49.663	-124.907	Union Bay	5	23.8	755	142	0.065	8660
22		49.670	-124.918	Comox Hrbr	10	45.6	397	142	0.125	16612
23		49.673	-124.93	Comox Bar	51	206.6	43	142	0.566	75228
24		49.667	-124.943	Comox Bar	28	168.4	84	142	0.462	61315
25		49.660	-124.955	Comox Hrbr	9	49.3	380	142	0.135	17948
26		49.653	-124.948	Gartley Pt	12	72.8	249	142	0.200	26515
27		49.647	-124.938	Gartley Pt	3	17.0	1056	142	0.047	6204
28		49.645	-124.927	Gartley Pt	9	51.3	364	142	0.141	18671
29		49.640	-124.92	Gartley Pt	20	120.7	151	142	0.331	43957
30		49.632	-124.913	Union Bay	21	125.9	141	142	0.345	45856
31		49.622	-124.905	Hart Cr	34	176.4	71	142	0.483	64218
32		49.612	-124.9	Hart Cr	28	137.8	126	142	0.378	50162
33		49.603	-124.89	Hart Cr	21	92.4	194	142	0.253	33655
34		49.593	-124.885	Hart Cr	12	53.6	350	142	0.147	19527
35		49.587	-124.88	Hart Cr	6	14.4	1234	142	0.039	5239
36		49.582	-124.882	Union Bay	21	35.2	509	142	0.097	12826
37		49.572	-124.877	Union Bay	5	12.0	1435	142	0.033	4387
38		49.562	-124.87	Union Bay	8	20.8	870	142	0.057	7576
39		49.552	-124.867	Hind. Cr	5	15.7	1150	142	0.043	5708

40		49.542	-124.858	Hind. Cr	8	19.0	940	142	0.052	6912
41		49.533	-124.852	Hind. Cr	3	10.3	1569	142	0.028	3765
42		49.523	-124.843	Buckley Bay	5	12.9	1363	142	0.035	4713
43		49.522	-124.828	Buckley Bay	2	3.9	2714	142	0.011	1427
45		49.505	-124.823	Fanny Bay	6	9.6	1673	142	0.026	3482
46		49.498	-124.815	Shingle Spit	2	6.6	2071	142	0.018	2418
47		49.498	-124.807	Shingle Spit	2	5.3	2340	142	0.015	1929
48		49.503	-124.8	Ship Pt	10	29.2	618	142	0.080	10642
49		49.497	-124.79	Ship Pt	6	19.2	925	142	0.053	7007
50		49.493	-124.797	Ship Pt	10	19.2	928	142	0.053	6992
51		49.483	-124.795	Mud Bay (Baynes)	3	5.4	2309	142	0.015	1982
52		49.475	-124.788	Mud Bay (Baynes)	1	2.1	3531	142	0.006	768
55		49.467	-124.767	Deep Bay	1	4.5	2545	142	0.012	1645
56		49.460	-124.755	Deep Bay	2	9.3	1707	142	0.026	3387
58		49.453	-124.747	Deep Bay	1	4.8	2480	142	0.013	1742
59		49.457	-124.738	Deep Bay	4	9.3	1708	142	0.026	3387
60		49.462	-124.727	Collishaw Pt	4	19.2	931	142	0.053	6983
61		49.465	-124.73	Collishaw Pt	35	127.5	140	142	0.349	46410
62		49.467	-124.72	Collishaw Pt	27	116.3	158	142	0.319	42356
74		49.640	-124.863	Sandy Is	8	40.6	448	142	0.111	14789
75		49.632	-124.852	Fillongley Park	34	156.1	99	142	0.428	56831
76	126	49.623	-124.842	Fillongley Park	40	192.9	51	142	0.529	70242
77	126	49.613	-124.832	Fillongley Park	41	195.1	48	142	0.535	71027
78	126	49.605	-124.827	Fillongley Park	42	202.9	45	142	0.556	73898
79	126	49.593	-124.82	Fillongley Park	29	151.5	102	142	0.415	55153
80	126	49.587	-124.81	Fillongley Park	47	230.0	33	142	0.631	83749
81	126	49.580	-124.795	Fillongley Park	49	245.2	25	142	0.672	89273
82	125	49.575	-124.782	Fillongley Park	48	249.6	21	142	0.684	90885
83	125	49.567	-124.772	Fillongley Park	62	320.5	6	142	0.879	116724
84	125	49.557	-124.763	Fillongley Park	74	358.6	3	142	0.983	130569
85	125	49.547	-124.758	Fillongley Park	62	320.0	7	142	0.877	116529
86	125	49.537	-124.753	Whalebone Pt	76	371.0	2	142	1.017	135096
87	125	49.527	-124.748	Whalebone Pt	66	330.0	4	142	0.905	120183
88		49.518	-124.742	Whalebone Pt	45	228.5	35	142	0.626	83207
89		49.510	-124.732	Gravelly Bay	44	229.0	34	142	0.628	83391
90		49.502	-124.725	Gravelly Bay	58	288.7	10	142	0.792	105141
91		49.497	-124.712	Gravelly Bay	53	268.7	15	142	0.737	97854
92		49.490	-124.697	Gravelly Bay	47	226.5	37	142	0.621	82470
93		49.483	-124.688	Gravelly Bay	27	137.8	125	142	0.378	50176
94		49.475	-124.683	Whalebone Pt	37	179.4	65	142	0.492	65322
95		49.478	-124.7	Whalebone Pt	28	149.2	106	142	0.409	54347
96		49.482	-124.715	Whalebone Pt	36	185.7	57	142	0.509	67612
97		49.482	-124.73	Metcalf Bay	22	111.0	166	142	0.304	40421
98		49.492	-124.663	Metcalf Bay	18	87.3	208	142	0.239	31794
99		49.497	-124.673	Ford Cv	31	161.0	91	142	0.441	58612
100		49.503	-124.685	Ford Cv	25	121.8	150	142	0.334	44369
101		49.510	-124.698	Ford Cv	42	189.7	55	142	0.520	69077
102		49.517	-124.703	Ford Cv	38	170.5	81	142	0.467	62082
103		49.527	-124.705	Ford Cv	38	182.2	63	142	0.500	66353
104		49.535	-124.71	Collishaw Pt	48	251.9	19	142	0.691	91740

105		49.545	-124.702	Collishaw Pt	35	183.0	60	142	0.502	66645
106		49.550	-124.688	Collishaw Pt	28	150.9	103	142	0.414	54952
107		49.552	-124.673	Tralee Pt	27	145.9	111	142	0.400	53131
108		49.547	-124.662	Tralee Pt	51	271.1	14	142	0.743	98705
109		49.542	-124.648	Tralee Pt	44	239.5	29	142	0.657	87224
110		49.538	-124.637	Tralee Pt	42	226.2	38	142	0.620	82365
111		49.537	-124.622	Tralee Pt	50	247.6	23	142	0.679	90174
112		49.530	-124.61	Tralee Pt	27	134.3	129	142	0.368	48893
113		49.528	-124.602	Tralee Pt	27	134.7	128	142	0.369	49050
114		49.523	-124.59	Whaling Station Bay	19	100.9	178	142	0.277	36729
115		49.517	-124.583	Flora Islet	30	149.6	105	142	0.410	54471
116		49.517	-124.6	Whaling Station Bay	22	115.0	160	142	0.315	41889
117		49.520	-124.615	Whaling Station Bay	22	114.9	161	142	0.315	41836
118		49.527	-124.627	Whaling Station Bay	25	122.0	149	142	0.335	44436
119		49.523	-124.637	Tribune Bay	23	111.5	165	142	0.306	40587
120		49.517	-124.638	Downes Pt	29	147.7	109	142	0.405	53787
121		49.510	-124.63	Dunlop Pt	38	191.2	52	142	0.524	69631
122		49.502	-124.632	Dunlop Pt	33	167.0	87	142	0.458	60805
123		49.498	-124.642	Dunlop Pt	34	173.3	73	142	0.475	63092
124		49.493	-124.655	Dunlop Pt	31	159.2	92	142	0.437	57981
126		49.487	-124.75	Metcalf Bay	17	60.2	317	142	0.165	21910
127		49.495	-124.758	Metcalf Bay	14	38.6	468	142	0.106	14066
128		49.503	-124.767	Metcalf Bay	16	43.7	418	142	0.120	15931
129		49.510	-124.778	Metcalf Bay	22	56.7	334	142	0.156	20658
130		49.518	-124.788	Metcalf Bay	15	39.5	463	142	0.108	14366
131		49.525	-124.803	Metcalf Bay	12	32.7	560	142	0.090	11896
132		49.533	-124.815	Metcalf Bay	10	26.6	677	142	0.073	9702
133		49.540	-124.828	Metcalf Bay	9	24.6	732	142	0.067	8949
134		49.550	-124.838	Metcalf Bay	7	19.2	932	142	0.053	6980
135		49.558	-124.84	Henry Bay	7	19.1	937	142	0.052	6958
136		49.567	-124.842	Henry Bay	12	29.9	609	142	0.082	10884
137		49.575	-124.84	Henry Bay	9	21.7	834	142	0.059	7897
138		49.585	-124.838	Henry Bay	8	20.1	893	142	0.055	7332
139	124	49.590	-124.833	Henry Bay	5	13.3	1324	142	0.036	4829
140	124	49.600	-124.828	Henry Bay	2	5.3	2337	142	0.015	1935
141		49.608	-124.843	Henry Bay	1	2.6	3290	142	0.007	930
142		49.618	-124.853	Henry Bay	1	2.6	3291	142	0.007	930
0		49.833	-125.055	Cape Lazo	1	8.3	1837	141	0.002	3015
1		49.823	-125.042	Cape Lazo	1	8.3	1838	141	0.002	3015
2		49.815	-125.025	Kitty Coleman Beach	9	35.2	510	141	0.009	12826
3		49.802	-125.012	Kitty Coleman Beach	10	36.1	497	141	0.009	13128
4		49.792	-124.997	Kitty Coleman Beach	9	40.9	445	141	0.011	14877
5		49.780	-124.982	Little Rvr	8	35.1	515	141	0.009	12781
6		49.770	-124.97	Little Rvr	7	28.7	631	141	0.008	10443
7	123	49.762	-124.953	Little Rvr	8	36.0	501	141	0.009	13103
8	123	49.750	-124.938	Little Rvr	10	24.9	719	141	0.007	9074
9	123	49.740	-124.923	Little Rvr	11	42.9	427	141	0.011	15638
10		49.740	-124.91	Little Rvr	26	75.5	237	141	0.020	27482
11	128	49.730	-124.895	Little Rvr	21	72.6	252	141	0.019	26437
12	128	49.720	-124.883	Little Rvr	31	172.3	76	141	0.045	62726

