



Hornby Island Local Trust Committee

Regular Meeting Revised Agenda

Date: April 5, 2019
Time: 11:30 am
Location: New Horizons
1765 Sollans Road, Hornby Island, BC

	Pages
1. CALL TO ORDER	11:30 AM - 11:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
1.1 Welcome - Trustee Grant	
2. APPROVAL OF AGENDA	
3. TOWN HALL	11:35 AM - 11:45 AM
4. MINUTES	11:45 AM - 11:50 AM
4.1 Local Trust Committee Minutes dated January 25, 2019 - for adoption	4 - 10
4.2 Section 26 Resolutions-without-meeting Report dated March 29, 2019	11 - 11
4.3 Advisory Planning Commission Minutes - none	
5. BUSINESS ARISING FROM MINUTES	11:50 AM - 12:10 PM
5.1 Follow-up Action List Report dated March 29, 2019	12 - 14
5.2 Advisory Planning Commission Bylaw - Staff Report	15 - 19
5.3 Homesite Severance in the Agriculture Land Reserve - Memorandum	20 - 24
5.3.1 <u>Agricultural Land Commission (ALC) Response to Homesite Severance Application</u>	
6. DELEGATIONS	
7. APPLICATIONS AND REFERRALS	12:10 PM - 12:40 PM
7.1 HO-DVP-2018.1 (Fredbeck - Fords Cove Marina) - Memorandum	25 - 25
7.2 HO-DP-2019.2 (Tuele - 4340 Central Road) - Staff Report	26 - 58

8.	LOCAL TRUST COMMITTEE PROJECTS	12:40 PM - 1:20 PM	
8.1	<i>Freshwater Workshop Update - Staff Report</i>		59 - 62
8.2	Land Use Bylaw Amendments Project - Staff Report		63 - 69
	----- BREAK ----- 1:20 PM to 1:40 PM		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.	NEW BUSINESS		
10.1	<i>Trustee Travel - discussion</i>		
10.2	<i>Circulation of Islands Trust Herring Resolution - discussion</i>		
11.	REPORTS	1:40 PM - 2:00 PM	
11.1	Trustee Reports		
11.2	Chair's Report		
11.3	Trust Conservancy Report - none		
11.4	Electoral Area Director's Report		
11.5	Applications Report dated March 29, 2019		70 - 77
11.6	Trustee and Local Expense Report dated February, 2019		78 - 78
11.7	Adopted Policies and Standing Resolutions		79 - 80
11.8	Local Trust Committee Webpage		
12.	WORK PROGRAM	2:00 PM - 2:10 PM	
12.1	Top Priorities Report dated March 29, 2019		81 - 81
12.2	Projects List Report dated March 29, 2019		82 - 82

13. CLOSED MEETING 2:10 PM - 2:20 PM

13.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a) and (m) for the purpose of considering Appointment of APC Members and Adoption of In-Camera Meeting Minutes dated September 28, 2018 AND that the recorder and staff attend the meeting.

13.2 Recall to Order

13.3 Rise and Report

14. UPCOMING MEETINGS 2:20 PM - 2:25 PM

14.1 Next Regular Meeting Scheduled for May 24, 2019 at 11:30 am at New Horizons,
1765 Sollans Road, Hornby Island, BC

15. ADJOURNMENT 2:25 PM - 2:25 PM



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: January 25, 2019
Location: New Horizons
 1765 Sollans Road, Hornby Island, BC

Members Present: Sue Ellen Fast, Chair
 Alex Allen, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager
 Bronwyn Sawyer, Planner 2
 Vicky Bockman, Recorder

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

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 11:30 am. She welcomed the public, introduced herself as the incoming Chair, and acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL

- Mary MacKenzie, a member of a citizens' group focusing on sustainability of groundwater and the impacts of tourism on Hornby Island aquifers, requested that the Local Trust Committee (LTC) consider the protection of groundwater and adequate septic capacity on the entire island, not just in the Whaling Station Bay area, in its review of Vacation Home Rental (VHR) operations. She requested that if VHRs are taxed, that these funds be returned to the community. She referred to a report: Hornby Island Water Stewardship Project 1996-1999 tests, and submitted the report for the record.
- Other comments from the public regarding the VHR review and groundwater protection were noted as follows:
 - The review of VHRs and proactive enforcement of non-compliant operations was encouraged;
 - VHR regulations should require that septic system capacity be proven and connected to the number of rooms, beds and the total number of tourists and residents using the system;
 - Utilization of a water delivery program for VHR use is not appropriate and it is important that groundwater for residents be protected; the LTC was encouraged to include the source of VHR water in the review;
 - The term "groundwater" might be misleading as collection and storage of water need to be encouraged as components of a sustainable water strategy;

- Concern was expressed that water is being extracted from a private well for a water delivery program.

4. MINUTES

4.1 Local Trust Committee Adopted Minutes dated September 28, 2018 - for information

Received.

4.2 Section 26 Resolutions-without-meeting Report dated January 15, 2019

Received.

4.3 Advisory Planning Commission Minutes - none

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated January 15, 2019

Regional Planning Manager Kjerulf summarized the List and provided updates.

A Trustee recognized that the First Nations relationship building initiatives have been positive and expressed hope that the momentum can continue on these activities.

5.2 Letter of Understanding between Comox Valley Regional District (CVRD) - Denman Island and Hornby Island Local Trust Committees

Regional Planning Manager Kjerulf explained the purpose and intent of the document that has been approved and executed by the Islands Trust and CVRD.

Trustee Allen remarked that the annual meeting with CVRD will be held in May and encouraged community members to advise him of any interest in topics for discussion.

5.3 Parking in a Public Use Zone - verbal update

Regional Planning Manager Kjerulf reported that staff research has determined that current bylaw regulations allow that parking is presently a permitted use for lots in the Public Use Zone in a way that enables parking requirements for developments on one lot to be met by utilizing land on another lot within 100 metres in the Zone.

6. APPLICATIONS AND REFERRALS

6.1 HO-DP-2018.3 (Zielinski - 10795 Central Rd) - Staff Report

Regional Planning Manager Kjerulf presented the Development Permit application for LTC consideration of an after-the-fact authorization for an accessory building addition and removal of an existing building. She reported that staff are recommending that the LTC not require a survey plan as a site visit has confirmed that the distance to the lot line is greater than Land Use Bylaw (LUB) setback requirements. She noted that the proposal is consistent with the Development Permit Area guidelines.

HO-2019-001

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee, under regulation 2.7(1) of the Hornby Island Land Use Bylaw No. 150, 2014, not require a survey plan for application HO-DP-2018.3, as such a plan is not reasonably necessary to confirm that the building addition complies with the siting requirements of Hornby Island Bylaws.

CARRIED

HO-2019-002

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2018.3, subject to the following conditions:

- a) Neon or internally lit signs shall not be permitted.
- b) Off-street automobile parking shall be provided as required by Hornby Island Land Use Bylaw No. 150, 2014 and shall be adequately screened and unobtrusive, and where possible, located to the rear of the parcel and away from public open spaces and eating places.
- c) Natural vegetation and trees shall be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.
- d) Lighting shall be softer and lower than supplied by mercury vapour lighting towers.
- e) Lighting alternatives shall not light up adjacent private properties.
- f) The character of the development shall keep with the rural environment and blend in with the aesthetic qualities of the natural surroundings.
- g) The form of the development shall incorporate low, small-scale building design with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.
- h) All buildings shall be finished in natural products such as wood or brick.
- i) Businesses shall be clustered in order to share in the provision of parking, services and public facilities and open space.
- j) Adequate convenient toilet and washroom facilities shall be provided for the number of customers anticipated.
- k) Universal access design principles shall be incorporated into the built environment to support the provision of equitable access for all abilities.

CARRIED

7. LOCAL TRUST COMMITTEE PROJECTS

7.1 Vacation Home Rental Community Education and Bylaw Compliance Campaign – Memorandum

Regional Planning Manager Kjerulf provided an update on the status of the project. She presented a revised Project Charter for LTC consideration to allow the LTC to have an opportunity to consider the results of Bylaw Enforcement research on non-compliant VHRs prior to advancing bylaw enforcement.

Trustees discussed the timeline and options for gathering of VHR inventory information. They noted that concerns that have been raised regarding VHRs suggest that continuing the momentum on this project is important to the community.

HO-2019-003

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the revised Project Charter v.2 for the Vacation Home Rental Education and Bylaw Compliance Project.

CARRIED

7.2 Freshwater Workshop – discussion

Regional Planning Manager Kjerulf presented the draft Project Charter for the Groundwater Protection and Water Conservation project for LTC consideration and advised that a Community Workshop is scheduled for February 2nd.

Trustees discussed the importance of public consultation for this project and discussed communication options.

HO-2019-004

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the Groundwater Protection and Water Conservation Project Charter v.1 dated January 25, 2019.

CARRIED

8. DELEGATIONS - none

9. CORRESPONDENCE

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

9.1 Letter dated December 10, 2018 from Mark Wilson, BC Ferries

Received.

10. NEW BUSINESS

10.1 Advisory Planning Commission Appointments and Bylaw - Staff Report

Regional Planning Manager Kjerulf outlined the Staff Report that asks the LTC to consider requesting staff to advertise for expressions of interest for the Advisory Planning Commission (APC) and to draft an updated APC bylaw for review.

HO-2019-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that staff advertise for expressions of interest for the Hornby Island Advisory Planning Commission.

CARRIED

HO-2019-006

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that staff draft an updated Advisory Planning Commission bylaw for Local Trust Committee consideration.

CARRIED

10.2 Notification of Federal Cannabis License Applications - Staff Report

Regional Planning Manager Kjerulf explained that to ensure the LTC and community are informed of proposed licensed cannabis activities within the Local Trust Area, the LTC is asked to consider adopting a standing resolution to receive Notices of Intention to Apply for a Federal Cannabis License.

Trustees deferred consideration of placing Regulation of Cannabis Production and Retail Sales on the Top Priorities or Projects List to agenda item 12, Work Program.

HO-2019-007

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the following standing resolution:

“That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”

CARRIED

10.3 Coastal Douglas-fir & Associated Ecosystems Toolkit - Staff Report

<http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

Regional Planning Manager Kjerulf summarized the report: *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)*.

Trustees deferred consideration of the implementation of the tool kit to agenda item 12, Work Program.

10.4 Updated Islands Trust Climate Change Web pages – Briefing

Regional Planning Manager Kjerulf summarized the Briefing that advises the LTC that the Islands Trust climate change web pages have been updated and encourages dissemination of the climate change resources contained on the page.

11. REPORTS

11.1 Trustee Reports

Trustee Allen reported on the following:

- He attended a Ferry Advisory Committee (FAC) meeting where topics of discussion included consideration of assured loading options for community health care workers and seniors with medical appointments during peak season. Terminal development plans were reviewed which are available for online viewing. He noted that the next FAC meeting will be in February and solicited views from the community regarding ferry issues that might be addressed at that time.
- Trust Council meetings in Victoria and Nanaimo included Trustee orientation and recognition of Fiona MacRaid's work to improve relationships between Islands Trust and First Nations.
- He attended a Trust Programs Committee meeting electronically where topics of discussion included engaging First Nations and water sustainability issues. The Committee will be creating a video addressing seniors and elders in Local Trust Areas and he hoped to include views from Hornby Island in that venture.

11.2 Chair's Report

Chair Fast reported on the following:

- As a member of Executive Committee she encouraged the public to contact her with any Trust matters they may wish to discuss.
- She is a member of Islands Trust Conservancy, and reported on changes being considered to some of the property management responsibilities.
- She invited the public to review and comment on the Islands Trust draft 2019/20 budget which is now available and can be viewed online.
- The position of Senior Intergovernmental Policy Advisor has been filled and will be providing advice on First Nations issues to staff and Trustees.

11.3 Trust Conservancy Reports dated September and November, 2018

Received.

11.4 Electoral Area Director's Report - none

11.5 Applications Report dated January 15, 2019

Trustees reviewed the report and requested updates on various application files. They noted a reference to “Homesite Severance in the ALR” and requested an explanation of the term.

HO-2019-008

It was MOVED and SECONDED,

that staff be directed to report back to the Hornby Island Local Trust Committee at the next meeting with information about Homesite Severance and what it means in relation to application HO-ALR-2018.1

CARRIED

11.6 Trustee and Local Expense Report dated November, 2018

Received.

11.7 Adopted Policies and Standing Resolutions

Trustees noted that Standing Resolution HO-2018-023 designates a January 1, 2019 expiration and discussed the impact of the current VHR review on this policy.

HO-2019-009

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee rescind Standing Resolution HO-2018-023.

CARRIED

11.8 Local Trust Committee Webpage

No changes or updates were requested.

12. Work Program

12.1 Top Priorities Report dated January 15, 2019

Trustees continued discussion from agenda item 10.2, considering the addition of regulation of cannabis production and retail sales to the Work Program.

HO-2019-010

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to add the following activity to the Land Use Bylaw Amendments Top Priority project: “Regulations for Cannabis Production and Sales”.

CARRIED

HO-2019-011

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to move Top Priority No. 4 “Addressing Housing Needs” to the Projects List.

CARRIED

12.2 Projects List Report dated January 15, 2019

Trustees continued discussion from agenda item 10.3, considering the addition of the tool kit to the Work Program.

HO-2019-012**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee add "Implementation of the report, Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)" to the Projects List.

CARRIED**HO-2019-013****It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee remove "Regulation of Cannabis Production" from the Projects List.

CARRIED**13. CLOSED MEETING - none****14. UPCOMING MEETINGS**

Trustees discussed the date of the upcoming Hornby Island By-Election, the timing of the orientation for the incoming new Trustee, and the benefit of rescheduling the next meeting to accommodate these events.

HO-2019-014**It was MOVED and SECONDED,**

that the next Hornby Island Local Trust Committee regular meeting date be rescheduled to April 5, 2019.

