



A NOTICE OF A BUSINESS MEETING OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE

to be held at 12:30 PM on Friday, April 27, 2012
New Horizons, 1765 Sollans Road, Hornby Island, BC

Revised – May 9, 2012

AGENDA

		Page No.	Approx. Time
1.	CALL TO ORDER		12:30 am
2.	VACATION HOME RENTAL REVIEW – COMMUNICATIONS PLAN AND BYLAW ENFORCEMENT POLICY		
2.1	Submission from Trustee Law dated April 10, 2012 - <i>attached</i>	1	
3.	QUESTIONS AND ANSWERS FOR PROPOSED BYLAW NO. 145 CITED AS “HORNBY ISLAND LAND USE BYLAW NO. 86, 1993, AMENDMENT NO. 1, 2012”.		
	RECESS FOR PUBLIC HEARING		12:40 pm
	RECONVENE		
4.	APPROVAL OF AGENDA		
5.	MINUTES		
5.1	Local Trust Committee Meeting Minutes dated March 16, 2012 – <i>for adoption</i>	2-10	
5.2	Section 26 Resolutions Without Meeting - <i>none</i>		
5.3	Advisory Planning Commission Minutes - <i>none</i>		
6.	BUSINESS ARISING FROM MINUTES		
6.1	Follow-up Action List dated April 11, 2012 – <i>attached</i>	11-13	
7.	CORRESPONDENCE <i>“Correspondence specific to an active development application and/or project will be received by the Hornby Island Local Trust Committee when that application or project is on the Agenda for Consideration”</i>		
7.1	Email dated March 28, 2012 from William Thomas regarding Smart Meters on Hornby - <i>attached</i>	14	
7.2	Letter dated April 3, 2012 from Ministry of Transportation and Infrastructure regarding Issuance of Secondary Residential Access on Ministry of Transportation and Infrastructure Right of Way to Jack and Leah Laurenson, Porpoise Crescent - <i>attached</i>	15	

8.	TRUSTEES' REPORT	
9.	CHAIR'S REPORT	
10.	DELEGATIONS	
11.	TOWN HALL SESSION	
12.	APPLICATIONS AND PERMITS	
12.1	Hornby Island Resort Ltd. (The Thatch)	16-73
	HO-DP-2011.1 and HO-DVP-2012.2	
	*This item has been deferred to a future Local Trust Committee Meeting Date. Please disregard any notices you may have received. New Notification will be posted and sent prior to Local Trust Committee consideration.	
13.	LOCAL TRUST COMMITTEE PROJECTS	
13.1	HO-OCP-2009.1 (Official Community Plan and Land Use Bylaw Review)	
	13.1.1 Communication Plan - <i>attached</i>	74-75
	13.1.2 Draft Official Community Plan and Land Use Bylaw Newsletter – <i>to be distributed</i>	
	13.1.3 Draft Project Charter - <i>attached</i>	76
13.2	Riparian Areas Regulation Compliance Staff Report dated April 5, 2012 - <i>attached</i>	77-95
13.3	Continuation of Discussion – Vacation Home Rental Review – Communications Plan and Bylaw Enforcement Policy	
14.	REPORTS	
14.1	Work Program Reports	
	14.1.1 Draft Annual Work Program Summary Report – <i>attached</i>	96
	14.1.2 Top Priorities and Projects List Report dated April 11, 2012 - <i>attached</i>	97-98
14.2	Applications Log Report dated April 11, 2012 - <i>attached</i>	99-102
14.3	Trustee and Local Expenses	
	14.3.1 Expenses posted to March 31, 2012 - <i>attached</i>	103
	14.3.2 Expenses posted to Yearend, March 31, 2012	
15.	NEW BUSINESS	
15.1	Living on Hornby Island Brochure – <i>for discussion</i>	104-105
15.2	Funding for Electric Car Charging Stations Email dated April 5, 2012 from Marion Grau, Grants Administrator, Islands Trust - <i>attached</i>	106
	RECESS	
16.	BYLAWS	
16.1	Proposed Bylaw No. 145 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012”. - <i>for consideration of second and third readings and submission to Executive Committee</i>	107-108

17. ISLANDS TRUST WEBSITE

17.1 Hornby Page - *attached*

109-111

18. NEXT BUSINESS MEETING DATE

Friday, June 1, 2012 at 12:30 pm at New Horizons, 1765 Sollans Road,
Hornby Island, BC

19. ADJOURNMENT

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

Submission from Trustee Law dated April 10, 2012

There was considerable discussion about a possible Bylaw Enforcement Policy last term. The following is what I arrived at with respect to what I think might be appropriate following staff advice, public comments and trustee discussion. Perhaps this can be included for discussion at the meeting.