13	128	49.708	-124.872	Little Rvr	33	189.0	56	141	0.050	68818
14	128	49.700	-124.858	Kye Bay	26	172.0	78	141	0.045	62630
23		49.898	-125.155	Oyster Bay	2	2.8	3132	141	0.001	1033
24		49.898	-125.147	Oyster Bay	1	2.0	3568	141	0.001	742
25		49.893	-125.13	Oyster Bay	1	2.0	3569	141	0.001	742
26		49.888	-125.12	Oyster Bay	6	10.4	1560	141	0.003	3793
27		49.878	-125.113	Oyster Bay	5	10.0	1608	141	0.003	3641
28		49.868	-125.113	Oyster Bay	3	6.3	2124	141	0.002	2306
						13861.1			35.494	

From: Simon Palmer [<mailto:simonpalmer3720@gmail.com>]
Sent: November-12-13 9:53 AM
To: Peter Luckham; David Graham; Laura Busheikin; Rob Milne
Cc: Simon Palmer
Subject: Affordable & Convenient Housing Needs on Denman

Trustees,

Attached please find a copy of the Housing Needs Study commissioned by Denman Housing Association.

The conclusions are, by any measure, disturbing, for the individuals, families and children involved, but also for the Denman Island community as a whole and its future as a multi-generational, economically diverse society.

On behalf of those in need of housing, as defined in the report, and the broad Denman community could I request that you, at your forthcoming Local Trust Committee meeting on November 26, 2013, by Motion

1. Formally accept the broad conclusions of the Study
2. Commit to actively employing all means available to the Trust in assisting Denman Housing Association to provide the affordable and convenient housing needed on Denman as defined by the Study

Thank you in advance for your support

Simon Palmer - President, Denman Housing Association

Affordable and Convenient Housing Needs on Denman Island

Denman Housing Association
November 9, 2013

Prepared by



Acknowledgements

The Denman Housing Association is grateful for the financial support of the Canada Mortgage and Housing Corporation, and to the many volunteer organizations and individuals who assisted in obtaining data for this report.



Affordable and Convenient Housing Needs on Denman Island 2013 by Denman Housing Association is licensed under a [Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Unported License](https://creativecommons.org/licenses/by-nc-nd/3.0/).

Contents

Summary of Findings	1
Background.....	2
Study Methods	4
Approach	4
The Survey	4
Comparators	5
Extrapolations.....	5
Average Rental Costs and Vacancy Levels	5
Household Income.....	6
Subsidized Housing Supply	6
Gap Assessment.....	6
Population and Household Data.....	7
Overall Population and Households	7
Housing Type.....	7
Household Size.....	8
Age Groups.....	8
Residency	9
Employment.....	9
Affordable Housing Needs	10
Type of Dwelling	10
Rental Costs.....	11
Amenities.....	11
Rental Agreement.....	12
Condition	12
Size	13
Preferences (rank)	13
Overall Situation.....	13
Convenient Housing Needs	14
Help Needed.....	14
Plans to Move.....	15
Housing Characteristics	15
Conclusion	16
Appendix: Main Survey Instrument.....	17
Appendix: Informed Comment Form	21
Works Cited	23

Summary of Findings

The Denman Housing Association (DHA) undertook a study in the Summer of 2013, to determine the need for adequate and affordable rental housing, and the level of interest in convenient housing for seniors.

The survey generally followed the guidelines offered by BC Housing, and used an approach similar to the 2008 study (of both Denman and Hornby islands) performed by the Hornby Island Community Economic Enhancement Corporation.

A total of 87 valid responses were submitted, of which 43 are home owner households, 44 are renter households. The 43 owners represent about 10% of the island total, and the 44 renters are about 50% of the total. Altogether, about 15% of the island's residents took part in the survey, with similar levels of responses from all age groups and family types.

Convenient housing was of near-term interest (plan to move within five years) to about 15% of all owned households. A significant number indicated difficulty in maintaining their current home or garden. 75% expressed a preference for low-maintenance housing, while 50% would like a location near the Denman Island village, and a smaller size home.

The most significant and alarming results were obtained from renters. When compared with standards for rental costs, basic amenities (e.g. electricity and running water), rental security, livable condition and adequate space, **about 90% of rental units on Denman Island are inadequate. Across the island, there are at least 120 people living in substandard rental housing – 20 of whom are children.**

The preferred housing solution was evenly split between affordable rentals, home ownership, and ownership on shared land. This indicates that the DHA concept of a cluster of owned and rental units would be very suitable for improving the housing situation on Denman Island.

“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.”

Background

The Denman Housing Association (DHA) is a non-profit society whose mission includes:

- *to meet the needs of the Denman Island community for affordable housing for working-age families & individuals and convenient housing for seniors*
- *to respond to the island's needs for assisted-living facilities¹*

To support its efforts to bring affordable and convenient housing to the island, the DHA commissioned this study to identify the number of households in need, and the type of housing they require. The questions that the association hoped to answer are:

- *How many renters are 'in need'?*
- *How many seniors are 'in need' (of convenient housing)?*
- *How many potential affordable owners / buyers are there?*

The project used surveys to gather quantitative and qualitative data and compare it to baselines provided by the Canadian census and other studies. This report presents the data gathered along with analysis to address these questions.

For this study, the phrase *'in need'* for renters is defined in terms of housing standards used by federal and provincial agencies, including BC Housing and Statistics Canada. BC Housing lists the following conditions in its guidelines for assessing housing need:

- Homeless households and those that are at the risk of homelessness;
- Households paying 30% or more of their income on housing;
- Households paying 50% or more of their income on housing;
- Households that are over-housed;
- Households living in overcrowding conditions;
- Households living in sub-standard housing (lack of bathrooms, kitchen, or need major repairs);
- Households facing threats and harassments, under notice, real threat of notice or lease coming to an end;
- Households on waiting lists.²

¹ denmanhousing.com

² BC Housing, 2010(b), p. 5

To reflect the characteristics of Denman Island, these guidelines are expressed in the following criteria for adequate and **affordable** rental housing:

- costing (including utilities) no more than 30% of household income
- having basic amenities, including electricity, running water, an indoor toilet, and a heating system or wood stove
- tenanted under a written agreement
- needing no major repairs, and without dangerous conditions
- with sufficient space for the size of household (single – no bedrooms, couple – 1 bedroom, family – 2 bedrooms)

For owners, *‘in need’* is self-defined and measured in terms of their intention to move to a new home and the housing characteristics they desire. The criteria used for **convenient** housing include maintainability, location, size, proximity of neighbors, and the availability of services.

This report will be presented to the Denman Island community at a public meeting on December 14, 2013.

Study Methods

Approach

In our study, we generally followed the guidelines provided by BC Housing for organizations investigating housing needs (BC Housing, 2010a). We diverged from their suggested approach in some areas because some elements were not relevant or available with statistical significance in our small rural community.

A thorough study was performed in 2008 by the Hornby Island Community Economic Enhancement Corporation (HICEEC), entitled *Housing needs on Hornby and Denman Island* (HICEEC, 2008). They found a significant need for elder housing (the primary focus of their study) and for affordable rental housing. Our survey approach follows many aspects of theirs, to allow comparison for confirmation or identification of trends. Our emphasis is on rental households, with a secondary focus of interest in convenient housing by any age group.

Because the DHA concept includes a mix of market and subsidized rental housing, we set out to survey a representative range of socio-economic status, ownership or tenancy characteristics, age groups, and family composition.