CARRIED**14.1 Next Regular Meeting Scheduled for April 5, 2019 at 11:30 am.****15. ADJOURNMENT**

By general consent the meeting was adjourned at 1:58 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Islands Trust

Hornby Island

Print Date: March 29, 2019

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2019-01	In Favour	that the Hornby Island Local Trust Committee send a letter signed by the Chair in response to the consultation on the application for a Pesticide Use Permit to eradicate invasive intertidal cordgrass infestations, expressing support for manual removal techniques only, on Hornby Island.	06-Mar-2019

Follow Up Action Report

Hornby Island

02-Dec-2016

Activity	Responsibility	Target Date	Status
Komoks Relationship Building: Staff be requested to develop an Event Plan with respect to Hornby and Denman LTCs working together for an initial Komoks community and First Nation long-term, sustainable relationship building event. Staff to also discuss environmental mapping (ecosystems, eel grass, forage fish) KFN staff as a step in relationship-building.			On Going

01-Dec-2017

Activity	Responsibility	Target Date	Status
Staff to organize two or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Hornby island community members, and to invite First Nations who have asserted rights and title on Hornby Island to participate			On Going

25-Jan-2019

Activity	Responsibility	Target Date	Status
HO-DP-2018.3 approved for issuance.	Becky McErlean Jaime Dubyna		Done
Advertise for expressions of interest for the Hornby Island Advisory Planning Committee.	Penny Hawley	15-Feb-2019	Done

Follow Up Action Report

Draft updated Hornby Island Advisory Planning Commission Bylaw.	Becky McErlean Ann Kjerulf	15-Mar-2019	Done
LTC adopted standing resolution: That the Hornby Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forward to the Local Trust Committee upon receipt by the Islands Trust.	Becky McErlean Penny Hawley	01-Feb-2019	Done
Staff to report back to the Hornby Island LTC to advise on homesite severance in the ALR and what it means in relation to HO-ALR-2018.1.	Jaime Dubyna	15-Mar-2019	Done
Standing resolution HO-2018-023 was rescinded.	Becky McErlean Penny Hawley	01-Feb-2019	Done
Amend Top Priorities: ·Add "Regulations for Cannabis Production and Sales" to LUB Amendments; ·Remove "Addressing Housing Needs".			Done
Amend Projects List: ·Add "Addressing Housing Needs"; ·Add "Implementation of the Coastal Douglas-fir Toolkit"; ·Remove "Regulation of Cannabis Production".			Done
Reschedule LTC meeting from March 8, 2019 to April 5, 2019.	Wil Cottingham		Done
Groundwater Protection and Water Conservation Project Charter v.1 was endorsed. Community workshop (meeting) to be held on February 2, 2019.	Ann Kjerulf William Shulba Bronwyn Sawyer		Done



Follow Up Action Report

Revised Project Charter for Vacation Home Rental Community Education and Bylaw Enforcement Campaign was endorsed. Bylaw enforcement staff to commence inventory of non-compliant VHRs.

Miles Drew
Ann Kjerulf
Bronwyn Sawyer

On Going



DATE OF MEETING: April 5, 2019
TO: Hornby Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Bylaw No. 158 – Hornby Island Advisory Planning Commission Bylaw

RECOMMENDATION

1. That Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be read a first time.
2. That Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be read a second time.
3. That Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be read a third time.
4. That Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider giving readings to Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", and subsequently to forward the bylaw to the Executive Committee for approval, prior to consideration of adoption. Bylaw No. 158 clarifies roles and responsibilities of APC members.

BACKGROUND

At the January 25, 2019 meeting, the LTC passed the following resolution:

HO-2019-006

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that staff draft an updated Advisory Planning Commission bylaw for Local Trust Committee consideration.

ANALYSIS

Policy/Regulatory

The authority to establish Advisory Planning Commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*. Establishment of Advisory Planning Commissions supports the Islands Trust Policy Statement guiding principle that “*open, consultative public participation is vital to effective decision making for the Trust Area*”.

Issues and Opportunities

Draft Bylaw No. 158 is updated to clarify the roles of the Chairperson, Deputy Chairperson, and Secretary. It also provides for a professional minute taker to allow APC members to actively participate in discussion of referrals from the LTC and also to ensure consistency in record-keeping for Islands Trust meetings. Staff note that the format and wording of the bylaw is consistent with APC bylaws adopted recently for other LTCs.

Statutory Requirements

LTC administrative bylaws are required to be approved by the Executive Committee prior to adoption. No public hearing is required.

Rationale for Recommendation

Staff are of the opinion that the updated bylaw language should roles and responsibilities and promote active discussion of referrals amongst APC members. The staff recommendation is outlined on page 1 of the report.

NEXT STEPS

Assuming concurrence with the recommended resolutions, Bylaw No. 158 would be forwarded to the Executive Committee for consideration.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 7, 2019
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ATTACHMENTS

1. Draft Bylaw No. 158

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 158

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE HORNBY ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

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

1. Establishment

- a) The Hornby Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an Official Community Plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to nine members to an Advisory Planning Commission (APC) to serve a two-year term, and may reappoint those members for a subsequent two-year term.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.

DRAFT

- c) The Deputy Chairperson will:
 - i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
 - iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has, by resolution, requested a response by an earlier specified date or authorized the referral to be considered at a later date.
- c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) The Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) If the APC has been referred an application, the Islands Trust must ensure that the applicant is notified of the date, time and place of the meeting at which their application will be discussed, at least five (5) calendar days prior to the meeting.
- c) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- d) The Secretary must post the notice of meeting indicating the date, time, and place of any APC meeting at least five (5) calendar days prior to the meeting on a bulletin board that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50% of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.

- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.
- e) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- f) The APC must not receive development proposals or other applications directly from applicants.
- g) The APC must not consult directly with other government agencies or organizations.
- h) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.
- b) Draft minutes will be forwarded directly to the Islands Trust Office within (7) days of an APC meeting.
- c) Upon receipt of draft minutes, Islands Trust staff will conduct a review and revise the minutes insofar as to ensure that the draft minutes can be published in accordance with the Islands Trust policies and provincial legislation.
- d) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

8. Transition

- a) Hornby Island Local Trust Committee Bylaw No. 89 cited as "Hornby Island Trust Committee Advisory Planning Commission Bylaw, 1994", is repealed.

9. Citation

- a) This Bylaw may be cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019".

READ A FIRST TIME THIS DAY OF , 2019

READ A SECOND TIME THIS DAY OF , 2019

READ A THIRD TIME THIS DAY OF , 2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF — , 201x

ADOPTED THIS DAY OF , 201x

SECRETARY

CHAIRPERSON

MEMORANDUM

File No.: HO-ALR-2018.1
(Colin)

DATE OF MEETING: April 5, 2019
TO: Hornby Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
SUBJECT: **Homesite Severance in the ALR**

PURPOSE

The purpose of this memorandum is to report back to the Hornby Island Local Trust Committee (LTC) as directed, to advise on Homesite Severance in the Agricultural Land Reserve (ALR) and what an application for Homesite Severance means in relation to the application HO-ALR-2018.1, for the property identified as PID 023-773-260; LOT 1, SECTION 13, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP65241.

At the January 25, 2019 LTC regular business meeting, the LTC passed the following resolution:

HO-2019-008

It was MOVED and SECONDED,

that staff be directed to report back to the Hornby Island Local Trust Committee at the next meeting with information about Homesite Severance and what it means in relation to application HO-ALR-2018.1.

CARRIED

BACKGROUND

An application for a proposed subdivision in the ALR under Section 21 of the *Agricultural Land Commission Act* (ALCA) was received by the Islands Trust in January 2018.

Initially, the applicant had proposed to subdivide a portion of the subject property for their adult children under Section 514 of the *Local Government Act* (LGA). Section 514 of the LGA contains provisions for the subdivision of land to provide a residence for a relative. These provisions allow the Provincial Approving Officer to approve the subdivision of a parcel that would otherwise be prevented by local bylaws (i.e. subdivision lot area requirements), if the subdivision is also permitted by the Agricultural Land Commission (ALC). Following an approved subdivision under this section of the LGA, Section 514 (7) limits the use of the parcels for five years to providing a residence for a family member/relative and to the use of the original parcel.

At the June 8, 2018 LTC regular business meeting, the LTC passed the following resolution:

HO-2018-029

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to forward HO-ALR-2018.1 to the Agricultural Land Commission with the following comments:

- The Hornby Island Official Community Plan recognizes the importance of retaining large parcels of farmland to balance the significant number of smaller lots; however, most active and productive farms on Hornby Island are on smaller lots;

- This proposal would involve reverting to the original configuration of two parcels, both over 10 acres before they were consolidated by the proponent;
- This would enable access to farmland by a family that proposes to farm at a time when access to farmland is challenging on Hornby Island;
- The proponent states that this subdivision would support farming taking place on both lots;
- Background information about agriculture on Hornby Island is attached; and
- A map of existing Agricultural Land Reserve properties on Hornby Island is attached.

CARRIED

The applicant was advised to contact the Regional Agrologist for Vancouver Island North at the Ministry of Agriculture for assistance in developing a farm plan that would be included as part of the local government referral package to the ALC. In subsequent conversations, the applicant advised staff that the Regional Agrologist had recommended they amend their application and apply for a one-time homesite severance for long-time property owners, rather than for subdivision under Section 514 of the LGA.

On August 28, 2018, the applicant submitted to staff a letter stating that they wish to apply under the Homesite Severance policy and a copy of the proof of ownership from prior to December 21, 1972. The Islands Trust referral package to the ALC was submitted in September 2018. At the time of this report, staff have not received a decision from the ALC.

HOMESITE SEVERANCE POLICY

Similar to an application for subdivision under Section 514 of the LGA, an application for homesite severance in the ALR is made under Section 21 of the ALCA. A property is eligible for homesite severance in the ALR when the property has been continuously owned and occupied as the applicant's principal residence since December 21, 1972, and when the applicant wishes to retain a homesite on the land and sell the remainder.

The intent of the Homesite Severance policy is to allow aging farmers to retire on a smaller portion of their lands, while retaining agricultural capability on the larger remainder parcel. Therefore, the ALC's decision would take into consideration any impact on agricultural capability and ensure that the remainder results in a suitable agricultural parcel. It is noted that the Homesite Severance policy does not specify ownership of the remainder, and resultantly, ownership may be obtained by family members or non-family members.

The ALC provides further information in its "Homesite Severance on ALR Lands" Policy L-11 (January 2016). The requirements for homesite severance applications are summarized below:

1. A severance may be permitted once only, and the applicant must submit documentary evidence that they have continuously owned and occupied the property as their principal residence since December 21, 1972.
2. Where a previous subdivision has been approved by the ALC, the ALC may deny any further subdivision under the Homesite Severance policy.
3. Consideration of a homesite severance may occur only where the applicant submits documentary evidence showing legitimate intention to sell the remainder of the property upon approval of the homesite severance. The ALC may withhold approval subject to sale of the remainder, or may authorize the deposit of the subdivision plan be issued to the Registrar of Land Titles only when a transfer of estate in fees simple is being registered concurrently.
4. The ALC may determine a subdivision would compromise agricultural integrity in the area, and may exercise its discretion to refuse the homesite severance. In its decision, the ALC may apply the following options:
 - a. the existing homesite may be created as a separate parcel where it is a size compatible with the character of the property and where it is a reasonable size to allow for legal access purposes; or,

- b. the ALC may approved the creation of a homesite severance parcel elsewhere on the property if the location of the existing homesite would create potential difficulty for the agricultural operation or management of the remainder of the parcel.
5. The remainder must be of a size and configuration that the ALC considers to be a suitable agricultural parcel. Where the ALC determines the remainder is of an unacceptable size or configuration, the ALC may:
 - a. deny the homesite severance;
 - b. require that the remainder be consolidated into an adjacent parcel; or,
 - c. require the registration of a covenant against the title of the remainder, and may prohibit the construction of dwellings.
6. A condition of approval shall be that the homesite is not to be sold for five years, except in the case of the death of the owner.
7. **Local governments and approving officers are encouraged to handle the application in the same manner as an application under Section 514 of the LGA, as it relates to compliance with local bylaws.**

A copy of Policy L-11 is attached as Attachment 1 of this report.

In response to the amendment to the application from a subdivision under Section 514 of the LGA to a homesite severance, staff determined no additional application was required. In respect to requirement 7 above, it was determined that staff's assessment of the application found in the [Staff Report](#), dated June 8, 2018, had not changed, and as a result, staff's recommendation to not forward the application to the ALC would not have changed. Therefore, the amended application was not considered by the LTC, and the referral package was submitted to the ALC with the necessary amendments and attached documentation.

Staff note that the initial application proposed to subdivide the lot in order to provide the property owner's adult children with the opportunity to access affordable housing and farmland on Hornby Island. It is noted that were the homesite severance to be approved by the ALC, ownership of the remainder would not be bound to relatives of the property owner. However, the homesite would not be available for sale over a period of five years, as required by the ALC.

Further, the initial application proposed to subdivide the lot into one 4.1 hectare parcel and one 5.7 hectare parcel. Staff note that the ALC may determine a minimum size for the homesite based on their assessment, and could potentially reduce or reconfigure the homesite in order to retain a suitable agricultural parcel.

NEXT STEPS

The LTC receive this memorandum as information.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 2	March 11, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 11, 2019

ATTACHMENTS

1. Attachment 1 – Policy L-11 Homesite Severance on ALR Lands (ALC document)

 Agricultural Land Commission Act	Policy L-11 January 2016 HOMESITE SEVERANCE ON ALR LANDS
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This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act](#), 2002, including amendments as of September 2014, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of August 2016, (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.

The purpose of this policy is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.

A subdivision application under Section 21 (2) of the ALCA is required.

Persons making use of this homesite severance policy (the “Homesite Severance Policy”) must understand the following:

- a. there is no automatic right to a homesite severance;
- b. the Agricultural Land Commission (the “Commission”) shall be the final arbiter as to whether a particular homesite severance meets good land use criteria; (see #4 below)
- c. a prime concern of the Commission will always be to ensure that the “remainder” will constitute a suitable agricultural parcel. (see #5 below).

Without limiting the generality of the foregoing, the following guidelines apply to homesite severance applications.

1. A once only severance may be permitted where the applicant submits documentary evidence that he or she has continuously owned and occupied the property as his or her principal place of residence since December 21, 1972.
2. Where an applicant for a homesite severance has had a previous subdivision application approved by the Commission resulting in the creation of a separate parcel, the Commission may deny any further subdivision under the Homesite Severance Policy.
3. An application for a homesite severance will be considered only where the applicant submits documentary evidence showing a legitimate intention to sell the remainder of the property upon the approval of the homesite severance application. (An interim agreement for sale, a prospective buyer’s written statement of intent to purchase, a real estate listing, or some other written evidence of a pending real estate transaction may be acceptable as documentation)

In considering the application, the Commission may make an approval subject to sale of the remainder within a specified period of time.

An order of the Commission authorizing the deposit of the subdivision plan will be issued to the Registrar of Land Titles only when a transfer of estate in fee simple or an agreement for sale is being registered concurrently.

4. There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission will therefore exercise its discretion to refuse the homesite severance.

The following two options apply to a homesite severance:

- a. the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or
 - b. where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the remainder, the Commission may, if it deems appropriate, approve the creation of a homesite severance parcel elsewhere on the subject property.
5. The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. Where, in the Commission's opinion, the remainder is of an unacceptable size or configuration from an agricultural perspective, there may be three options:
 - a. the Commission may deny the homesite severance;
 - b. the Commission may require that the remainder be consolidated with an adjacent parcel; or
 - c. the Commission may require the registration of a covenant against the title of the remainder and such a covenant may prohibit the construction of dwellings.
6. A condition of every homesite severance approved by the Commission shall be an order stipulating that the homesite is not to be sold for five years except in the case of the death of the owner. Prior to the issuance of a Certificate of Order authorizing deposit of the subdivision plan, the owner shall file with the Commission a written undertaking or other legal documentation satisfactory to the Commission setting out this commitment.
7. Where a homesite severance application has been approved by the Commission, local governments and approving officers are encouraged to handle the application in the same manner as an application under Section 514 of the [Local Government Act](#) insofar as compliance with local bylaws is concerned.

Unless defined in this policy, terms used herein will have the meanings given to them in the ALCA or the Regulation.

RELATED POLICY:

ALC Policy L-17 Activities Designated Permitted Non-Farm Use in the ALR: Lease for a Retired Farmer – Zone 2

MEMORANDUM

File No.: HO-DVP-2018.1
(Cross Ref. Nos. HO-DP.2018.1,
HO-ALR.2018.3)

DATE OF MEETING: April 5, 2019
TO: Hornby Island Local Trust Committee
FROM: Bronwyn Sawyer, Planner 2
Northern Team
SUBJECT: Status update on application HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina)
Owner/Applicant: Matthew Fredbeck
Location: 10835 Central Road, Hornby Island

A memorandum was presented to the Hornby Island Local Trust Committee (LTC) on August 3, 2018 which detailed the status of the development variance permit (DVP) and development permit (DP) applications for Ford's Cove. At that time, staff were waiting for the applicant to submit supplemental information deemed necessary for the LTC to consider the applications. The purpose of this memorandum is to update the LTC and clarify the information requested from the applicant in advance of sending notification of the proposed variance(s) to neighbours.

HO-DVP-2018.1

Staff are currently working with the applicant to satisfy outstanding DVP application requirements, including:

1. Confirmation from a qualified professional that the proposed development will comply with Section 3.3(5) of the Hornby Land Use Bylaw (LUB). This section of the LUB regulates construction of buildings within 15 metres of a cliff;
2. A site plan showing the location, size and design of the required bike rack(s);
3. Confirmation of a water licence (or an application for) from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development ;
4. Confirmation of an operating permit for potable water from Island Health for existing restaurant; and
5. Confirmation and information regarding the existing septic field (i.e. construction date, Island Health filing, capacity and required maintenance schedule).

NEXT STEPS

Staff will continue to work with the applicant to meet DP and DVP application requirements and to monitor the outcome of the non-farm use application to the Agricultural Land Commission.

Submitted By:	Bronwyn Sawyer Planner 2	March 25, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 29, 2019

File No.: DE-DP-2019.2
(Tuele)

DATE OF MEETING: April 5, 2019
TO: Hornby Island Local Trust Committee
FROM: Ian Cox, Planner 1
Northern Team
COPY: Ann Kjerulf Regional Planning Manager
SUBJECT: Development Permit Application for DPA 6 – Riparian Areas
Applicant: Jenessa Tuele
Location: 4340 Central Road, Hornby Island; PID 028-989-937

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.2 (Tuele).

REPORT SUMMARY

The applicant seeks a Development Permit (DP) to authorize construction of a single family dwelling (SFD) within Development Permit Area (DPA) 6 – Riparian Areas. An approved DP is required before staff can proceed with the issuance of a Siting and Use Permit (SUP) for the above mentioned SFD. The application meets the DPA guidelines as shown in **Attachment 2** - Guidelines and Application Assessment; staff is recommending issuance of the permit.

BACKGROUND

The existing vacant 3.8 hectare (9.4 acre) subject property is currently zoned Residential 2 – Large Lot (R2) in the [Hornby Island Land Use Bylaw](#) (LUB) and surrounded primarily by agricultural land and land zoned for ecosystem protection, as shown in **Figure 1**. Part of the subject property lies within DPA 6 as shown in **Figure 2** due to a series of drainage ditches and retention ponds that flow into Beulah Creek. Staff identified the need for the owner to apply for a DP through the pre-application review of a proposal to construct a house on the property within 30 metres of a watercourse that flows into Beulah Creek and requiring a SUP. Staff advised the (then) enquirer that should they wish to proceed with construction of the SFD in the desired location, that a companion DP would be needed before the SUP could be issued.

The applicant engaged the services of a Qualified Environmental Professional (QEP) to conduct a Riparian Area Regulations (RAR) Assessment Report to satisfy the requirements of the DPA guidelines. The province of BC reviewed and then accepted the Assessment Report on February 14, 2019. See **Attachment 3** – Draft Development Permit (Schedule “B” RAR Assessment Report).

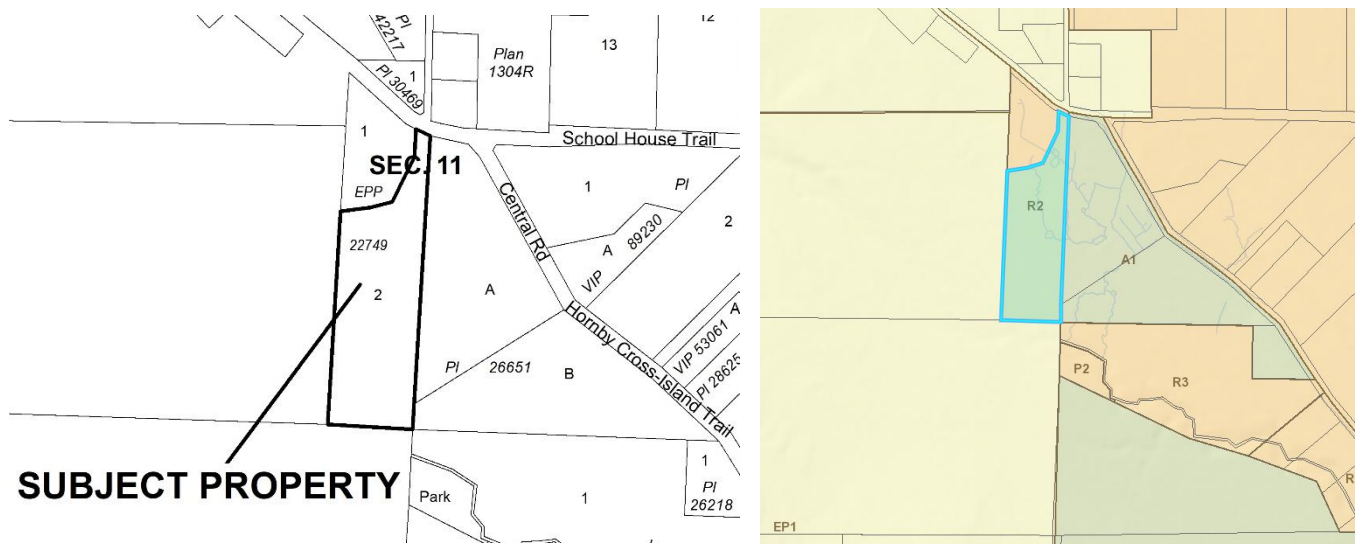


Figure 1: Subject Property Location and Zoning

ANALYSIS

Policy/Regulatory

Official Community Plan:

A portion of the subject property is located within the Development Permit Area 6 - Riparian Areas (see **Figure 2** below). The objectives of this development permit area are found in section 6.9.4 of the Hornby Island [Official Community Plan](#) (OCP) and are as follows:

1. To honour provincial designations of certain lands as for agricultural purposes
2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems
3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation
4. To prevent the degradation of existing and future water supplies on Hornby Island
5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas
6. To prevent water pollution

The Development Permit guidelines are outlined in **Attachment 2**, as described under the LUB section of this report below.

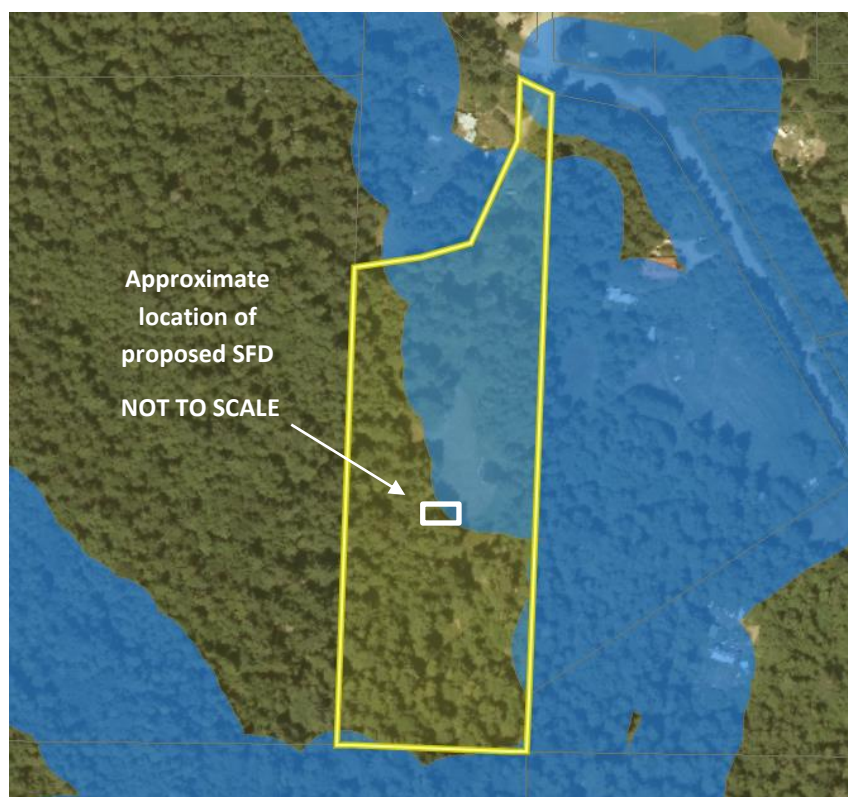


Figure 2: SFD location and DPA 6 - Riparian Areas (blue)

Land Use Bylaw:

The subject property is located in the R2 zone. The LUB stipulates that the “construction of, addition to or alteration of a building or other structure” is an activity that shall require a development permit whenever it occurs within the DPA. The LUB contains development guidelines for Development Permit Area 6 – Riparian Areas. For staff assessment of how the guidelines are addressed by this application, please refer to **Attachment 2** and staff conclusions in the Issues and Opportunities section below.

Issues and Opportunities

The proposed dwelling is to be located outside of the 5 metre Streamside Protection and Enhancement Area (SPEA) as determined by the QEP. The QEP report states that no tree or vegetation removal is proposed within the SPEA and the SPEA is to be marked on the ground prior to any construction taking place. The marking of the SPEA boundaries will be included as a condition of the subsequent SUP to denote the areas where vegetation/tree removal or placement of construction debris cannot occur.

The application is consistent with the DPA guidelines (See **Attachment 2** – Guidelines and Application Assessment). A draft DP has been prepared (**Attachment 3**) for LTC consideration.

Rationale for Recommendation

As the application meets the DPA guidelines, staff recommend that the LTC issue the DP as presented in **Attachment 3**.

ALTERNATIVES

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

1. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC must state the reasons for denial. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee deny application HO-DP-2019.2 for the following reasons [insert reasons, e.g. the proposed development permit does not meet the Develop Permit No. 6 – Riparian Areas guidelines because...].

2. Approve Permit with condition(s)

The LTC may approve the permit with conditions. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.2 conditional upon [insert conditions...].

NEXT STEPS

If the LTC concurs with the staff recommendation, the DP can be issued and staff can process the pending SUP application.

Submitted By:	Ian Cox, Planner 1	March 26, 2019
Concurrence:	Sonja Zupanec, MCIP, RPP Regional Planning Manager	March 28, 2019

ATTACHMENTS

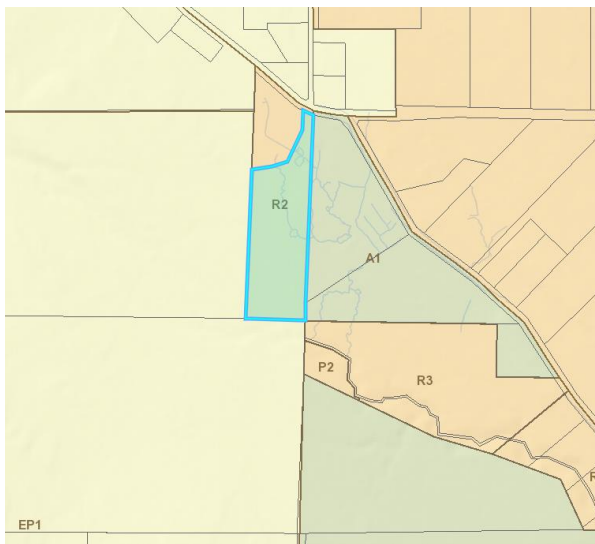
1. Site Context
2. Development Permit Guidelines and Application Assessment
3. Draft Development Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 2 SECTION 11 HORNBY ISLAND NANAIMO DISTRICT PLAN EPP22749
PID	028-989-937
Civic Address	4340 Central Road, Hornby Island
Property Size	9.4 acres, 3.8 hectares

LAND USE

Current Land Use	Currently the parcel is vacant land with a constructed access driveway in preparation of the proposed Residential development (SFD) for which a Siting And Use Permit is in progress and is contingent upon DP issuance.
Surrounding Land Use	 • Agriculture to the east • Residential to the north and south-east • Environmental Protection to the immediate south and west.