Survey participants were self-selected, but a number of community groups and individuals helped to distribute and collect survey forms; this was done intentionally to reach households that might otherwise be under-represented, including renters and seniors.

The Survey

Notice of the survey and information about the DHA was published in the Hornby Denman Island Grapevine newspaper on August 1, 2013. Survey forms were available at several island locations, and were distributed by a number of organizations and individuals. The survey was also available on the Internet, through surveymonkey.com. The online version differed slightly in layout due to technical restrictions, but these differences are unlikely to have affected results.

The surveys were available until early October, 2013. This was felt sufficient to obtain an adequate sample size, and to reach less accessible households. A total of 88 surveys were returned, 70 on paper forms and 18 through the Internet

survey. One submission was set aside because most of the questions were unanswered.

The survey provided an opportunity for free form comments by renters, to describe their rental issues or the issues of others that they are aware of. More than half of the responses included such comments, and the most relevant ones are quoted throughout this report. In addition, a form entitled *Informed Comments* was distributed, both on paper and electronically, in an attempt to capture the many anecdotes about housing issues, historical or current, that are frequently mentioned in community gatherings and forums.

Comparators

Aggregate population and housing data for Denman Island is taken from the 2011 Census of Canada (Statistics Canada, 2012). Other data is from the 2006 Census Profile of the Denman Island Trust Area (BC Stats, 2010), as a detailed profile has not yet been published for the 2011 census.

For the most part, we have avoided comparison with other areas such as the Comox Valley, BC or Canada, as these regions are predominantly urban. Only when the data is likely to be relevant, or is needed for approximation or extrapolation, have we included comparative figures.

Extrapolations

We have used census figures as the basis for extrapolation, as noted in each data section, but have also examined factors that may affect the accuracy of the census baseline or the survey responses. Whenever such factors result in a range of estimates, we have used the most conservative extrapolation multiplier.

Average Rental Costs and Vacancy Levels

Average rental costs on Denman Island cannot accurately be determined. Many tenancies are illegal, by Islands Trust bylaws, and are often not reported to other agencies. As well, the sample size for units of a certain type are usually too low to support reliable analysis; condition and location will have a more significant effect on rental costs than type or size of dwelling. The 2006 Census reported an average gross rent of \$571 on Denman Island (\$677 for the Comox Strathcona Regional District), but this figure is likely distorted by the factors mentioned, as well as StatsCan's definition of dwelling – the census counts only

buildings with heating systems as dwellings, but about 10% of rentals on Denman Island have no heating system (see survey results).

In our survey, we elected not to ask respondents to report their rental costs, to encourage maximum participation.

The vacancy level is likewise impossible to determine, although evidence indicates that it are extremely low. The local newspaper, the Hornby Denman Island Grapevine, offers classified ads that include rentals available and rentals wanted. Over the past year, there have been more of the latter than the former, and some island residents facing eviction have taken out advertisements or solicited community assistance in finding a new home. Many of the comments provided in the survey spoke of availability as the most pressing issue in the rental market.

Household Income

Another decision intended to maximize survey participation was to avoid asking for information about income. The 2006 census reported median pre-tax income of \$33,831 for Denman Island, while the figure for the Comox Strathcona Region was \$42,998.

Subsidized Housing Supply

There are no subsidized housing units on Denman Island.

The Denman Community Land Trust Association (DCLTA) is working toward enabling the provision of low-cost housing for individuals who wish to farm, providing benefits both to residents and to farmers, but this will have little impact on non-farm families and will require changes to regulations by the Agricultural Land Commission (DCLTA, 2013). The DCLTA is also working on its Keystone project, with the goal of providing one social housing unit.

Gap Assessment

BC Housing guidelines (BC Housing, 2010b) suggest comparison of current and emergent housing needs with existing and planned social housing. As no social housing exists on Denman Island, the gap is effectively described by this needs assessment.

Population and Household Data

Overall Population and Households

Measure	Responses	Island Total	% Represented
Population	146	1022	14%
Households	87	518	17%

The proportion of residents responding provides a statistically significant sample, subject to bias, selection and response variations discussed in each subsection. For extrapolations, a multiplier of 6-7 provides a reasonable estimate, with adjustments depending on the reliability of individual data elements.

Housing Type

Type	Responses	Island Total	% Represented
Owned Accommodation	43	432	10%
Rented Accommodation	44	86	51%

Several responses provided answers in both of the sections; if answers were given to the rental questions, the response was classified as a renting household. For extrapolations, a multiplier of 10 for owners and 2 for renters is appropriate. The DHA made a conscious effort to reach renters, knowing that many are living in dwellings that may not have mail, telephone, or Internet access, and clearly was successful.

Statistics Canada defines a dwelling as having protection from the elements and a heating system. As 10% of responses indicated that they do not have a heat source, it is likely that the census figures understate the total number of rented accommodations. Difficulty of access to some dwellings and the reluctance of tenants and landlords to draw attention to illegal rental units may also have affected the census results. The census total of 86 should be considered a minimum count, as should the 2x multiplier for extrapolation.

Household Size

Size	Responses	Island Total	% Represented
Single	41	330	12%
Couple	30	240	13%
Family	12	115	10%
Single Parent	4	45	9%
Two Parents	8	70	11%
Other	4		

Measure	Responses	Island
Average Number of Persons per Household	1.7	2.0

Responses matched household size consistently with the overall makeup of the island.

“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.”

Age Groups

Group	Responses	Island Total	% Represented
Under 19	21	105	20%
19-39	22	125	18%
40-64	61	495	12%
65 and older	36	280	13%
Not stated	6		

Measure	Responses	Island
Median Age	57.0	57.5

Age group representation in the survey is fairly evenly distributed, with a slight bias toward younger residents. This is correlated with the higher rate of return among renters, as home ownership rates increase with age group.

Residency

Measure	Responses
Average Residency on Denman Island	16.0 years
Average Residency in Current Home	10.3 years
Average Duration of Residencies while on Island, by range	
< 2 years	20
2 - 5 years	19
> 5 years	43
Not stated	5
Average Residency between Moves	6.4 years
Average Number of Moves while Resident	2.5
Number of Moves while Resident, by range	
No moves	34
< 2 moves	10
2 - 5 moves	16
> 5 moves	14
Not stated	9

Statistics Canada does not gather data on length of residency; of note is the high proportion of residents whose tenancies average less than 2 years, or have moved more than 5 times while resident on Denman Island. The 2008 survey collected data in a different format, but also reported a high rate of movement and short tenancies, ascribed to the conversion of dwellings to vacation rentals each summer.

“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..”

Employment

Type	Responses	% of Total
Full-time	15	17%
Part-time	16	18%
Casual / Seasonal	16	18%
Self Employed	32	37%
Unemployed	3	3%
Not Seeking Employment	34	39%

Some households have more than one member employed, and some residents have more than one form of employment. These scenarios were not differentiated.

Affordable Housing Needs

For the purposes of this study, rental housing needs were grouped under the term “affordable housing”, based on community perceptions that the primary issue with rental housing on Denman Island, after availability, is affordability.

Only those respondents currently residing in rental housing were tabulated in this section. There were, however, several responses from residents of owned accommodation who indicated that they also had an interest in affordable rental housing.

Type of Dwelling

Type	Responses	% of Total
Single Family Home	21	48%
Cabin	10	23%
Suite in Home	5	11%
Room in Home	2	5%
Travel Trailer	6	14%
Other Types	0	0%

These figures may over-represent the proportion of single family homes in the rental market, as any of the other forms of rental accommodation may violate Islands Trust bylaws and thus be under-reported.

“I live in a trailer but I never know if I will be able to continue to live there.”

In the data presented below, items highlighted in red are indicators of sub-standard housing, based on the criteria described in the Background section.

Rental Costs

% of Income	Responses	% of Total
30% or less	10	23%
30 – 50%	17	39%
50% or more	11	25%
0% - no rent paid	2	5%
Don't know	2	5%

64% of respondents pay 30% or more of household income for housing.

The 2006 census reported a figure of 35%, but that was a decline from 55% in 2001, and may have been anomalous. The 2008 survey found 50% of renters paying in excess of 33% of income. As mentioned in the discussion of survey methods, this figure was calculated by the respondent using simple instructions provided in the survey instrument; some errors are possible, but are likely to balance.

“Many... fear of complaining about substandard toilet, water, insulation, rats... Most are working to their capacity... do not make enough to live in clean affordable safe housing.”

Amenities

Item	Responses	% Lacking
Electricity	41	7%
Running Water	39	11%
Indoor Toilet	30	32%
Heating or Wood Stove	40	9%
Tub or Shower	35	20%
Kitchen Facilities	38	14%
Laundry Facilities	25	43%
Telephone or Internet	32	27%

34% of respondents reported lacking one or more critical amenities. It is worth noting that there are no public toilet facilities on the island, other than the waiting rooms at the ferry docks, and no public shower or laundry facilities. Food services are limited, and there is one public telephone at the General Store. The 2008 survey found that 40% of renters were without an indoor toilet; this may be due to the fact that 5 of their respondents reported living in a vehicle or a tent, while this survey had no such responses.

Rental Agreement

Type	Responses	% of Total
Tenancy Agreement	13	30%
Other Written Agreement	7	16%
No Written Agreement	23	52%
Don't know	0	0%

52% of respondents reported having no written agreement. This may appear to be a less important characteristic of rental housing, but several respondents mentioned that they had previously been required to find new accommodation on short notice, or were concerned that it might occur in future, especially if they occupy dwellings suitable for vacation rentals (even though such rentals are not permitted by bylaw). This correlates to the figures on length of tenancy and frequency of moves, and the 2008 survey reported more than 15% of renters not having year-round accommodation.

"I stayed in a hostel on VI for 3 months looking for housing because none available on DI. I was finally offered a place on DI. But I don't know how long I can stay there or afford to keep paying."

Condition

Type	Responses	% of Total
Needs only regular maintenance	25	57%
Needs minor repairs	11	25%
Needs major repairs or has dangerous conditions	7	16%
Don't know	1	2%

16% of respondents reported living in accommodations needing major repairs or having dangerous conditions. The 2006 census showed a figure of 15%, and the 2008 survey reported 18%.

Size

Measure	Responses	% of Total
Average Number of Bedrooms	1.7	
Dwellings with Insufficient Space	3	7%

“I live in a 10 x 10 cabin with no indoor bathroom, no clean running water.”

7% of respondents reported living in accommodations with insufficient space. The criteria used in this calculation are less strict than the national occupancy standards (for ease of data collection), so this is a minimum value.

Preferences (rank)

	1	2	3	4	5
Satisfied with current housing	12	1	4	2	1
Affordable rental housing	10	8	7	2	0
Own my own home	11	2	7	0	0
Own my own home on shared land	7	13	2	0	0

Unsurprisingly, there was a broad distribution of responses. However, it was distressing to find that 20% of those who selected “satisfied with current housing” are paying unaffordable rent or are living without electricity, running water, or other basic amenities. The comments provided by renters indicate that they are willing to accept this situation simply because there are no better alternatives available.

“I am satisfied but sometimes consider a change, how nice it would be to have amenities like running water.”

Overall Situation

40 responses (of 44 rented accommodation responses) reported having at least one of the highlighted inadequacies. This indicates that **90% of all rental housing on Denman Island is substandard**. Using the minimum rental dwelling multiplier for extrapolation, we can conclude that **approximately 80 households on Denman Island are in need of adequate rental accommodation**.

Convenient Housing Needs

The population of Denman Island is aging, as it is across Canada. There have been comments made in community forums that some seniors would prefer to live in more convenient housing, as their current homes have become unmanageable or are too far from services.

Because the DHA concept for affordable housing includes owned strata units, the survey asked questions of households living in owned dwellings to discover their preferences for more convenient housing and the urgency of their need.

Some renters also responded to these questions, and may be candidates for ownership, especially as many indicated this as a preference. In the figures below, only current owners are included.

Help Needed

Type	Responses	% of Total
None	31	72%
Maintenance or gardening	16	37%
Cooking or cleaning	3	7%
Personal care	1	2%

Most households are able to manage their owned residence without assistance, but a significant proportion need help with maintenance or gardening. If extrapolated, approximately 100 island households require this type of assistance. Although such services are available for hire, a frequent comment on responses was a desire for low-maintenance housing. The 2008 study shows 33% needing help with cleaning, 17% with personal care, but 0% with maintenance; there is no apparent explanation for this anomaly.

Plans to Move

Timeframe	Responses	% of Total
As soon as available	4	9%
< 5 years	3	7%
> 5 years	7	16%
Plan to stay in home	22	51%
Plan to move off island	4	9%
Don't know	4	9%

16% of owned households plan to move within the next 5 years; of these, about half are seniors. Extrapolated, this amounts to 40-50 households on Denman Island. While some will not find the DHA concept suitable, providing the desired characteristics (the next question) will help maximize uptake. For seniors, the decision to move is often driven by health and mobility issues, so although half of the respondents indicated that they have no plans to move, their preference may change in coming years. The 2008 study found that 5% intended to move within 5 years, and 8% in 5-10 years. The higher figures in our responses may indicate a selection bias, with more responses from individuals predisposed to convenient housing; this would suggest that for planning purposes, we should expect that **about 40 households will be seeking new housing in the next 5 years, of which about 20 are seniors.**

Housing Characteristics

Feature	Responses	% of Total
Location near village	22	51%
Low maintenance	32	74%
Smaller size	21	49%
Larger size	2	5%
Shared facilities	7	16%
Shared services	11	26%
Closer neighbors	2	5%

The total number of selections is greater than the number of responses, as many respondents selected multiple answers. As expected, a central location, low maintenance and smaller size were the most frequently selected features.

Conclusion

Approximately 80 households on Denman Island need better rental accommodation. If changes to Islands Trust bylaws (currently under review) allow secondary suites or cabin rentals, some tenancies may be improved. When rentals are legal, landlords may be willing to provide written agreements, and may be required to provide basic amenities and repair dangerous conditions to qualify as a permitted rental. If this were the case, the proportion of substandard rentals would drop to 68%, or about 60 households overall.

However, the cost of such repairs or upgrades may lead to a rise in rental rates, increasing the proportion of renters paying more than 30% of their income for accommodation. It may also cause some dwellings to be removed from the rental market, exacerbating an already severe availability problem.

About 40 ownership households on Denman Island are planning to move to a new home in the next 5 years. Their responses indicated strong preferences for low maintenance design, a location near the village, and relatively small size, and some interest in shared services or facilities.

Affordability will be a concern for both renters and buyers. 64% of rental households are already paying more than 30% of their household income for rent and utilities; they are likely to respond positively to dwellings that provide better amenities, conditions and stability, but only if rents are similar to their existing costs.

Most land parcels on Denman Island are relatively large, with only a few areas containing properties of less than an acre, limiting the number of lower-cost homes available. The median price on Denman Island in 2006 was \$324,000, compared with a Comox Valley figure of \$273,000. In September 2013, the Comox Valley median was \$315,000, suggesting a value for Denman Island of about \$350,000. The 2006 Census lists an average (mean) value \$497,000. For purchasers, their interest in a location near the village would incur a premium, but this would be offset by a smaller dwelling size. The most important determinant of affordability will be the density of units on the land parcel.

A cluster development as envisioned by the Denman Housing Association, offering a mix of affordable rental and ownership dwellings, is likely to find a high level of demand.

Appendix: Main Survey Instrument

Denman Housing Association

Survey of Housing Needs 2013

We would appreciate your assistance in our efforts to bring affordable and convenient housing to our island. You can find definitions of these terms and information about our plans on the insert.

We would like to know your thoughts even if you are satisfied with your existing housing. Please complete the survey only once per household, and pass this form along to a friend if you have already done so. If you know someone who needs more convenient or affordable housing, please encourage them to complete the survey. If you have questions about this survey, contact:
e-mail: DenmanHousing@gmail.com Attn: Survey Administrator
phone: Simon Palmer at 335-2559

Section 1 – Basic Information

Please list the number of people, ages, genders and relationships of the members of your household.

Person	Number	Age(s)	Gender(s)
Survey Respondent			
Spouse / Partner			
Children			
Adult Relatives			
Unrelated Resident			

How long have you lived on Denman Island? _____ yrs.

How long have you lived at your current location? _____ yrs.

How many times have you moved, while on Denman Island? _____

What is your employment status?

check all that apply

- | | |
|-------------------------------|--------------------------|
| Employed full time | ☐ |
| Employed part time | ☐ |
| Casual or seasonal employment | ☐ |
| Self employed | ☐ |
| Unemployed, seeking work | ☐ |
| Not seeking employment | ☐ |

Section 2 – Contact Information

This information will be kept private by detaching this section before the form is tabulated. Your contact information will be known only to the Survey Administrator (Simon Palmer). It will allow us to work personally with you in finding the affordable and/or convenient housing that you are looking for.

Name _____
Phone Number _____
e-Mail Address _____

I wish to be contacted with more information when it is available:

Yes, please ☐ No, thanks ☐

Section 3 – Convenient Housing

Please complete this section only if you currently own your home.

What help do you need to live in your current home?

check all that apply

I'm able to take care of the home myself. ☐
I need help with maintenance or gardening. ☐
I need help with cooking or cleaning. ☐
I need help with personal care. ☐

Would you consider moving to a more convenient home on Denman Island?

Yes, as soon as it is available	☐	Plan to stay in current home	☐
Yes, in the next 5 years	☐	Plan to move off island	☐
Yes, but not for at least 5 years	☐	Don't know	☐

What features would be important to you in a convenient home?

check all that apply

location near village	☐	shared facilities	☐
low maintenance	☐	shared services	☐
smaller size	☐	closer neighbors	☐
larger size	☐	other (please specify)	☐

Section 4 – Affordable Housing

Please complete this section if you are currently renting your home, are seeking rental accommodation, or are interested in moving to rental accommodation in the future.

Which of the following describes where you are living?