HISTORICAL ACTIVITY

File #	Purpose/Notes
HO-SUB-2012.2	4330 Central Road, Hornby Is, 2 lot subdivision
HO-DVP-2012.3	Variance for front lot line that is 1/3 the length of its longest side lot line
HO-SUP-2019.2	Building SFD – in progress (DP needed prior to issuance)
Bylaw Enforcement	None on file

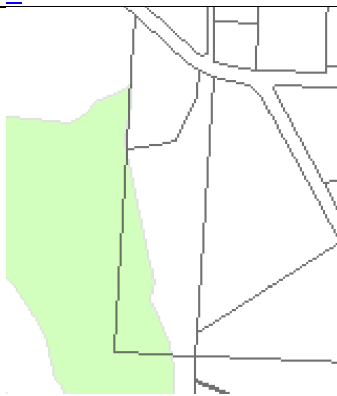
POLICY/REGULATORY

Islands Trust Policy Statement	This application is not contrary to or at variance with the ITPS.
Hornby Island Official Community Plan No. 149	Land Use Designation: RR (Rural Residential) Property is partly within the Development Permit Area 6 – Riparian Areas as is the proposed development and so a DP is required. See Attachment 2 for a review of the DP Guidelines. As the proposed development is to construct an SFD, relevant excerpts pertaining to Residential Land Use from the OCP are as follows: Rural Residential Objectives: The objectives of this subsection are: (1) to promote retention of large parcels of land and existing densities; (2) to provide some limited opportunity for land sharing without encouraging subdivision; (3) to enable some residents to resolve existing land sharing challenges; and (4) to allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated rural residential and to ensure minimal negative impact on neighbouring properties. Policies: 6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use. 6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character. 6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater. 6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities. 6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system. 6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.

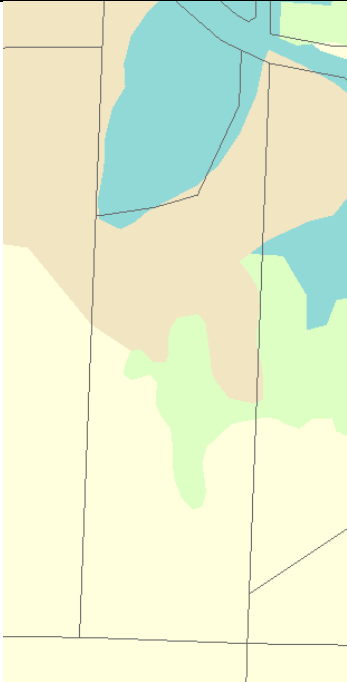
	6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported. 6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.
Hornby Island Land Use Bylaw No. 150	Permitted Uses (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited: (a) residential use of a dwelling; (b) residential use of a recreational vehicle; (c) secondary suite in a dwelling on lots 2.0 hectares or larger; (d) horticulture accessory to a principal residential use; (e) agriculture accessory to a principal residential use on lots 2.0 hectares or larger; (e) silviculture accessory to a principal residential use on lots 2.0 hectares or larger; (f) accessory uses, buildings and structures, including but not limited to home occupations; and (g) vacation home rental use. Permitted Buildings, Structures and Density (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited: (a) a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares; (b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger; and (c) accessory buildings and structures. (3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare. Siting and Size (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be: (a) 8.0 metres from a front lot line; (b) 8.0 metres from a rear lot line; (c) 8.0 metres from any interior side lot line; and (d) 8.0 metres from any exterior side lot line. (5) The floor area of a residential dwelling unit must not exceed 300 m² (6) The total combined floor area of all accessory buildings on a lot must not exceed 200 m²
Other Regulations	<i>Wildlife Act</i> , Section 34 – pertaining to Heron Rookery identified on property.

Covenants	CA2937057 CA2937058 - No further subdivision (HO LTC) CA2937059 CA2937060 - Use of remainder parcel (HO LTC) CA2937062 CA2937063 - Easement EG6377 – Undersurface Rights (1993)
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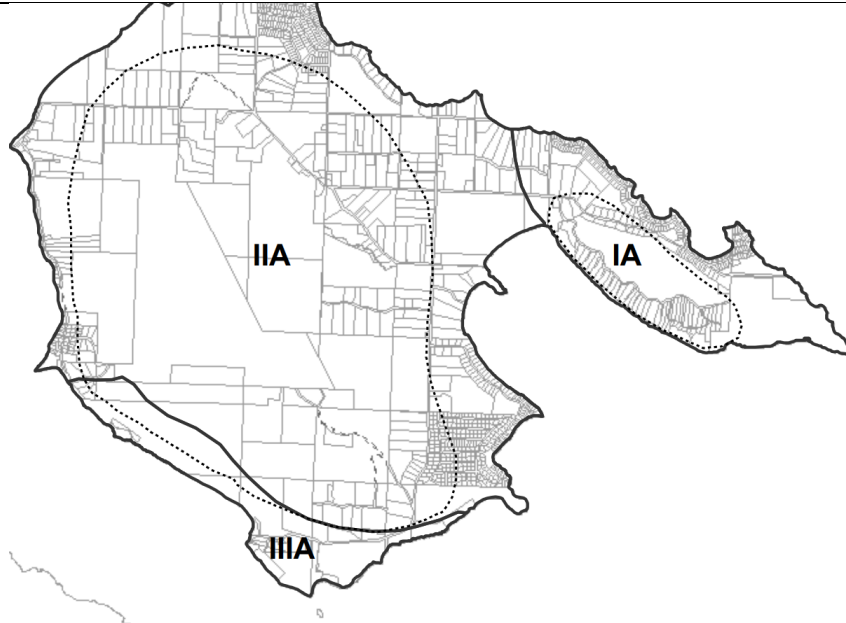
SITE INFLUENCES

Islands Trust Conservancy	This proposal does not directly affect an Islands Trust Conservancy owned property or conservation covenant, nor directly affects a property adjacent to an ITC owned property or conservation covenant. It also does not pertain to Crown Land. Therefore referral to ITC is not required.
Islands Trust Regional Conservation Plan 2018-2027 ¹	Map 6 (p. 144) "Priority Lands for Conservation in the Islands Trust Area" classifies the subject property as medium priority for conservation given its relative biodiversity.
Species at Risk	A Heron Rookery is identified on the property. They are protected from molestation by the BC <i>Wildlife Act</i> and are listed as a Species of Special Concern by the Federal <i>Species at Risk Act</i>. <i>WLA</i> Birds, nests and eggs 34 A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys (a) a bird or its egg, (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg. http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96488_01#section34
Sensitive Ecosystem	 OCP bylaw 149, Schedule D1, Environmentally Sensitive Area classification/mapping: Mature Forest

<http://www.islandstrustconservancy.ca/media/84821/rcp-final-web-sept-17.pdf>

	 ITEM mapping: Areas of Agriculture, Mature Forest, Young Forest on property
Hazard Areas	Property not identified on OCP Schedule F, Hazard Areas mapping.
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a possibility that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation / Mitigation	This is a DP to allow construction of an SFD more than 1,000 metres from the natural boundary of the sea, so no impacts related to sea level rise are anticipated. Typical levels of GHG emissions should be expected for single family rural development patterns associated with private automobile use.
Shoreline Classification in TAPIS	Not Applicable

Groundwater
Vulnerability



OCP bylaw 149, Schedule D2, identifies the property as being within the IIA aquifer Recharge Zone, mapped and classified as “Lightly Developed” but High Vulnerability.

DRAFT

 Islands Trust	HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT HO-DP-2019.2 TUELE
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TO: Jenessa Tuele

1. This Development Permit applies to the land described below:

PID 028-989-937

LOT 2 SECTION 11 HORNBY ISLAND NANAIMO DISTRICT PLAN EPP22749

2. Pursuant to Section 488 of the *Local Government Act*, a portion of the subject property as described above lies within "Development Permit Area No. 6: Riparian Areas" designated under the *Hornby Island Official Community Plan Bylaw No. 149*; and
3. Pursuant to Section 490 of the *Local Government Act* this Permit is issued in accordance with the *Hornby Island Use Bylaw No. 150, 2014*, authorizing **the siting and use of one single family dwelling according to Schedule "A" Site Plan and in accordance with Schedule "B" Riparian Areas Regulation Assessment Report, dated February 7, 2019**, for 4340 Central Road, Hornby Island, both attached to and forming part of this Permit.
4. This permit is not a siting and use permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Hornby Island Land Use Bylaw No. 150*, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

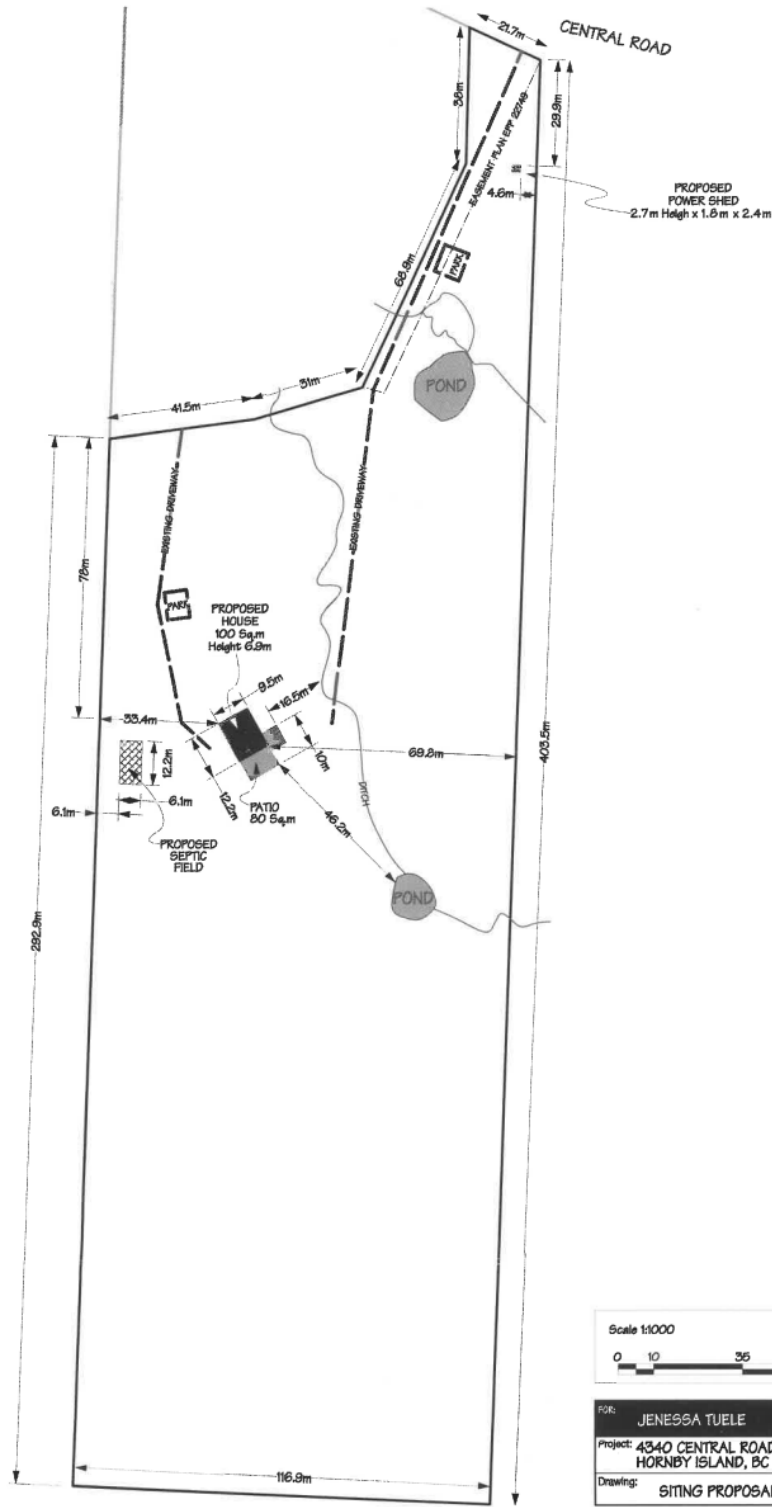
AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS _____ DAY OF _____, 2019.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2021, THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE "A" Site Plan



Riparian Areas Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date February 7, 2019

I. Primary QEP Information

First Name	Steve	Middle Name		
Last Name	Toth			
Designation	R.P.Bio	Company	Toth and Associates Environmental Services	
Registration #	1788	Email	stoth@shaw.ca	
Address	6821 Harwood Drive			
City	Lantzville	Postal/Zip	V0R 2H0	Phone # 250-390-7602
Prov/state	BC	Country	Canada	

III. Developer Information

First Name	Jenessa	Middle Name		
Last Name	Tuele			
Company				
Phone #		Email		
Address				
City	Hornby Island	Postal/Zip	V0R 1Z0	
Prov/state	BC	Country	Canada	

IV. Development Information

Development Type	Construction: Single Family Residential		
Area of Development (ha)	0.2	Riparian Length (m)	80
Lot Area (ha)	3.83	Nature of Development	New
Proposed Start Date	2019-03-01	Proposed End Date	2019-12-31

V. Location of Proposed Development

Street Address (or nearest town)	Hornby Island		
Local Government	Islands Trust	City	Hornby Island
Stream Name	Beulah Creek		
Legal Description (PID)	028-989-937	Region	Vancouver Island
Stream/River Type	Ditch	DFO Area	South Coast
Watershed Code	905-125800-80800		
Latitude	49	31	47
Longitude	124	39	56

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Section 1. *Riparian Areas Regulation (RAR)* assessment of surface drainage features on PID# 028-989-937, Central Road, Hornby Island.

1.1 Introduction

I, Steve Toth, R.P.Bio (Toth and Associates Environmental) conducted a detailed *Riparian Areas Regulation (RAR)* assessment of surface drainage features on the 3.83 hectare subject property on October 12, 2018. Hornby Island is jointly governed by the CVRD and the Islands Trust (Hornby Island Local Trust Committee). The Islands Trust governs planning related issues. The subject property is described as Lot 2, Section 11, Hornby Island, Nanaimo Land District Plan EPP22749. The property is zoned Residential 2 (R2) – Large Lot Residential.