Single family home	☐	Staying with others	☐
Cabin	☐	Vehicle	☐
Suite in a house	☐	Tent or sleeping outside	☐
Room in house	☐	Other (please specify)	☐
Travel trailer	☐		

Do you have an agreement to stay there?

Yes, a tenancy agreement.	☐
Yes, some other form of written agreement.	☐
No written agreement.	☐
Don't know.	☐

What utilities and facilities are available in your home?

check all that apply

electricity	☐	heating or wood stove	☐
running water	☐	kitchen facilities	☐
indoor toilet	☐	laundry facilities	☐
tub or shower	☐	telephone or Internet	☐

How many bedrooms does your home have? _____

Which of the following statements best describes the condition of your home?

It needs only regular maintenance.	☐
It needs minor repairs.	☐
It needs major repairs or has dangerous conditions.	☐
Don't know.	☐

On a separate piece of paper, write down the average amount you spend monthly on rent and utilities. Then write down your average monthly household income before taxes (the total amount earned by all members of the household together). Compare the two numbers.

What percentage of your average monthly before tax household income do you spend on rent and utilities?

30% or less	☐
30% to 50%	☐
50% or more	☐
0% - don't pay rent	☐
Don't know	☐

What are your preferences for housing?

mark "1" for first choice, "2" for second choice, "3" for third choice"

Satisfied with current housing	☐
Affordable rental housing	☐
Own my own home	☐
Own my own home on shared land	☐
Other (please specify)	☐

Have you had to consider leaving Denman Island because you could not find affordable housing? If so, please describe your situation.

Do you know someone who has left Denman Island because they were unable to find affordable housing? If so, please describe their situation, or provide their name and contact information.

Appendix: Informed Comment Form

Denman Housing Association

Survey of Housing Needs 2013 - Informed Comments

We would appreciate your assistance in our efforts to bring affordable and convenient housing to our island.

In addition to a detailed survey, we are gathering supplemental comments from community organizations, businesses and interested individuals to help us understand the impact of this issue. If you have questions, would like to refer us to someone, or need copies of the survey form, please contact:
e-mail: DenmanHousing@gmail.com Attn: Survey Administrator
phone: Simon Palmer at 335-2559

Name (organization or individual) _____
Phone Number _____
e-Mail Address _____

I/we wish to be contacted with more information when it is available:

Yes, please ☐ No, thanks ☐

DHA may find your comments valuable for reproduction in our Needs Assessment report or other communications. May we quote you?

Yes ☐ No ☐ Maybe – please contact me/us first ☐

The phrases below describe housing issues. If you are aware of individuals or families who have encountered the issue in the past five years, or are currently facing that issue, please describe the households affected, the nature of their situations, and if appropriate contact names and phone numbers.

Living in substandard housing because they cannot find or afford adequate housing:

Forced to move frequently because adequate and affordable long-term housing is not available:

Forced to leave the island because adequate and affordable housing is not available:

Wishing to move to the island or relocate on the island but unable to find adequate and affordable housing:

Currently in adequate and affordable housing but having difficulty maintaining their home or caring for themselves:

If you manage a business, please indicate how the housing situation has affected your business and its employees:

Other comments on housing needs:

Works Cited

BC Housing. 2010(a), September 28. *Detailed Instructions for Community Needs / Supply Profiles*.

www.bchousing.org/resources/Partner_Resources/Developing_Housing_Opportunities/Details_Links_Need_Supply_Indicators.pdf (accessed October 26, 2013).

BC Housing, 2010(b), March. *Housing Need and Demand Study (Document Template)*.

www.bchousing.org/resources/Partner_Resources/Developing_Housing_Opportunities/Need_and_Demand_Template.pdf (accessed October 26, 2013).

BC Stats. 2010, May. *2006 Census Profile, Denman Islands Trust Area, Rev. 7*.

www.islandstrust.bc.ca/ltc/de/pdf/dehorpthousingassess.pdf (accessed October 26, 2013).

Denman Community Land Trust Association (DCLTA). 2013, June. *Rural Affordable Housing Project*.

www.denmanaffordablehousing.org/DCLTA/RAH~ALR_files/June%202013%20DCLTA%20RAH%20Project%20Final%20Report.pdf (accessed October 26, 2013).

Hornby Island Community Economic Enhancement Corporation (HICEEC). 2008, December 4. *Housing needs on Hornby and Denman Island*.

realhornby.com/communityresourcecentre/abouthiceec/documents/housing-needs-assessment-summary.pdf (accessed October 26, 2013).

Statistics Canada. 2012. *Denman Island Trust Area, British Columbia (Code 590002) and British Columbia (Code 59) (table). Census Profile. 2011 Census*.

Statistics Canada Catalogue no. 98-316-XWE. Ottawa. Released October 24, 2012. www12.statcan.gc.ca/census-recensement/2011/dp-pd/prof/index.cfm?Lang=E (accessed October 26, 2013).



Islands Trust

Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Review of OCP section C3 with a view to addressing the impacts of shellfish farming on the natural marine environment and residential properties, and review of associated LUB regulations.	Specifically to address: 1. Removal of predator netting from beach 2. Banning driving on the foreshore 3. Banning beach modification. Bylaw No. 207 out for referral comments	Oct-25-2011	Rob Milne	Oct-31-2014	On Going
2	Denman Housing Needs consultation. Review of housing policies with respect to secondary cottages and suites in residential designations.	Consider potential use of secondary dwelling units to meet a range of evolving housing needs. Summary report on the October 22 LTC meeting agenda. Draft bylaws being prepared pursuant to the direction of the LTC.	Nov-06-2012	Rob Milne	Sep-01-2014	On Going
3	Implementing Riparian Areas Regulation	Mapping of all streams and wetlands on Denman Island and amending DPA 4 to comply with RAR. RFP re-issued October 8th	Aug-03-2010	Rob Milne	Sep-01-2014	On Going



Projects

Denman Island

No.	Description	Activity	Received/Initiated	Status
1	Bylaw amendments to address food security	Consider amendments based on "Exploring Food Security in the Islands Trust Area" final report dated November 16, 2010.	Mar-15-2011	On Going
1	A Protected Area Network on Denman Island		Mar-15-2011	On Going
1	Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots". 2. Formatting of Agriculture definition	Aug-15-2011	On Going
1	Regulations governing wind towers and Ocean Loop Geo-Exchange Systems.	Monitor recommendation from Trust Council.	Aug-15-2011	On Going
1	Affordable Housing Strategy		Oct-25-2011	On Going
1	Regulation limiting the gross floor area of a dwelling		Oct-25-2011	On Going
1	Regulations to promote greenhouse gas emissions reduction.		Oct-25-2011	On Going
1	Review and Update of Development Procedures Bylaw No. 71		Dec-11-2012	On Going
1	Review of OCP/LUB regarding implementation of Denman Island Farm Plan.		Apr-02-2013	On Going
1	DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013	Consideration of recommendations	Oct-22-2013	On Going



Applications w/ Status - Denman Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2013.2	Dean Ellis Planner: Linda Prowse	Apr-17-2013	Subdivision in ALR

Planning Status

Status Date: Aug-27-2013

Agricultural Land Commission wrote to applicant asking for further information from applicant and the Islands Trust.
Copy of minutes with Denman LTC resolution sent to ALC.

Status Date: Aug-12-2013

Staff report and application sent to Agricultural Land Commission

Status Date: Jul-30-2013

Requested ALC review cheque from Fin. Clerk

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2006.2	Daniel/Debra Stoneman Planner: Courtney Simpson	Aug-31-2006	The use of presently cleared areas within the Komah Bluff permit area for agricultural use.

Planning Status

Status Date: Apr-04-2011

No change: waiting for info from applicant.

Status Date: Feb-04-2010

No change

Status Date: May-01-2009

No change

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.1	Denman Community Land Trust Association (Brons) Planner: Courtney Simpson	Mar-15-2011	2016 Northwest Road, Construction of affordable housing dwelling and associated land alteration in DP 2 Steep Slopes. Joint with SUP application DE-SUP-2011.10.

Planning Status

Status Date: May-26-2011

On hold until outcome of forthcoming rezoning application is known.

Status Date: Apr-04-2011

Planner Reviewing

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Ella Day Planner: Marnie Eggen	Mar-21-2011	For barn sited within DP #1: Komas Bluff

Planning Status

Status Date: Jul-29-2013

File passed on to Bylaw enforcement

Status Date: Oct-05-2012

Letter sent to applicant re: further info required

Status Date: Nov-01-2011

Awaiting info from applicant

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

Planning Status

Status Date: Jul-16-2013

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

Status Date: Jul-16-2013

Staff preparing development permit amendment

Status Date: Jun-24-2013

Planner Reviewing File

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Ella Day Planner: Marnie Eggen	May-13-2011	Barn on property line

Planning Status

Status Date: Jul-29-2013

no change; file passed on to bylaw enforcement

Status Date: Nov-09-2012

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

Status Date: Oct-05-2012

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

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2011.1	Denman Community Land Trust Association Planner: Courtney Simpson	Aug-10-2011	Density transfer from density bank or density increase for one unit of affordable housing.

Planning Status

Status Date: Apr-24-2013

Agency / First Nation referrals sent in relation to bylaws

Status Date: Mar-12-2013

Legal review of housng agreement complete

Status Date: Nov-29-2012

Reviewing results of legal review of housing agreement

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2011.5	Steven Carballeira (Graeb/Charles King Medical Inc. (1691 Lacon Rd) Planner: Linda Prowse	Mar-28-2011	to create 2 lots

Planning Status

Status Date: Mar-21-2013

Water quality and quantity tests received as well as final subdivision plan. E-mail sent to MOTI signing off on subdivision

Status Date: Nov-24-2011

Preliminary Layout Approval received

Status Date: May-05-2011

Referral Response sent to MOTI, LTC and applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2013.1	David Critchley	Feb-19-2013	2 lot subdivision 2016 Northwest Road (I. Brons/Denman Community Land Trust)

Planner: Courtney Simpson

Planning Status

Status Date: Jun-13-2013

PLA received

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2006.7	Daniel/Debra Stoneman	Aug-31-2006	Agricultural (including buildings consistent with ALR legislation)

Planner: Courtney Simpson

Planning Status

Status Date: Jan-08-2009

On hold pending outcome of court case

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Jean Ella Day	Nov-02-2009	2900 SWAN RD One 26 foot high barn.

Planner: Marnie Eggen

Planning Status

Status Date: Jun-30-2011

On hold until outcome of DP and DVP.

Status Date: Mar-03-2011

New info submitted by applicant indicates bld sited on lot line; options provided to applicant

Status Date: Jan-20-2011

Applicant submitted partial application

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2011.10	Denman Community Land Trust Association (Brons)	Mar-15-2011	2016 NORTHWEST RD one Residence, garage/workshop, wood shed, pump shed. Joint DP application DE-DP-2011.1

Planner: Rob Milne

Planning Status

Status Date: May-26-2011

On hold until outcome of rezoning application is known.

Status Date: Mar-21-2011

Planner Reviewing File

Islands Trust
 LTC EXP SUMMARY REPORT F2014
 Invoices posted to Month ending October 2013

615 Denman	Invoices posted to Month ending October 2013	Budget	Spent	Balance
65000-615	LTC "Trustee Expenses"	1,100.00	267.59	832.41
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,500.00	1,822.28	677.72
65210-615	LTC - Local Exp - APC Meeting Expenses	1,000.00	0.00	1,000.00
65220-615	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-615	LTC - Local Exp - Special Projects	2,000.00	511.61	1,488.39
65240-615	LTC - Local Exp - Miscellaneous	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>6,500.00</u>	<u>2,333.89</u>	<u>4,166.11</u>
Projects				
73001-615-3001	Denman RAR	42,000.00	0.00	42,000.00
TOTAL Project Expenses		<u>42,000.00</u>	<u>0.00</u>	<u>42,000.00</u>

Denman Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 1, 2012	DE-041-2012	Home Based 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. CARRIED
2.	December 11, 2012	DE-081-2012	Home Based Guest Accommodation	It was MOVED and SECONDED that the Denman Island Local Trust Committee renew the Standing Resolution No. DE-041-2012 to be extended until December 31, 2013. CARRIED

STAFF REPORT

Date : November 7, 2013

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

To: Denman Island Local Trust Committee
For meeting of November 26, 2013

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

**Re: Denman Housing needs Summary Report of August 25th Community
Information Meeting**

Problem/Issue:

At their October 22, 2013 meeting the LTC gave consideration to the October 3, 2013, "Denman Housing Needs Summary Report of August 25th Community Information Meeting" staff report. Subsequent to that consideration direction was given to staff the intent of which is to provide the mechanisms and opportunity to implement secondary suites and secondary dwelling units. This report summarizes the response to that direction.

BACKGROUND:

At the October meeting the LTC passed two resolutions as follows:

DE-066-2013 It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee give consideration to amendments to the Denman Island Land Use Bylaw to facilitate the creation of secondary suites and secondary dwelling units including the use of moveable units and using Temporary Use Permits (for secondary dwelling units only) as the regulatory tool as part of the solution to the lack of housing options on Denman Island.

DE-067-2013 It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee give consideration to amendments to the Denman Island Official Community Plan to allow secondary suites and secondary dwelling units in Rural and Sustainable Resource land designations as part of the draft work on this Top Priority.

In response to the direction provided to staff two draft bylaws have been written for review by the LTC members. The draft bylaws are attached as Attachment '1' (LUB) and Attachment '2' (OCP).

ISSUES SUMMARY:

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

Although a number of shortcomings were identified with the current Land Use Bylaw (LUB) definitions related to housing in the October 3rd staff report the draft LUB amending bylaw focusses only upon those definitions necessary to implement the LTC’s direction. This is accomplished by deleting and replacing the existing definitions for “*secondary suites*” and “*secondary dwelling units*” and the addition of a new definition for “*moveable housing unit*”. A minor amendment to the fourth bullet in the definition of “*occasional*” is also included.

The draft bylaw to amend the LUB proposes the addition of a new section in Part 2 “General Regulations” which provides for a suite of regulations which set conditions for the implementation of secondary suites and secondary dwelling units. As well, given that the LUB contains the zone designations and regulations regarding uses staff are recommending that tables 3.3, “Residential Zoning Tables” and 3.4, “Resource Zoning Tables” be amended appropriately to allow the proposed uses rather than referencing the “Rural” and “Sustainable Resource” designations of the OCP. The zones affected would be “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource). The R3 zone has not been included because it was specifically created through a rezoning process that dealt with the issue of density. Finally, whereas the regulations for Temporary Use Permits reside in the Land Use Bylaw the draft bylaw proposes a new TUP section with guidelines and conditions for the approval of secondary dwelling units.

A number of amendments to the OCP are required to allow the implementation of secondary suites and secondary dwelling units. The project charter indicates that OCP amendments are out of scope however the resolution DE-067-2013 directs staff to draft OCP amendments. This expansion of scope of the project to include OCP amendments is necessary to implement the direction of the LTC for this project, and is not expected to impact timelines. Staff will amend the project charter to reflect this change in scope. The OCP amendments include:

1. Minor changes to Policy 10, under “Use and Density” of Part E.1 “Housing”, to allow the two proposed housing forms in the “Rural” designation;
2. An amendment to Policy 13 of the same section to enable the uses within the “Sustainable Resources” designation;
3. The insertion of a new policy 15 to allow secondary residential uses through the issuance of a Temporary Use Permit, and renumbering existing Policy 15 to 16; and
4. The deletion of Policy 16 of “Special Needs and Affordable Housing”.

Finally, although the guidelines and conditions of approval for TUP’s, and development permits, reside in the LUB the Official Community Plan has to provide the authority for both of those designations. The draft bylaw to amend the Official Community Plan also proposes to update Section H.2, “Temporary Use Permits” by replacing the current paragraph.

One additional item for consideration, which was briefly discussed at the October 22nd LTC meeting, was that of a reduced application fee for a TUP. Bylaw No. 181, the Denman Island fees bylaw, currently provides for the following fees:

Temporary commercial and industrial use permit	\$1,100
Temporary Use Permit, non-profit & home based business < 3 months per annum	\$440
Temporary commercial and industrial use permit renewal	\$165

It should be noted that the fees bylaw has not been updated to recognize the current language of the *Local Government Act* which has broadened the scope for which a TUP may be used to include uses beyond just commercial and industrial uses. It should be noted that any changes to the fees bylaw would have to be approved by the Executive Committee.

STAFF COMMENTS:

At their October 22, 2013 meeting the LTC gave consideration to the October 3, 2013 “*Denman Housing Needs Summary Report of August 25th Community Information Meeting*” staff report. Following that discussion the LTC passed two resolutions directing staff to prepare draft bylaws for their review which contained the necessary sets of amendments to the Denman Island LUB and Official Community Plan to allow for the implementation of secondary suites and accessory dwelling units on Denman Island as part of the solution to the current housing needs. Those draft bylaws are attached to this report for review and comment.

At such time as the LTC is satisfied with the content of the draft amending bylaws consideration needs to be given to the next steps in the housing needs initiative. The attached project charter proposes that two community information meetings (CIM) be held prior to an open house for any amending bylaws. The two resolutions shown above reflect the LTC’s review of the outcomes of the first CIM. The purpose of the second CIM meeting would have been to further refine the community vision for the implementation of affordable housing on Denman Island prior to developing draft bylaws to achieve that vision. However, given the very specific direction contained within the two resolutions adopted at the October 22nd meeting draft amending bylaws are now available for consideration by the LTC. Once the LTC is satisfied that the bylaw wordings will produce their desired outcomes they can be presented to the community at an open house, as proposed in the project charter, without the need for the second CIM. This will save both time and money in moving the housing needs initiative forward.

It is the view of staff that such an open house could follow along the lines of a public hearing with the exception that questions on the content of the bylaws and their effects would be welcome. Staff could provide a presentation which would recap the housing needs process to provide context for the two draft amending bylaws, and step through the various proposed changes to both the Land Use Bylaw and Official Community Plan. This would be followed by a question and answer session. The comments received from this meeting would be used make any necessary changes to the draft bylaws before they proceed to a formal public hearing.