The proposed development plan for the property includes construction of a single family residence in the approximate location shown on Figure 2. The dimensions of the house will be approximately 1350 square feet. This RAR Assessment was requested in order to determine the potential developable areas on the subject property and will be updated once final building plans are available.

1.2 Provincial Review of Assessment report #5534A &5534B

This report was reviewed and rejected by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development on January 11, 2019 with the revised report reviewed and rejected on January 31, 2019. As the RAR does not include a formal process for dispute resolution we have capitulated to the ministry reviewer's demands in order to allow the local government to proceed with issuance of a development permit in a timely fashion.

As a result, the seasonal ditches on the subject property will by default be designated as fish-bearing, and the 3 approximately 10 m radius stormwater retention ponds will have 30 m SPEA setbacks.

1.2 Background Review

Mimulus Biological Consultants completed an in depth survey of RAR stream identification on the Ford and portions of the Beulah Creek Watersheds on Hornby Island for the Islands Trust (*RAR Stream Identification of the Ford Creek and Lower Beulah Creek Watersheds*, Mimulus 2011). Madrone Environmental Services Ltd. also conducted surveys of Beulah Creek for the Islands Trust in 2013 (*Hornby Island Riparian Area Regulation Stream Identification – Beulah Creek and Three Un-named Watersheds*, Madrone 2014).

Maps 11, 17 and 18 of the Mimulus report identified the drainages on and adjacent to the subject property as ditches. Using the watercourse naming convention provided by Mimulus in their assessment, the drainages on the subject property consist of Beulah Creek – Ditch 7, Drainage 2, Ditch 1a & 2a. Section 4.3.4.2 of the Mimulus report indicates that *Ditch 7 was a complex ditch system, containing many agricultural ditches, ponds, and drainages. It was designed to drain and convey water from wet forests and agricultural areas to Beulah Creek. Roadside ditches also contribute water flow to this system.*

Based on the field survey results, review of the Mimulus report and discussion with a long term resident on the adjacent property the ditch system on the subject property is entirely man-made, and

not part of a natural watercourse. Therefore, it is our understanding that the BC *Water Sustainability Act* should not apply to works involving the ditch and retention ponds.

1.3 Field Survey Results

The October 12, 2018 field survey essentially verified that the drainage mapping provided previously by Mimulus Biological Consultants can be considered to be highly accurate. The field survey documented a network of drainage ditches and small dug-out ponds on the subject property. Some ditch sections on and downstream of the subject property had surface water at the time of survey.

The ditches through the subject property are relatively poorly defined, and in some areas are just vegetated swales with no evidence of scour or alluvium. Vegetation including sword fern, sedges, grasses, deer fern and trailing blackberry growing within the ditches suggest that the ditches do not contain water for a sufficient duration or of a flow volume that would prevent these primarily terrestrial plant species from growing in the ditches. The distribution of litterfall within the ditch channels shown in photographs 7 – 10 indicated that this matter had not been redistributed by flowing water.

1.4 Fisheries Resource

Despite being in an area that has been largely developed and populated for many years, no information is found for Beulah Creek from government fisheries databases (FIDQ, HabitatWizard). In the case of Beulah Creek, despite apparently hundreds of thousands of chum (and coho) salmon eggs / fry being supplied by federal hatcheries, the only source of information we found was from a search of the internet, which yielded the following information:

- Hornby Island Vacant Crown Land Profiles (July 15, 2004) indicates that Beulah Creek is one of only two fish bearing watercourses on Hornby Island and that Beulah Creek “has been the subject of a long-standing salmon enhancement project that is *now bearing results*. This Creek is intermittent in the summer and its flow is dependent upon maintaining and restoring the wetlands and natural drainage pattern that feeds it”.
- Heron Rocks Friendship Centre Newsletter June, 2006 indicated that on April 10, 2006, 35,000 chum fry from the Rosewall Creek hatchery were released by Hornby Island Community School students into Beulah Creek.
- Salmon Enhancement Program Community Involvement Project Directory 1991-1992 indicated 100,000 chum eggs and an incubation box constructed on Beulah Creek; and,
- A YouTube video of a pair of chum salmon spawning in Beulah Creek in 2014 (<http://www.youtube.com/watch?v=4e3yDOFpSI4>).

The Denman and Hornby Islands Water Allocation Plan (MELP, 1994) indicates that the Mean Monthly Discharge for Beulah Creek for the period of June 1 – September 30 ranges from 0 – 4 litres / sec.

With the exception of chum and pink salmon, all of our anadromous salmonids require a significant period of freshwater rearing, ranging from approximately 3 months – 2 years.

1.4.1 Beulah Creek Tributary 3-Ditch 7-Drainage 2-Pond 1- Ditch 1a

Following the drainage naming convention provided by Mimulus, this ditch network originates from ditches along Central Road and a culvert directing these ditch flows to a small wet forest area north of the property referred to within the Mimulus report as Ditch 7-Drainage 2-Pond 1-Ditch 1a-Wetland. The subject ditch (Photograph 1) runs southeasterly through the property to a 2 basin retention pond identified by Mimulus as Ditch 7-Drainage 2-Pond 1-Ditch 1a-Ponds (Photographs 2 & 3). There is no potential fish access to the retention ponds due to the steep grade between the point of discharge and the ditch downstream of the retention pond.

1.4.2 Beulah Creek Tributary 3-Ditch 7-Drainage 2-Pond- Ditch 2a

This ditch originates on the subject property and runs approximately 150 m to a retention pond (Tributary 3-Ditch 7-Drainage 2-Pond-Ditch 2a-Pond). The ditch is little more than a swale lined with grasses, sword fern, deer fern and trailing blackberry (Photograph 4). The retention pond (Photograph 5) had minimal evidence of outflow (Photograph 6). The grade of the outflow channel between pond and the ditch downstream of the pond prohibits upstream fish access. The outflow from the retention pond is contained in a ditch for approximately 20 m to where it enters a culvert under an old road east of the subject property (Photographs 7 & 8). A drop of approximately 50 cm at the culvert outlet would prevent fish access to the culvert, except possibly at extreme high flows.

1.4.3 Beulah Creek Tributary 3-Ditch 7-Drainage 2-Pond- Ditch 2

This ditch runs along the south side of an old overgrown road grade and is hardly discernible (Photograph 12). At the time of survey the ditch provided no evidence of supporting perennial or seasonal flows.

1.5 Discussion

The *Riparian Areas Regulation* defines a stream “as any of the following that provides fish habitat:

- a) a **watercourse**, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b);”

While the Regulation does not expand upon the explanation of what constitutes a “**watercourse**”, Section 1.4.2 of the RAR Assessment Methods indicates that “The Riparian Areas Regulation defines a stream as any watercourse – natural or human-made – that provides fish habitat that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, or has a continuous channel bed including a watercourse that is obscured by overhanging or bridging vegetation or soil mats”.

Key aspects of the two different definitions include connectivity via surface flow, a perennial or seasonal flow regime and evidence of scour / alluvium. Therefore the point at which a watercourse would no longer be considered assessable under the RAR is the point from which there is no evidence of a continuous alluvial channel or surface flows. To be an assessable stream, the watercourse must provide or flow to freshwater fish habitat, and in the case of a ditch, spring or wetland, flow via surface flow to (freshwater) fish habitat. It is also our interpretation that the

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duration of flows must be at least perennial (defined by the English Oxford Dictionary as: *lasting or existing for a long or apparently infinite time; enduring or continually recurring*) or seasonal. A ditch that is only connected by surface flow for a few days each year would not constitute perennial or seasonal flows.

Section 3.6.5 of the RAR Assessment Methods states that *where ditches are connected to fish habitat they are considered streams under the Riparian Areas Regulation*. This is also stated clearly within the RAR's definition of a "stream". Section 3.1 of the RAR Assessment Methods indicates that *the basic unit employed to determine the ZOS (Zones of Sensitivity) for a stream is the stream reach and the minimum length of a reach (to warrant reach breaks) must be greater than 100 m to prevent the division of streams into unmanageably small portions that may be little more than individual habitat units such as riffles, pools or glides*. Based on the direction provided by this information, as well as from previous RAR reviewers it is our understanding that the dug-out ponds on the subject property should be considered part of the larger ditch "Reach" and should receive maximum SPEA setbacks of 5 m.

1.6 SPEA Setbacks

Following the direction of the ministry reviewer, the SPEA setbacks for the ditches on the property are 5 m from top of ditch bank. The SPEA setbacks for the dug-out stormwater retention ponds on the property are 15 m from high water mark, with an increased SPEA setback on the south side of the ponds to 30 m for the preservation of shade. SPEA setbacks are shown on Figure 2.

Section 2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: February 7, 2019

Description of Water bodies involved (number, type)

Beulah Creek Tributary 3 -Ditch 7-Drainage 2-
Pond 1- Ditch 1a

Ditch ☒
Number of reaches
Reach #

Channel width and slope and Channel Type

Channel Width(m)	Gradient (%)	
starting point	0.8	I, Steve Toth (<i>name of qualified environmental professional</i>), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the <i>Jenessa Tuele (name of developer)</i> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
	0.5	
	0.6	
	0.8	
	0.6	
	0.8	
	0.6	
	0.8	
	0.8	
	0.8	
	1.0	
Total: minus high /low	6.6	4.0
mean	0.7	2.0
	R/P	C/P
Channel Type	X	

Site Potential Vegetation Type (SPVT)

SPVT Polygons Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

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I, Steve Toth, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Jenessa Tuele;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No: 1 Method employed if other than TR

LC SH TR

SPVT Type ☐ ☐ ☒

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No: 1 If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m) 5.0

Litter fall and insect drop ZOS (m) 5.0

Shade ZOS (m) max 5.0 South bank Yes ☒ No ☐

Ditch Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow) Ditch originates from roadside ditch run-off along Central Road directed onto the adjacent property upstream.

Ditch Fish Bearing Yes ☒ No ☐ If non-fish bearing insert no fish bearing status report

SPEA maximum 5.0 (For ditch use table3-7)

Segment No: 2 If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m) 5.0

Litter fall and insect drop ZOS (m) 5.0

Shade ZOS (m) max NA South bank Yes ☐ No ☒

SPEA maximum 5.0 (For ditch use table3-7)

Description of Water bodies involved (number, type)

Beulah Creek Tributary 3 -Ditch 7-Drainage 2-Pond 1-Ditch 1a-Ponds

Wetland ☒

Number of reaches 1

Reach # 1

Site Potential Vegetation Type (SPVT)

Yes No

SPVT Polygons ☐ ☒ Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Steve Toth, hereby certify that:

- e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Jenessa Tuele;
g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No: 1 Method employed if other than TR

LC SH TR

SPVT Type ☐ ☐ ☒

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No: 1 If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel 15.0

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Stability ZOS (m)	
Litter fall and insect drop ZOS (m)	15.0
Shade ZOS (m) max	30.0
SPEA maximum	30.0 (For ditch use table3-7)

South bank	Yes	X	No
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Description of Water bodies involved (number, type)

Beulah Creek Tributary 3 -Ditch 7-Drainage 2-Pond - Ditch 2a

Ditch	X
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type

Channel Width(m)	Gradient (%)
starting point	
0.5	
0.5	2.0
0.5	
0.5	
0.5	
0.5	
0.5	2.0
0.9	
0.6	
0.9	
Total: minus high /low	5.0
mean	0.6
R/P	C/P
S/P	
Channel Type	X

I, Steve Toth (*name of qualified environmental professional*), hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the Jenessa Tuele (*name of developer*);

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

Yes	No
SPVT Polygons	X

Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Steve Toth, hereby certify that:

i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

j) I am qualified to carry out this part of the assessment of the development proposal made by the developer Jenessa Tuele;

k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

l) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:	1
LC	SH
SPVT Type	TR

Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons	
LWD, Bank and Channel Stability ZOS (m)	5.0		
Litter fall and insect drop ZOS (m)	5.0		
Shade ZOS (m) max	5.0		
South bank	Yes	X	No
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)		
	Ditch originates immediately upstream of the property and contains no significant natural		

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				headwaters or springs.	
Ditch Fish Bearing	Yes	X	No	If non-fish bearing insert no fish bearing status report	
SPEA maximum	5.0		(For ditch use table3-7)		

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	5.0				
Litter fall and insect drop ZOS (m)	5.0				
Shade ZOS (m) max	NA	South bank	Yes	No	X
SPEA maximum	5.0		(For ditch use table3-7)		

I, Steve Toth, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Jenessa Tuele;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Description of Water bodies involved (number, type)

Beulah Creek Tributary 3 -Ditch 7-Drainage 2-Pond - Ditch 2a-Pond

Wetland	X
Number of reaches	1
Reach #	1

Site Potential Vegetation Type (SPVT)

	Yes	No
SPVT Polygons	X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Steve Toth, hereby certify that:

m) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

n) I am qualified to carry out this part of the assessment of the development proposal made by the developer Jenessa Tuele;

o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

p) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:	1	Method employed if other than TR
SPVT Type	LC SH TR	
		X

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	15.0				
Litter fall and insect drop ZOS (m)	15.0				
Shade ZOS (m) max	30.0	South bank	Yes	X	No
SPEA maximum	30.0		(For ditch use table3-7)		

Description of Water bodies involved (number, type)

Beulah Creek Tributary 3 -Ditch 7-Drainage 2-Pond - Ditch 2

Ditch	X
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type

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Channel Width(m)		Gradient (%)
starting point	0.3	
	0.0	2.0
	0.3	
	0.3	
	0.3	
	0.4	
	0.3	2.0
	0.5	
	0.4	
	0.3	
Total: minus high /low	2.9	4.0
mean	0.3	2.0
	R/P	C/P
Channel Type	X	

Site Potential Vegetation Type (SPVT)

SPVT Polygons	Yes	No	
		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Steve Toth, hereby certify that:

q) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

r) I am qualified to carry out this part of the assessment of the development proposal made by the developer Jenessa Tuele;

s) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

t) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No: 1

SPVT Type

LC	SH	TR
		X

Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	<u>1</u>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	<u>5.0</u>				
Litter fall and insect drop ZOS (m)	<u>5.0</u>				
Shade ZOS (m) max	<u>5.0</u>	South bank	Yes	X	No
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)			Ditch originates from roadside ditch run-off along Central Road directed onto the adjacent property upstream.	
Ditch Fish Bearing	Yes	X	No	If non-fish bearing insert no fish bearing status report	
SPEA maximum	<u>5.0</u>	(For ditch use table3-7)			

I, Steve Toth, hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Jenessa Tuele;

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Figure 1. Subject property location and drainage network

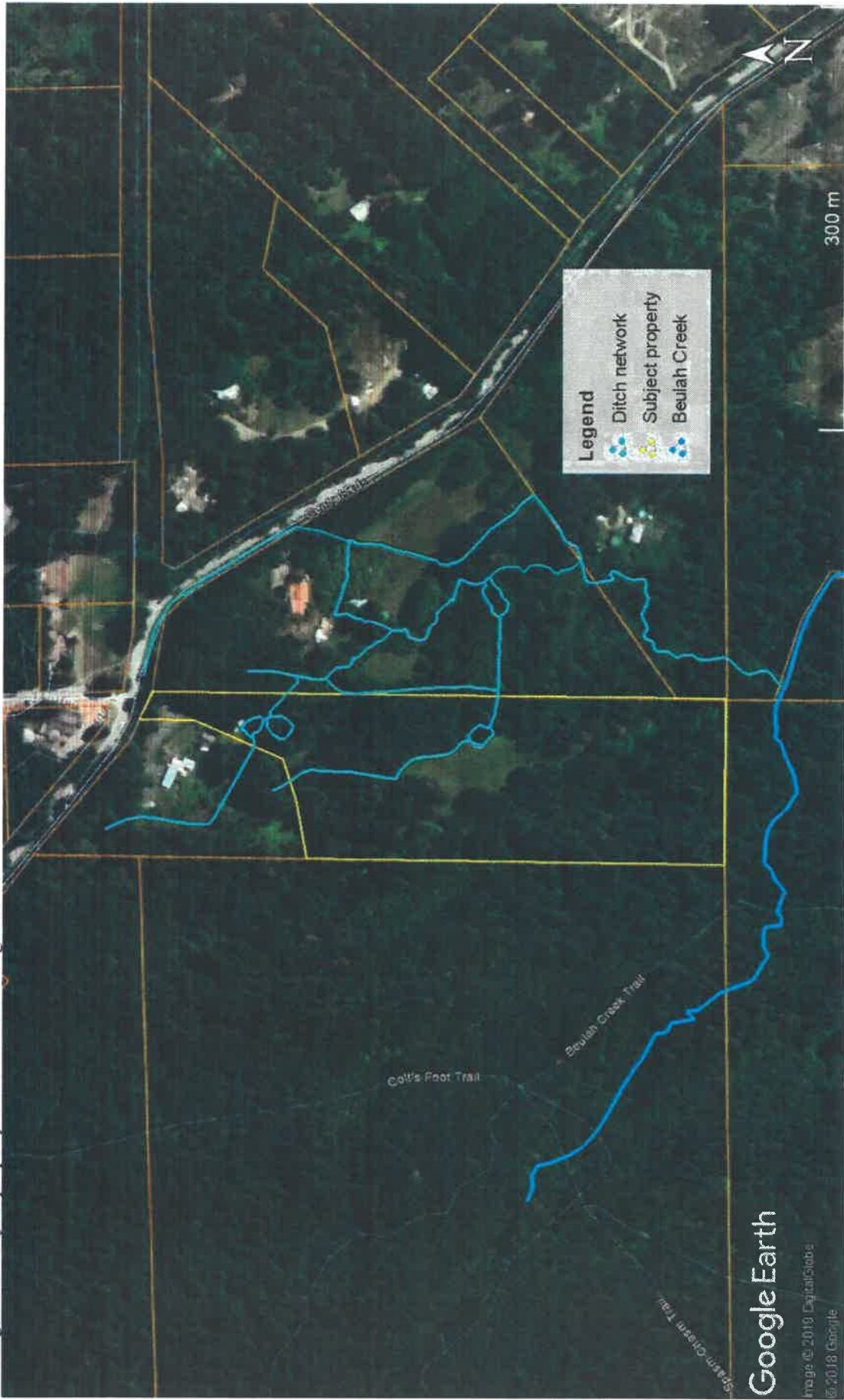
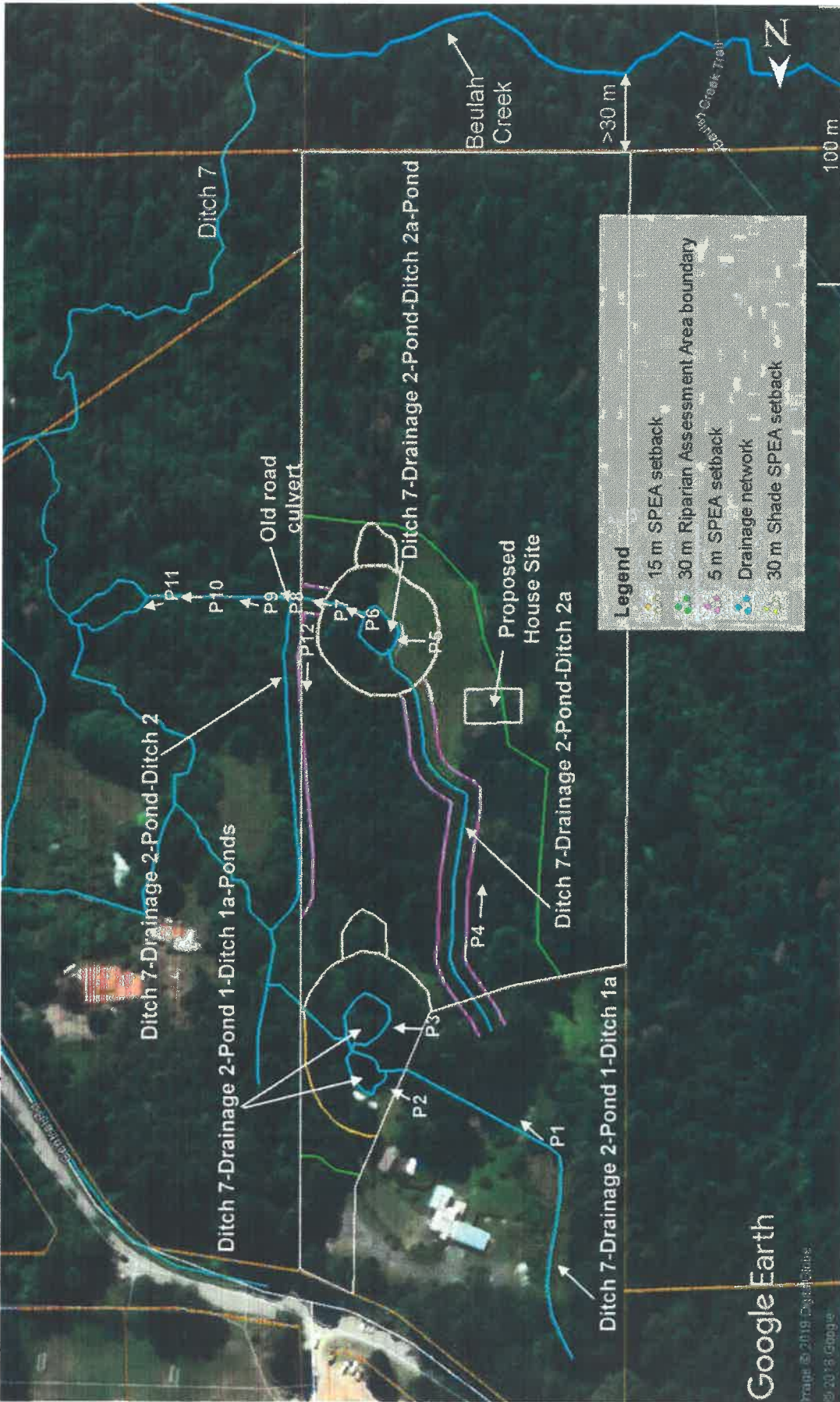


Figure 2. SPEA Setbacks and Riparian Assessment Area



Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	No danger trees were documented within the SPEA setbacks during the survey. Removal of hazardous trees, as identified by a certified hazard tree assessor / arborist from within a SPEA is permitted.
I, <u>Steve Toth</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jenessa Tuele</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	There was no evidence of significant windthrow noted on the property. The proposed development of a house in the location shown on Figure 2 will not result in increased windthrow risk.
I, <u>Steve Toth</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jenessa Tuele</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	There were no steep slopes located within the riparian assessment area on the property.
I, <u>Steve Toth</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jenessa Tuele</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	The proposed development of the property will not require removal of any trees within the SPEA setbacks. The RAR requires that the SPEA boundaries be marked on the ground prior to any physical development occurring within the 30m riparian assessment area.
I, <u>Steve Toth</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jenessa Tuele</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	The proposed development of the property will not involve physical disturbance within the SPEA setbacks.
I, <u>Steve Toth</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jenessa Tuele</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
6. Sediment and Erosion Control	Proposed development will not occur in close proximity to drainage networks. The property is relatively flat and well vegetated; run-off is unlikely to be a significant issue during any future physical development of the properties.
I, <u>Steve Toth</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jenessa Tuele</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
7. Stormwater Management	It is likely that traditional drain rock infiltration chambers will be used to treat rooftop and perimeter drain run-off, and that these chambers will be located well outside the SPEA setbacks.
I, <u>Steve Toth</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jenessa Tuele</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
8. Floodplain Concerns (highly	There were no floodplain concerns identified on the property.

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

mobile channel)	
I, <u>Steve Toth</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jenessa Tuele</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring & Post-development Reporting

It is our opinion that environmental monitoring of proposed development of the subject property will not be necessary. The province generally requires a post-development assessment be conducted, within 6 months of project completion to determine if the proposed development has resulted in any disturbance or intrusion within the SPEA boundary. However, as the proposed development is very low density and is not in close proximity to any SPEA setbacks, a post development assessment should not be required.

Section 6. Photos



Photograph 1. View of poorly defined, vegetated ditch flowing west to east across 4330 Central Road.



Photograph 2. View of small dug-out pond #1.



Photograph 3. View of small dug-out pond #2.



Photograph 4. View downstream (south) on poorly defined ditch leading to dug-out pond #3.



Photograph 5. View of small dug-out pond #3.



Photograph 6. View of poorly defined outlet channel from dug-out pond #3.



Photograph 7. View downstream on ditch approximately 10 m below dug-out pond #3.



Photograph 8. View of culvert inlet under old road on the east side of property.

Form 3 Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photograph 9. View downstream from culvert outlet under old road on the east side of the property.



Photograph 10. View downstream on ditch from Photograph 9.



Photograph 11. View downstream to dug-out pond on adjacent property.



Photograph 12. View upstream (north) from culvert inlet in Photo 8 on barely discernible old roadside ditch.

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date

1. I/We Steve Toth

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Jenessa Tuele, which proposal is described in section 1 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) ☐ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

Attachment 1
Guidelines and Application Assessment
Development Permit Area No. 4: Streams, Lakes and Wetlands

Guidelines	Application meets Guideline?
Prior to undertaking any development activities within the Riparian Areas DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:	
a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.	☒ Yes ☐ No • Provincially accepted RAR Assessment Report completed by QEP; • Proposed Permit includes mitigating measures as per Assessment Report recommendations; • No security required as report does not require works, revegetation, or enhancement measures.
b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.	☒ Yes ☐ No • Although the province generally requires a post-development assessment, it is the opinion of the QEP that such a report is not necessary since the development is very low density and not in close proximity to the SPEA setbacks (page 14 of RAR Assessment).
c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.	☒ Yes ☐ No • Assessment Report does not describe a specific area for development; • No monitoring required by RAR Assessment Report. • No development proposed to cause disturbance in SPEA setbacks.
e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.	n/a • Should construction be proposed across ditches with an identified SPEA, a RAR Assessment Report would be required, and guideline 4 would be applied.
f) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.	n/a • No variances are requested as part of the application that would enhance SPEA protection.

File No.: 6500-20 (Hornby)
(LTC Projects)

DATE OF MEETING: April 5, 2019
TO: Hornby Island Local Trust Committee
FROM: William Shulba, Senior Freshwater Specialist
Local Planning Services
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Freshwater Workshop Update

RECOMMENDATION

1. That the Hornby Island Local Trust Committee endorse the revised Watershed Protection and Groundwater Preservation Project Charter v.2.
2. That the Hornby Island Local Trust Committee request staff to coordinate a follow-up Watershed Protection and Groundwater Preservation Project Workshop in spring 2019.
3. That the Hornby Island Local Trust Committee request staff to prepare communications materials in support of the Watershed Protection and Groundwater Preservation Project for dissemination to the Hornby Island Community.

REPORT SUMMARY

The purpose of this report is to provide the Hornby Island Local Trust Committee (LTC) with an update on the Freshwater Workshop held February 2, 2019 and to request LTC endorse a revised project charter and direct further consultation in spring 2019.

BACKGROUND

Following receipt of a report from William Shulba, Islands Trust Senior Freshwater Specialist, on June 8, 2018, the LTC added "Groundwater Protection and Water Conservation" to the Top Priorities List and also passed the following resolution:

HO-2018-028

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

That staff be requested to prepare a work plan and budget for the Groundwater Protection and Water Conservation priority that includes consolidation of existing information, required research to address key knowledge gaps, and recommendations for next steps.

CARRIED

A Community Workshop focused on groundwater protection and water conservation was held February 2, 2019 from 2 to 4 pm at New Horizons. Approximately twenty five members of the Hornby Community attended the meeting along with two trustees and Islands Trust staff.