The project charter proposes a public hearing in March of 2014, however, there is no LTC meeting scheduled for that month. The LTC may wish to consider the following:

1. Holding the open house on the same day as the January 21st LTC meeting, in the afternoon or evening
2. Review the staff report on the outcomes of the open house at February 25th LTC meeting and make any required amendments to the bylaws, give the bylaws first reading, direction to refer to agencies and First Nations, and direction to schedule a public hearing for the April 1st LTC meeting.

It is suggested that the draft bylaws would be forwarded to the APC and referred out to stakeholder agencies immediately following the February meeting.

3. Conduct the public hearing on the evening of March 31st or prior to the regular meeting of April 1st to allow for possible amendments and second reading of the bylaws at the meeting of April 1st.

RECOMMENDATIONS:

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

1. Consider the attached draft bylaws and provide direction to staff on any amendments
2. Refer the draft bylaws to the Advisory Planning Commission
3. Direct staff to schedule an open house on January 21, 2013

Prepared and Submitted by:

Rob Milne

November 14, 2013

Date

Concurred in by:

Courtney Simpson

November 14, 2013

RPP, MCIP
Regional Planning Manager

Date

Attachments:

1. Draft OCP amending bylaw
2. Draft LUB amending bylaw
3. Project Charter

Attachment 1

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. XXX

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. 1, 2013".

READ A FIRST TIME THIS DAY OF , 2014

PUBLIC HEARING HELD THIS DAY OF , 2014

READ A SECOND TIME THIS DAY OF , 2014

READ A THIRD TIME THIS DAY OF , 2014

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF , 2014

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT

THIS DAY OF , 2014

ADOPTED THIS DAY OF , 2014

SECRETARY

CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. XXX

Schedule A

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

1. Section H.2, “Temporary Use Permits” of Part H, “Other Permits” of Schedule A, “Policies” is amended by the deletion of the paragraph after the text “Information Note” and the insertion of the following text:

“Section 921 of the Local Government Act provides that temporary uses may be permitted in areas designated in the Official Community Plan. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only after which applicants may apply for a new Temporary Use Permit for the same use.

Areas and uses designated for the consideration of Temporary Use Permits may be found in the Denman Island Land Use Bylaw.”

2. Policy 10, under “Use and Density” of Part E.1 “Housing” is amended by replacing the existing text with the following:

“In the Rural designation zoning regulations should generally permit one dwelling unit per 4.0 hectares of lot area including a secondary suite provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. One dwelling unit should be permitted on lots that are less than 4.0 hectares in area.”

3. Policy 13, under “Use and Density” of Part E.1 “Housing” is amended by replacing the existing text with the following::

In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel.

4. Inserting a new Policy 15 which reads as follows below and renumbering existing Policy 15 to Policy 16, and deleting existing Policy 16 under “Special Needs and Affordable Housing” of Part E.1, “Housing”.

The Local Trust Committee may approve secondary dwelling units on lands within the “Rural” and “Sustainable Resources” designations through a Temporary Use Permit.

Attachment 2

BYLAW NO. XXX

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

- 1 Denman Island Land Use Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008", is
amended as detailed on attached Schedule 'A' of this amending bylaw.
- 2 This Bylaw may be cited as "Denman Island Land Use Bylaw, 2008, Amendment No 1, 2013"

READ A FIRST TIME this _____ day of _____, 2014

PUBLIC HEARING this day of , 2014

READ A SECOND TIME this _____ day of _____, 2014

READ A THIRD TIME this _____ day of _____, 2014

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
this _____ day of _____, 2014

ADOPTED this day of , 2014

Chairperson

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. XXX

Schedule 'A'

1. Part 1, "Administration", is amended by:

- a. Deleting the existing definitions of "secondary dwelling unit" and "secondary suite" and adding the following definitions in Section 1.1, "Definitions", in alphabetical order:

"Moveable housing unit means a dwelling unit capable of being moved from location to location which does not require a permanent foundation.

Secondary suite means an accessory, self-contained dwelling unit, located within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a lesser floor area than the principal dwelling unit.

Secondary dwelling unit means a dwelling unit, which may be a moveable housing unit that is accessory to a permitted principal dwelling unit and which is limited in floor area."; and

- b. The insertion of the text "moveable housing unit" after the term "travel trailer" in the definition "Occasional".

2. Part 2, "General Regulations" is amended by the addition of a new section entitled "Secondary Suites and Dwelling Units" as shown below, following regulation 3 of "Principal Dwelling Units" and renumbering the subsequent points.

- "4 Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource) in the Denman Island Land Use Bylaw. Secondary suites are generally permitted within these zoning designations without the need for a Temporary Use Permit.

5 A secondary suite is permitted within a dwelling unit provided that:

- a) Either the dwelling unit or secondary suite is occupied by the owner of the dwelling unit;
- b) There is a maximum of one secondary suite permitted per lot;
- c) The secondary suite is contained within the walls of a permitted dwelling unit;
- d) The entrance to a secondary suite from the exterior of the building must be separate from the entrance to the principal dwelling unit;
- e) The floor area permitted for a secondary suite is 40% of the floor area of the dwelling unit to a maximum of 90 square metres;
- f) One off-street parking space shall be provided for the exclusive use of the secondary suite; and
- g) A secondary suite must not be subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.

6 Where permitted by a Temporary Use Permit a secondary dwelling unit shall:

- a) Not have a floor area in excess of 90 square metres; and

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

Schedule 'A'

- b) Be connected to an approved sewerage system.
- 7 Where a lot is supplied by groundwater, a secondary dwelling unit or a building containing a secondary suite the potable water supply must be provided in compliance with regulations 9 and 12 of Section 2.8, "Subdivision Regulations".
- 8 Where a secondary suite or a secondary dwelling unit is supplied by rainwater collection, the rainwater system must comply with regulation 16 of Section 2.8, "Subdivision Regulations".
- 9 Where water is to be supplied to a secondary suite or a secondary dwelling unit by a combination of sources, a written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water.
- 10 Where water is supplied to a secondary suite or a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity to supply the secondary suite.
- 11 Where water is to be supplied from a surface water body, a water license, issued by the Province, must permit the withdrawal of the required amount of water"
3. Table 1 of Section 3.3, "Residential Zoning Tables" of Part 3, "Zoning Regulations" is amended by the addition of a new item 9 under "Accessory Uses" as follow:
- "9 Secondary Suites and secondary dwelling units";
- and adding a check mark in the R2 column.
4. Table 1 of Section 3.4, "Resource Zoning Tables" of Part 3, "Zoning Regulation" is amended by the addition of a new item 12 under "Accessory Uses" as follow:
- "12 Secondary Suites and secondary dwelling units";
- and adding a check mark in the in the "A", "F" and "RE" columns.
5. Part 5, "Temporary Use Permits" is amended by numbering the existing area as "Area 1" and the insertion of the following text after that section:
- "Area 2
- The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource) in the Denman Island Land Use Bylaw.
- Objective
- To permit secondary dwelling units where considered appropriate to address housing needs as defined in the OCP.

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. XXX

Schedule 'A'

Guidelines

- Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource) by the Denman Island Land Use Bylaw.
- Guideline 2 Compliance with the requirements of the "Secondary Suites and Accessory Dwellings" regulations of Part 2, "General Regulations" of the Denman Island Land Use Bylaw is a condition of approval.
- Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.
- Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.
- Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:
- a) Home occupation shall not be permitted in secondary suites or secondary dwelling units;
 - b) Adequate off-road parking should be provided;
 - c) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
 - c) Water supply should be addressed so as to not create negative impacts upon existing common water sources;
 - e) The owner of the property may be required to provide a security to guarantee the conversion of any building or structure where temporary housing is provided and such housing is no longer used for the temporary purposes; and
 - f) Other requirements that the Local Trust Committee may consider appropriate."



Denman Island Consultation on Affordable Housing Strategies

Project Charter

Creation Date: May 10, 2013

Last Updated: Thursday, November 14, 2013

Version: 1.2

	Name	Endorsement Date
Project Sponsors	Courtney Simpson	14/11/2013
Project Manager	Rob Milne (Island Planner)	14/11/2013
Local Trust Committee	Denman Island	

Purpose

This project will, through a public consultation process, seek community input on acceptable options for affordable housing for inclusion in a review of Denman Island's housing policies as they impact the supply of affordable housing. This review is intended to inform bylaw amendments that enable a greater supply of affordable housing in advance of the November 2014 trustee elections.

Background

The Islands Trust Policy Statement (2003) submits that "Most [island residents] feel strongly that people of differing age groups and income levels should continue to have the opportunity to reside in island communities" and that "local trust committees and island municipalities shall...address their community's current and projected housing requirements..."

This project has been initiated by the Denman Island Local Trust Committee (LTC) pursuant to the Islands Trust Council 2008-2011 Strategic Plan objective 4.3 "Use land use planning tools and decisions to improve the availability of affordable/accessible/ appropriate housing".