ANALYSIS

Workshop Summary

The workshop was organized into two themes, Aquifer Ecosystem Protection and Groundwater Use Preservation, to determine specific areas of concern arising from the attendees. Aquifer ecosystems are the elements of the island that support and supply groundwater resources to the community, businesses, and watershed ecosystems of the island. Groundwater Use Preservation involves identifying the issues and strategies to ensure a sustainable groundwater source for the island now and into the future. Each theme was grouped into objectives (a) Information Inventory and Data Stewardship, (b) Monitoring and Analysis, (c) Policy and Planning, and (d) Outreach and Education. The findings are summarized in the table below:

Objectives	Issues	Opportunities
Information Inventory and Data Stewardship	- Short Term Vacation Rentals (STVR) are potentially the largest users of groundwater and contribute the most effluent in the summer months - Septic capacity is an issue for existing fields and may be contributing to increased effluent in the aquifers and watersheds. - Stormwater carries increased nutrient and is creating algal blooms and other related issues.	- Inventory STVR water use - Inventory and identify locations of septic fields across the island - Inventory surficial geology and soils with respect to carrying capacity of septic effluent - Inventory stormwater infrastructure including ditches, culverts, drainage swales, and ponds.
Monitoring and Analysis	- Lack of septic capacity knowledge and investigation - Lack of knowledge of the amount of water used by different uses, domestic, commercial, agricultural, and environmental flow needs. - Water and soil testing is expensive - Well to well interactions is not known - Saltwater intrusion risk mapping is not complete on Hornby - Aquifer Vulnerability maps not available on Islands Trust mapping service.	- Investigate and map well interference patterns and septic capacity across the island using the Hornby three-dimensional model. - Test run-off from ditches, culverts, drainage swales, ponds, and beach outflows. - Test septic capacity of individual septic fields to investigate operation. - Create on-island capacity to analyse basic water chemistry parameters. - Complete saltwater intrusion mapping for Northern Islands in the Islands Trust Area - Ensure that aquifer vulnerability mapping (DRASTIC-FM) for the northern islands is included on MAPIT.
Policy and Planning	- Government organization silo mentality - Enforcement of STVR and other temporary use permits is only complaint driven. - Compliance review are not currently linked to the needs of the island community - STVR policies are lacking to protect existing islander water resources - Methodology is lacking to determine max utilization versus number of bedrooms/users. - Discrepancies between zoned use and current water and septic use.	- Create clearer policy and direct language to environmental health indicators - Create firmer wording on how to achieve bylaw compliance with respect to STVR - Create policies that ensure saltwater intrusion risk is mitigated - Establish cooperative relationships with Island Health, regional district, Islands Trust, and the Provincial ministries. - Assist Island Health drinking water office to create policies to protect existing groundwater users from septic and runoff issues. - Require STVRs to prove water and septic capacity prior to operation and clear guidelines to the use of the resources for this purpose

Outreach and Education	- Community is familiar with water strategies yet is lacking in direct outreach from agencies. - Regulations and best management practices for solutions (composting toilet, septic maintenance) to prevent raw septic are currently difficult to find. - Islands Trust is not actively communicating and providing education to Hornby Island community with respect to resource limitations and economic development. - Bylaws are not clear language, therefore difficult to educate the community to comply.	- Continue in community engagement with respect to workshops and best management practices - Best management guide for STVRs - Best management guidelines for operations of groundwater wells - Best management practices for operation of septic fields - Water risk signage on island and on the ferry to educate visitors as they enter the island. - Educational brochures via real estate transactions
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The synergies between the outcomes of the two themes identified that watershed “aquifer ecosystem” protection and the preservation of groundwater are intricately related.

Project Charter

Staff are recommending a revision to the project title and minor wording revisions to in-scope items to reflect a more holistic focus on “watershed protection and groundwater preservation”.

Consultation

Staff recommend a follow-up workshop be held in spring 2019 to further explore and prioritize the opportunities identified at the previous workshop. Additionally, staff recommend developing and distributing communications about the *Water Sustainability Act* and island-specific issues and opportunities to Hornby Island community members to address the concern that not all community members have the same level of understanding. Communications may be distributed via email, print and the Islands Trust website. This will aid in raising awareness and general knowledge of water-related issues across the community, and enable informed input as the project advances.

Rationale for Recommendation

Through coordination and collaboration with government agencies, stakeholders, and community consultation, the LTC may receive additional information to support the project and to guide consideration of a strategic approach to address watershed “aquifer ecosystem” protection and groundwater preservation across multiple jurisdictions.

NEXT STEPS

Contingent on LTC direction, staff will proceed with organizing a workshop and preparing communications materials. All input received through consultation will be used to help draft a strategy for watershed protection and groundwater preservation, with the intention to present this strategy for LTC consideration this fall.

Submitted By:	William Shulba, P.Geo Senior Freshwater Specialist	April 4, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 4, 2019

ATTACHMENTS

1. Project Charter

Watershed Protection and Groundwater Preservation — Project Charter v.2

Hornby Island Local Trust Committee

Date: April 5, 2019

Purpose: The Hornby Island Local Trust Committee seeks to implement directions of the Hornby Island Official Community Plan (OCP) supporting the protection and preservation of the island's freshwater resources.

Background: The desire to engage in community dialogue about Hornby Island's water resources is grounded in the guiding objective of the OCP—To ensure the quality and quantity of the groundwater is not compromised through human activities. Hornby Island's groundwater resources have been the subject of numerous studies and report over several decades.

Objectives

- Ensure self-sufficiency of the Island with regard to a supply of freshwater
- Ensure the maintenance of safe potable water sources for residents on the Island
- Encourage the capture of rainwater for domestic use
- Encourage conservation and grey water treatment to allow for re-use and recycling of water
- Encourage water conservation
- Ensure new demand does not stress groundwater resource
- Ensure land use activity does not degrade water supply of freshwater
- Enable local involvement in the protection and management of groundwater
- Encourage the use of effective alternative technologies
- Encourage the use of shared systems that provide, store and treat water and grey water
- Encourage protection of water in wells

In Scope

- Consolidation of existing information
- Community workshop and community education
- Research to address knowledge gaps
- Review approaches to watershed protection and groundwater preservation
- Investigation into potential funding sources
- Advocacy/Education/ Consultation/Coordination with agencies and First Nations
- Identification of potential policy and regulatory changes.
- Strategy Development

Out of Scope

- OCP or Land Use Bylaw amendments
- Preparation of a Water Sustainability Plan under the Water Sustainability Act (WSA)

Workplan Overview

Deliverable/Milestone	Date
Initial Research/Literature Review and Stakeholder Engagement	Summer 2018
Community workshop #1	Winter 2019
Community workshop #2	Spring 2019
Stakeholder consultation and development/dissemination of communication materials	Spring-Summer 2019
Research into knowledge gaps, best practices, potential funding sources	Spring-Summer 2019
Preliminary strategy development	Summer-Fall 2019
Community engagement on preliminary strategy	Winter 2020
Completion of final strategy / presentation to LTC and community	Winter-Spring 2020

Project Team

William Shulba, Freshwater Specialist	Project Manager
Ann Kjerulf, Regional Planning Manager	Planning Support
Wil Cottingham, Office Admin Asst.	Admin Support

Director Approval:

Date:

LTC Endorsement:

Date:

Budget

Budget Sources: Hornby LTC Special Projects (2018/19); LPS Project Budget (2019/2020)

Fiscal	Item	Cost
2018-19	Community Workshop	\$500
2019-20	Consultation & communications	\$1500
	Total	\$2,000



File No.: File Number 6500-20
(Hornby Island LUB
Amendments)

DATE OF MEETING: April 5, 2019
TO: Hornby Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Hornby Island Land Use Bylaw Amendments Project

RECOMMENDATION

1. That the Hornby Island Local Trust Committee endorse the revised 'Official Community Plan and Land Use Bylaw Amendments Project' Project Charter v.2 dated April 5, 2019.
2. That the Hornby Island Local Trust Committee request staff to prepare a work plan and budget for the 'Official Community Plan and Land Use Bylaw Amendments Project', and request funding confirmation for the 2019/2020 fiscal year.

REPORT SUMMARY

This report provides a summary of the Hornby Island Local Trust Committee (LTC) Top Priority Project 'Land Use Bylaw Amendments' to date, and presents a revised project charter to the LTC that includes a broader scope in consideration of additional identified bylaw issues or inconsistencies, recently adopted amendments to provincial legislation and a revised project timeline.

BACKGROUND

Since the adoption of the Hornby Island Official Community Plan (OCP) Bylaw No. 149 and Hornby Island Land Use Bylaw (LUB) No. 150, a number of technical issues have been discovered in both bylaws, ranging from minor typographical errors to more significant issues that may, in some cases, have unintended consequences. At the regular business meeting of April 27, 2018, the LTC passed a resolution to make land use bylaw amendments a top priority project:

HO-2018-024

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

that the Top Priorities of the Work Program be amended by replacing "Housing amendments" with "Land Use Bylaw amendments" as a Description with the Activity "Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone and other housekeeping amendments".

CARRIED

A [staff report](#) was presented to the LTC at the August 3, 2018 regular business meeting, providing the LTC with an overview of identified technical issues and recommended approaches for resolving those issues. The LTC subsequently passed the following resolution:

HO-2018-040

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the Land Use Bylaw Technical Amendments Project Charter v.1.

CARRIED

Additional issues or inconsistencies have been identified by staff and the LTC since the initiation of the Land Use Bylaw Amendments project.

At the September 28, 2018 regular business meeting, the LTC passed the following resolutions:

HO-2018-058

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to investigate whether parking is presently a permitted use for lots in the Public Use Zone in a way that would enable parking requirements for developments on one lot to be met by utilizing land on another lot within 100 metres in the Zone and if not, to draft amendments to regulations to enable this as a part of the Land Use Bylaw amendments project.

CARRIED

HO-2018-059

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to amend the Project Charter for the Land Use Bylaw Amendment Project to include an amendment to the zoning for the Beulah Creek Project from R3 to R3A on the zoning map.

CARRIED

At the January 25, 2019 regular business meeting, the LTC passed the following resolution:

HO-2019-010

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to add the following activity to the Land Use Bylaw Amendments Top Priority project: "Regulations for Cannabis Production and Sales".

CARRIED

In February 2019, the Province adopted amendments to the provincial Agricultural Land Reserve (ALR) policies and regulations which will require amendments to the LUB and OCP to be consistent with provincial legislation.

The draft project charter has been revised to reflect a review and possible updates to the OCP, and includes additional inconsistencies and issues identified by staff and the LTC, consistency with recently amended provincial legislation, and a revised project timeline.

The revised draft project charter can be found in Attachment 1 of this report.

ANALYSIS

Issues and Opportunities

Project work to date has identified bylaw issues that can be categorized as follows:

- **Minor technical amendments** that would not require OCP amendments. These would include spelling and grammar mistakes, or where there are inconsistencies with numbering in reference to sections in the bylaws.
- **Minor technical amendments requiring further research** that may or may not require OCP amendments. This category requires further staff research to identify whether an amendment would impact development potential of affected properties.
- **Major amendments** that would require an OCP amendment. These would include bylaw issues that may affect development potential on affected properties, and may also include amendments to align with the recently adopted amendments to ALR policies and regulations.

Staff have recommended that a comprehensive technical review of the LUB and OCP be carried out as a first step of the project to identify any other bylaw issues that may be addressed as part of the project. Once a technical review is complete, staff can present an issues analysis to the LTC that could inform potential draft bylaw amendments. At that time, the LTC may resolve to separate amendments that do not require OCP amendments from amendments that require an OCP amendment, in order to expedite consultation and consideration of issues that may be considered minor in nature.

Agricultural Land Reserve

As of February 2019, the *Agricultural Land Commission Act (ALCA)* and *Agricultural Land Reserve Use Regulation (the ALR Regulation)* have been substantially amended in relation to residences in the ALR, the use of ALR land for agri-tourism accommodation and tourist accommodation, and other non-agricultural uses. Staff are of the opinion that the Land Use Bylaw Amendments project is an opportunity to update the Hornby Island bylaws to be consistent with the ALCA and ALR Regulation. Examples of recent amendments to ALR regulations include:

- Residential Uses
 - No more than one residence per parcel, except with ALC approval
 - New size, siting and use requirements for residential structures, including limitations on total floor area of a principal residence, except with ALC approval
- Soil or Fill Uses
 - All placement of fill or removal of soil or aggregate must be authorized by the ALC through a *Notice of Intent* or a *Soil or Fill Use Application*
- Revised definitions
 - The definition of “farm use” specifically excludes residential uses and soil or fill uses.

A comprehensive review of the ALCA and ALR Regulation could be undertaken as part of the Land Use Bylaw Amendments project.

Regulations for Cannabis Production and Sales

As of July 2018, the ALR Regulation was amended to designate specific conditions for lawful (medical or non-medical) cannabis production in the ALR. The amendments identify cannabis production as a farm use in the ALR that cannot be prohibited by a local government, when it is produced:

- Outside in a field;
- Within a new or existing structure with a base consisting entirely of soil;
- Within an existing structure, or structure under construction, provided that the structure was, or is being, constructed for growing crops inside; or,
- Within a facility with a concrete base which is under active construction (and construction commenced prior to July 13, 2018) for the growing of any crop, so long as that facility is compliant with all applicable regulations.

While a local government cannot prohibit a farm use in the ALR, except under Section 552 of the *Local Government Act*, they may regulate farm uses through specific siting regulations, for example.

The current definition of “agriculture” in the LUB remains broad and would allow for cannabis production where agriculture is permitted. This would include lots outside of the ALR.

In relation to cannabis sales, on August 3, 2018, the LTC adopted Standing Resolution [HO-2018-044](#), which requires an application to the LTC for any proposed or amended licenses for non-medical cannabis retail establishments, and a public consultation component.

As part of the Land Use Bylaw Amendments project, the LTC may consider whether to strengthen its regulatory control with respect to cannabis retail sales or cannabis production.

Consultation

Staff have included community consultation as part of the project deliverables in the revised project charter. Consultation could include public meetings, fact sheets, open houses and/or use of the Advisory Planning Commission. Due to the number of technical amendments and corrections required as part of this review, the ‘Inform’ and ‘Consult’ columns of the ‘IAP2 of Public Participation Spectrum’ appear to be most relevant to this project (Attachment 2). Consultation could commence in the fall of 2019.

Rationale for Recommendation

The project charter has been amended to include additional inconsistencies and issues that have been identified since the creation of the project. Revisions to the project timeline have also been included.

Staff recommends that the LTC endorse the revised project charter and direct staff to prepare a workplan and budget, as per the recommendation found on page 1 of this report.