A 2008 '*Housing needs on Hornby and Denman Island*' report identified "at least 26 renter households and about 42 elder households on Denman Island are living in housing which is unacceptable according to nationally established standards." The report also highlights that 13.5 percent of households are in housing need with affordability of owning/renting a home as the main barrier. A narrowing age demographic towards older residents, a lack of rental options, and a deficiency of housing models able to accommodate a growing senior population also arose as common themes.

The Denman Local Trust Committee identified affordable housing need as the primary impetus for this review, but emphasized that concerns around increased density on the island might create concern by some community members.

Objectives

- Develop a communications plan that engages all stakeholders in contributing to the development of affordable housing policies

- Communicate both the process and outcomes to the Denman Island community and solicit feedback during development of the deliverables.
- With the aid of the community identify actionable ideas which are supported by the community that can be used to facilitate the creation of affordable housing.
- Amend the Land Use Bylaw to better facilitate the provision of affordable housing within the framework established by the existing community as informed through the consultative process.

Scope

In Scope	Out of Scope
▪ Two public consultation meetings ▪ One CIM ▪ Secondary suites and/or cottages ▪ Relevant density and population growth concerns ▪ Desirable demographic diversity ▪ Long-term economic sustainability ▪ Reviewing definition of a dwelling unit ▪ LUB amendments	▪ Density bank ▪ Density transfer ▪ Short-term vacation rentals ▪ Bed and Breakfast accommodations ▪ OCP amendments ▪ More than two public consultation meetings ▪ Multi-unit projects (i.e. co-housing or senior housing)

Deliverables and Milestones

Deliverable / Milestone	Target Completion Date
Public Consultation Meeting 1 (“Needs and Fears”)	August 25, 2013
Staff Report on Meeting 1	October, 2013
Public Consultation Meeting 2	November, 2013
Draft amendments to relevant Land Use Bylaw	January, 2014
Local Trust Committee review of staff recommendations	January, 2014
Open House for public review of proposed bylaw amendments	February, 2014
Public hearing on proposed bylaw amendments	March 2014
Further readings of bylaws and referral to Executive Committee	April, 2014
Adopted bylaw amendments	May, 2014

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>Homeowners</i>	<i>All</i>	• New housing permissions do not threaten rural character • New regulations are clearly understood and accessible • Fair and reasonable regulation • Expect clear, proactive communication
<i>Renters</i>	<i>All</i>	• Greater availability of rental housing to meet housing need • Solutions that incentivize additional housing rather than penalize users of substandard housing

Project Team Resources

Name	Project Role	Area	Duration	Time
Rob Milne	Project Manager	LPS – Northern	All	20 days
Additional Planner resources	Planning support	LPS – Northern	2-3 days	
Penny Hawley	Meeting notices & bookings	LPS – Northern	All	1-2 days
Seth Wright	Planning support-meeting, materials preparation	LPS – Northern	Initiation of project to first CIM	10 days

Project Governance

Role	Responsibility
Project Champion - David Marlor	Strategic matters at Executive Committee level
Project Sponsor - Courtney Simpson	Ensures project aligns with Trust Council Strategy, provide adequate project resources
Local Trust Committee	Provides support through maintaining the project as a work program priority
Project Manager - Rob Milne	All project management of the project, lead/ direct all project work
Project Team Members	Carry out assigned project tasks

Project Budget

Item	Details	Fiscal 13/14	Fiscal 14/15
Communications	- reproduction - Mail outs - Newspaper advertising	\$200	\$510
Open House & Public Hearing	- Statutory advertising - Venue rentals - Refreshments - Transportation - Display materials preparation	\$250	\$1,500
Totals		\$200	\$2060

Critical Success Factors

- Ongoing support from Sponsors and LTC
- Project is adequately resourced – budget request for further mapping is filled in 2013-14 fiscal
- Project completes on time

Links and Dependencies

- Any new project added to the top priorities list does not move ahead of this project.

Risk Assessment

Risk Description	Prob-ability	Impact	Risk Response Strategy
<i>Budget is not allocated for 2014 consultation meetings</i>	L	H	Prepare thorough budget request through RPM, in order to provide LPS director with adequate information for preparing budget information to FPC.
<i>Public consultation process is not completed on time</i>	L	L-M	Prioritized work load to ensure resources are available for timely project completion.
<i>Significant public opposition</i>	M	M-H	Ensure communications are early and ongoing. Acknowledge and respect public wishes and concerns with appropriate bylaw amendment recommendations..



STAFF REPORT

Date: November 7, 2013

File No.: DE 6500-02

To: Denman Island Local Trust Committee
For meeting of November 26, 2013

From: Rob Milne
Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: Review of Early Referral Comments regarding Bylaw No. 207

Owner: Local Trust Committee initiated project

Problem/Issue:

The first priority on the Denman Island Local Trust Committee (LTC) work program continues to be a review of policies and regulations regarding impacts of shellfish farming on the marine environment. The LTC's ongoing review and discussions regarding this issue, and the associated community concerns, have determined the following three actions to be the most likely to be effective in addressing concerns related to aquaculture industry activities:

- Removal of predator netting from the beach
- Banning driving on the foreshore
- Banning beach modification

A preliminary report at the April 3, 2012 LTC meeting provided background information. A second report at the February 26, 2013 meeting presented further information on the extent of the LTC's authority to regulate activities that negatively impact the marine environment in Baynes Sound.

At its regular business meeting of February 26, 2013, the LTC passed the following resolution:

DE-009-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to draft amendments to Bylaw No. 186 which would restrict all structures in the W3 Zone and to add amendments which ban vehicular driving on the foreshore in the W3 Zone.

At its regular business meeting of July 16, 2013 the LTC passed the following subsequent resolution:

DE-046-2013 *It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee request staff to proceed with early referrals of the Draft Bylaw regarding bylaw amendments to the W3 Zone, and to bring the amending bylaw back to the Local Trust Committee for further consideration.*

The purpose of this staff report is to update the LTC on the comments received on the early referral of the proposed Bylaw No. 207 whose intent and purpose is intended to be the regulation of the use of predator netting, driving on the foreshore and beach modification.

Results of Circulation

Draft Bylaw No. 207 was referred out to one federal agency, five provincial agencies, one regional district, one adjacent Local Trust Area and 17 First Nations on September 19, 2013 (see attached Attachment '1'). Table 1 below summarizes the responses received to date. Full copies of all responses may be found in attached Attachment '2'.

Agency/Organization	Comments	Synthesis
Comox Valley Regional District	See attached response for full text	Interests unaffected
Hornby Island LTC	LTC resolution	Interests unaffected
Forests Lands and Natural Resource Operations	Approval recommended for reasons outlined' Thank you for sending us this referral. Protection of shoreline structure and natural processes is important for maintaining robust populations of fish and wildlife as a means of coping with sea level rise. The Local Trust Committee are to be congratulated for taking this step.	Approval recommended
DFO - Ecosystem Management Branch	See attached response for full text	Interests unaffected
BC Ferries	Interests unaffected	Interests unaffected
BC Shellfish Growers Association (not sent a referral by Islands Trust)	See attached response for full text	Approval not recommended
Homalco First Nation	See attached response for full text	No objections at this time
Lyackson First Nation	See attached response for full text	Concerned about un-moderated beach modification that affects archaeological sites and if restriction affects rights by beach modification prohibition.

Sliammon First Nation	The SFN have completed a review of above noted files and are satisfied that we have not been able to identify any concerns associated with this referral application and were in a position to provide your office with our CONDITIONAL APPROVAL to proceed with your determination on this particular referral application. (See attached response for full text.)	Conditional approval
-----------------------	---	----------------------

Staff Comments:

As directed by the LTC at their July 16, 2013 meeting staff sent out an early referral for Bylaw No. 207 which went to 25 various stakeholder groups and organizations. At the time this report was written eight responses had been received including one from the BC Shellfish Growers Association. A review of those referral responses shows that only the BC Shellfish Growers Association who question the need for a bylaw which ,”would restrict their ability to farm and dictate their husbandry methods” has recommended against the adoption of the draft bylaw. The remainder of the responses spanned the spectrum for outright support for approval to a determination that their organizations were unaffected. Aside from those of the BC Shellfish Growers Association no other significant issues or objections have been identified.

During the staff review of the referral responses it was noted that although a response was received from FLNRO it did not originate with the tenuring branch. Staff has made contact with FLNRO staff responsible for the tenuring process and are waiting for their comments which have not been received at the time of the writing of this report. Given the foregoing and in consideration of legal counsel that the LTC has received on this matter staff see three basic options that the Local Trust Committee could choose to pursue:

1. Choose not to proceed at this time due to questions related to legislated authority;
2. Defer further consideration of draft bylaw 207 until referral comments has been received from FLNRO tenures branch;
3. Choose to proceed to first reading and formally refer the draft bylaw for stakeholder comments.

Recommendations:

It is the recommendation of staff:

THAT the Local Trust Committee give consideration to the staff report and attached draft bylaw and provide direction to staff on how they wish to proceed.

Prepared and Submitted by:

Rob Milne

November 14, 2013

RPP, MCIP
Island Planner

Date

Concurred in by:

Courtney Simpson

November 14, 2013

RPP, MCIP
Regional Planning Manager

Date