ALTERNATIVES

1. Request Bylaw Review by Legal Counsel

The LTC may wish to refer the bylaws to Islands Trust legal counsel for their review and comment. Draft resolution is as follows:

That the Hornby Island Local Trust Committee direct staff to refer the Hornby Island Official Community Plan Bylaw No. 149 and Hornby Island Land Use Bylaw No. 150 to Islands Trust legal counsel for review and comment regarding options for resolving bylaw issues.

NEXT STEPS

If the LTC concurs with the recommendations, staff will submit a workplan to the Director of Administrative Services to request budget approval for the 2019/2020 fiscal year. Upon confirmation of budget approval, staff will proceed with a comprehensive technical review of the LUB and OCP, conduct further research into the bylaw development history and report back to the LTC at a subsequent regular business meeting.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 2	March 21, 2019
Concurrence:	Sonja Zupanec, MCIP, RPP, Regional Planning Manager	March 28, 2019

ATTACHMENTS

1. Attachment 1 – Draft Project Charter v.2 – April 2019
2. Attachment 2 – International Association of Public Participation (IAP2) Public Participation Spectrum

Purpose To resolve technical issues with the Hornby Island Official Community Plan (OCP) No. 149 and the Hornby Island Land Use Bylaw (LUB) No. 150, and to update relevant sections of the OCP and LUB related to cannabis production and sales and in accordance with recent amendments to Agricultural Land Reserve (ALR) policies and regulations.

Background Since adoption of the OCP and LUB in 2016, a number of technical issues have been discovered in the bylaws, ranging from minor typographical errors to more significant issues that may, in some cases, have unintended consequences such as reduced development potential. As well, the Province has recently adopted amendments to the *Agricultural Land Commission Act* and ALR Use Regulations in relation to cannabis production, secondary residences, total floor area of principal residences, “agri-tourism” and “tourist” accommodation, and soil or fill regulations.

Objectives

- To identify and resolve technical issues with the Hornby Island Land Use Bylaw (LUB) No. 150 and Hornby Island Official Community Plan (OCP) No. 149
- To update the OCP and LUB to be consistent with provincial government legislation

In Scope

- Staff technical review of bylaws
- Research into bylaw development history
- Community consultation and APC referrals
- LUB technical amendments including, but not limited to:
 - Beulah Creek housing site map amendment from R3 to R3A
 - Minimum average lot area for the R2 zone
 - Regulations for Cannabis Production and Sales
 - Update relevant ALR regulations
- OCP technical amendments

Out of Scope

- Bylaw amendments not related to identified technical issues or to recently adopted provincial government legislation

Workplan Overview	
Deliverable/Milestone	Date
LTC consideration of technical review and issues analysis of LUB and OCP	Spring/Summer 2019
Preparation of draft bylaws; Legal review; Community consultation	Fall 2019
LTC consideration of first reading of draft bylaw(s); Referral to APC, agencies and First Nations	Fall/Winter 2019
LTC consideration of second reading of bylaw(s); Schedule a CIM and public hearing	Winter/Spring 2020
LTC consideration of third reading of bylaw(s); Referral to Executive Committee and Ministry of Municipal Affairs and Housing	Winter/Spring 2020
LTC consideration of Bylaw adoption	Summer 2020

Project Team		Budget		
Planner 2	Project Manager	Budget Source: Hornby Island LTC Bylaw Amendments		
Regional Planning Manager / Island Planner	Project Support	Fiscal	Item	Cost
RPM Approval: Date:	LTC Endorsement/Amendments: Resolution #: HO-2018-040 Date: August 3, 2018	2019-2020	Legal review of draft bylaw(s)	\$3,000
		2019-2020	Community Consultation	\$500
		2019-2020	CIM / Public Hearing	\$2,000
			Total	\$5,500

IAP2 spectrum

developed by the international association for public participation

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.



Islands Trust

Print Date: March 29, 2019

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.1	Peter Mason Land Surveying Planner: Jaime Dubyna	12-Jan-2018	PID: 023-773-260 Subdivision Civic address: 1150 Central Road, Hornby Island, BC
Planning Status			
Status Date: 27-Sep-2018 Application forwarded to the ALC.			
Status Date: 28-Aug-2018 Applicant submitted letter to amend application to Homesite Severance. To be submitted with package to ALC.			
Status Date: 04-Jul-2018 Planner awaiting confirmation from applicant that they wish to proceed with the original proposal, or to amend application to Homesite Severance in the ALR.			
File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.2	Hoerburger Land Surveyors	12-Apr-2018	PIDs: 009-651-268, 009-651-110, 027-126-323 Creating two lots out of three for agricultural purposes. Civic addresses: 1605 Ostby Road, 4555 Fowler Road, 4755 Fowler Road, Hornby Island, BC
Planner: Bronwyn Sawyer			
Planning Status			
Status Date: 07-Mar-2019 ALC decision received - Refused			
Status Date: 12-Sep-2018 Application transferred to Planner Dubyna.			
Status Date: 03-Aug-2018 LTC consideration of application			
File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.3	MATTHEW R FREDBECK	15-Aug-2018	PID: 005-575-170 Wants parking on grass surface (no paving) for customers. Civic address: 6260 Bond Rd, Hornby Island, BC V0R 1Z0

Applications

Planner: Bronwyn Sawyer

Planning Status

Status Date: 03-Oct-2018

Planner gave file to Planning Team Assistant to forward application to ALC.

Status Date: 28-Sep-2018

HO LTC passed resolution to forward the application to the ALC with the LTC's comments.

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2017.2	Matthew, Jim	17-Aug-2017	Crown leased property; Building new Arts Centre on Sollans Road, Hornby Island.

Planner: Jaime Dubyna

Planning Status

Status Date: 04-Feb-2019

No change in status.

Status Date: 05-Nov-2018

File transferred to Planner JD.

Status Date: 13-Sep-2018

No change in status.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2018.1	MATTHEW R FREDBECK	21-Mar-2018	PID: 005-574-285. Owner plans to lower floor for handicap access and change roof line to accommodate solar panels. Civic address: 10835 Central Road, Hornby Island.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 25-Jan-2019

Site visit.

Status Date: 13-Sep-2018

No change in status.

Applications

Status Date: 28-May-2018

Waiting for info from applicant.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.1	Hornby Island Fire Hall (FLNR & CVRD)	08-Feb-2019	Comox Valley Regional District (Crown Prov) Crown Grant License 114434; CL file 1413862 New training centre using 3x40' shipping containers and 2x20' shipping containers.

Planner: Jaime Dubyna

Planning Status

Status Date: 14-Mar-2019

Planner reviewing file.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.2	Tuele, Jenessa	26-Feb-2019	PID: 028-989-937 Building SFD. Civic address: 4340 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 21-Mar-2019

HO-DP-2019.2 approval needed before issuance of companion HO-SUP-2019.2\nDP to be considered at April 5th, 2019 LTC meeting.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2017.3	Hoerbuerger Land Surveying	09-Jun-2017	PID: 027-126-323, 009-651-268, 009-651-110 Civic address: 4555 and 4755 Fowler Road, Hornby Island Consolidation of 3 lots into 2 larger lots to support agricultural operation.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Applications

Status Date: 15-Aug-2018

On hold pending result of HO-ALR-2018.2

Status Date: 31-Jan-2018

Waiting on applicants to advise on how they would like to proceed (proposal may change)

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2018.1	MATTHEW R FREDBECK	26-Mar-2018	PID: 005-574-285. Owner plans to lower floor for handicap access and change roof line to accommodate solar panels. Civic address: 10835 Central Road, Hornby Island.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 28-May-2018

Waiting for info from applicant.

Status Date: 10-Apr-2018

Planner reviewing application.

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2018.1	DAVID P WISEMAN	10-Jan-2018	PID:028-737-245 Rezoning to allow for subdivision Civic address: 5020 Fowler Road, Hornby Island, BC

Planner: Marnie Eggen

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 12-Sep-2018

File transferred to Planner TR

Applications

Status Date: 27-Apr-2018

LTC consideration and resolution to put on hold pending minor technical amendments to LUB

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2018.12	Hornby Island Fire Hall	31-Jul-2018	Comox Valley Regional District (Crown Prov) Crown Grant License 114434 CL file 1413862 New training centre using 3x40' shipping containers and 2x20' shipping containers

Planner: Jaime Dubyna

Planning Status

Status Date: 11-Oct-2018

Property within DPA 2, requires development permit. Applicant will be submitting DP application.

Status Date: 17-Sep-2018

Planner reviewing application.

Status Date: 12-Sep-2018

File transferred to Planner Dubyna.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2018.7	BULMER, Grant	04-May-2018	PID: 003-125-777 Building single family dwelling Civic address: 6570 Anderson Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 13-Feb-2019

Planner reviewed revised plans. Planner noted to applicant that the total floor area of proposed residential building exceeds 150 m2 permitted in the R1(a) zone. Applicant advised planner that they intend to include a rain water catchment and storage system. Section 8.1.8 of the LUB permits a floor area of 200 m2 in the R1(a) zone, '...if a rain water catchment and storage system capable of storing 1155 litres of potable water and supplying it to the residential dwelling unit is maintained on the same lot...'

Applications

Status Date: 08-Feb-2019

Amended site plan received. Plans show proposed studio and proposed single family dwelling.

Status Date: 24-Jan-2019

Planner requested amended plans indicating proposed height of building meets LUB regulation 3.4.2.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.1	Board of School Trustees of School District No. 71 (Comox Valley)	04-Feb-2019	PID: 000-457-752 Rebuilding school. Civic address: 2100 Sollans Road, Hornby Island, BC
Planner: Bronwyn Sawyer			
Planning Status			

Status Date:

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.2	Tuele, Jenessa	26-Feb-2019	PID: 028-989-937 Building SFD. Civic address: 4340 Central Road, Hornby Island, BC
Planner: Ian Cox			
Planning Status			

Status Date: 21-Mar-2019

HO-DP-2019.2 approval needed before issuance of SUP.\nDP to be considered at April 5th, 2019 LTC meeting.

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.1	Hoerburger Land Surveying	16-Nov-2016	PIDs: 027-126-323; 009-651-110; 009-651-268. Road closure application. Subdivision to adjust lot lines to follow, via MoTI referral. Civic: 4555 and 4755 Fowler Road, Hornby Island, BC.
Planner: Bronwyn Sawyer			
Planning Status			

Applications

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 15-Aug-2018

On hold pending outcome of HO-ALR-2018.2 and HO-DVP-2017.3

Status Date: 31-Jan-2018

DVP application received. Subdivision file being held in abeyance.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.2	BENJAMIN T LONES	28-Apr-2017	PID: 002-747-774 2 lot subdivision. Civic address: 4685 Central Road, Hornby Island.

Planner:

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 12-Sep-2018

File transferred to Planner TR

Status Date: 08-Jun-2017

Referral response sent to MOTI

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2018.1	McElhanney Associates Land Surveying	13-Dec-2018	PID: 026-100-932 Two lot subdivision Civic address: 3750 Euston Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 28-Jan-2019

Planner completed review and sent referral report to MOTI with conditions of PLA including requirement to rezone or otherwise bring property into conformity with LUB.

Temporary and Industrial Use Permit



Applications

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2018.1	Titcomb, Greg	20-Apr-2018	PID: 000-081-973 Seasonal juice production next to fruit stand. Civic address: 6060 Central Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 05-Feb-2019

Conversation with applicant re: they will be contacting ALC and will report back.

Status Date: 16-Jan-2019

Planner requested update from applicant for next steps in proceeding with application.

Status Date: 13-Dec-2018

Planner requested update from applicant.

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending February 2019

635 Hornby	Invoices posted to Month ending February 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	750.00	218.94	531.06
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,750.00	2,124.80	625.20
65210-635	LTC - Local Exp - APC Meeting Expenses	500.00	80.00	420.00
65220-635	LTC - Local Exp - Communications	250.00	450.32	-200.32
65230-635	LTC - Local Exp - Special Projects	500.00	267.73	232.27
TOTAL LTC Local Expense		<u>4,000.00</u>	<u>2,922.85</u>	<u>1,077.15</u>
Projects				
73001-635-4067	Hornby First Nations Relations	500.00	160.18	339.82
73001-635-4083	Hornby Short Term Vacation Rental (STRV) Review	750.00	0.00	750.00
TOTAL Project Expenses		<u>1,250.00</u>	<u>160.18</u>	<u>1,089.82</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 September 28, 2018	HO-2017-011	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED that the Hornby Island Local Trust Committee adopt the following Standing Resolution: 1. That whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as: a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road); b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road) shall be held in abeyance; 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2020 or when the housing needs project is complete, whichever is the sooner.
2.	August 3, 2018	HO-2018-044	Processing non-medical cannabis retail license applications	HO-2018-044 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.

				• The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the Local Trust Committee.
3.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	HO-2019-007 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: “That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”



Top Priorities

Hornby Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Land Use Bylaw Amendments	A Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone, R3A zoning of ISLA site, regulations for cannabis production and sales, and other housekeeping amendments	27-Apr-2018	Jaime Dubyna	
2	Groundwater Protection and Water Conservation	Project charter, including work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation	08-Jun-2018	Ann Kjerulf William Shulba	
3	Vacation Home Rental Community Education and Bylaw Compliance Campaign	Implement the Project Charter for the education and compliance campaign.	27-Apr-2018	Miles Drew Ann Kjerulf	01-Jan-2019



Projects

Hornby Island

Description	Activity	R/Initiated
Ford Cove Consultation	Conduct a consultative process for the Ford Cove area	
Public Use area planning	Support collaborative planning process for Public Use areas	27-Mar-2015
Identification of gravel resources in the OCP	Update mapping as required.	27-Apr-2018
Review RAR with respect to roadside ditches		27-Apr-2018
Marine Protection	Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection	28-Sep-2018
Improving Bylaw Compliance	Explore with the community and staff, approaches to improving Bylaw compliance	28-Sep-2018
Ecosystem Protection	Consider potential utilization of the Regional Conservation Plan.	28-Sep-2018
Addressing Climate Change	Review measures to address climate change including through implementation of OCP policies	28-Sep-2018
Addressing housing needs	A project to identify, assess and implement housing opportunities including reviewing residential density on rural lots and considering staff accommodation on commercial lots.	25-Jan-2019
Implementation of Coastal Douglas-fir Toolkit		25-Jan-2019