The Hornby Island Local Trust Committee resolves to adopt the following standing policy to direct the limited resources available for bylaw enforcement in order to ensure the most effective results from activities carried out to address Vacation Home Rentals on Hornby Island:

1. A Vacation Home Rental (VHR) will only be subject to enforcement if it has one or more of the following characteristics:

a) More than one dwelling on a lot is simultaneously made available for VHR by the same owner or resident;

b) While the property is rented persons are accommodated other than within a permitted dwelling unit, such as in trailers, RVs, accessory buildings or tents (except for individuals staying in tents while beds are provided for them within the dwelling);

c) There are issues related to health and safety with respect to the operation of the VHR;

d) There is a written complaint by an owner or resident of a nearby property about a bona fide serious nuisance issue such as noise or parking congestion related to the VHR;

e) The operator of the STVR uses more than one property on Hornby Island as a VHR.

f) Non-permitted uses in conjunction with a VHR are advertised on the Internet, in newspapers or through other media.

g) A property manager is enabling non-permitted uses in conjunction with a VHR.

2. The priority for bylaw enforcement activities is to address those VHRs where accommodation is advertised or provided other than within a permitted dwelling unit.

3. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw.

4. The Hornby Island Trust Committee may change this policy at any time.

5. Despite 4 above, this policy encourages the Hornby Island Local Trust Committee to review the policy every fall and only make changes at that time.

6. This standing policy shall be continuously posted on the Islands Trust website.

DRAFT

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
REGULAR BUSINESS MEETING
HELD AT 12:30 PM, ON FRIDAY, MARCH 16, 2012
AT NEW HORIZONS, 1765 SOLLANS ROAD, HORNBY ISLAND, BC**

PRESENT:	David Graham	Chair
	Alex Allen	Local Trustee
	Tony Law	Local Trustee
	Sonja Zupanec	Island Planner
	Vicky Bockman	Recorder

There were eight (8) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 12:38 pm.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus.

**3. MIMULUS BIOLOGICAL CONSULTANTS PRESENTATION –
STREAM MAPPING ON HORNBY ISLAND**

Michele Jones of Mimulus Biological Consultants provided background on the Riparian Areas Regulation. She commented that it was enacted under the Fish Protection Act, is enforced by local bylaws, and is intended to prevent harmful alteration, disruption or destruction of fish habitat from land development activities. She reported that the Ministry of Environment identified watersheds where Riparian Areas Regulation would apply and on Hornby Island these included Ford and Beulah Creeks. She explained that the purpose of the report was to identify and map all streams within the Ford and Beulah Creek drainage areas.

She clarified that for this regulation, a stream is defined as a watercourse, whether it usually contains water or not, a pond, lake, river, creek or brook; and a ditch, spring or wetland that is connected by surface flow to a watercourse, pond, lake, river, creek or brook that provides fish habitat. She advised that the term “ravine” in this report is being used as a land form description. Additional surveys will be required to complete the stream identification and mapping within the upper Beulah Creek drainage area.

She presented the stream identification report, commenting that within the watersheds all watercourses, wetlands, and ditches were assessed as to whether they meet the Riparian Areas Regulation criteria for a stream. She explained that this information will allow the Islands Trust to accurately identify

the Riparian Assessment Area for the watercourses. She added that any proposed development inside a Riparian Assessment Area would cause implementation of the Riparian Areas Regulation process and that development within the Riparian Assessment Area would require a Qualified Environmental Professional to complete and submit an assessment.

The chair opened the floor to questions, which are summarized as follows:

Clarification was requested regarding the term “ravine” used in the report versus the term as defined in Riparian Areas Regulation. The formula used to determine stream gradient was questioned.

Michele Jones clarified that the use of the term “ravine” in her report is used as a term referring to a land form and is not the same as that defined under Riparian Areas Regulation. She indicated that she had forwarded this question, when received previously from the inquirer, to the appropriate person for response and provided other names that the inquirer might contact for further information. She presented her understanding of the formula used to determine the stream gradient.

What is the estimated time to finish the mapping of the Beulah Creek drainage area? Has this been requested or granted and who is the funding authority?

Michele Jones replied that at least three tributaries are remaining to be mapped and estimated that it could take a similar amount of time as has been put into the project thus far to complete the mapping.

Planner Zupanec explained the Islands Trust funding source of the project that has been completed thus far and added that continued funding will be determined shortly as a part of the budgeting process. She advised that consideration will have to be given to additional implementation and the Local Trust Committee will determine further steps.

Has the mapping in the area of the Islanders Secure Land Association property been completed yet?

Michele Jones responded that yes, the mapping has been completed.

Trustee Law asked what would be involved to map Ford and Beulah Creek drainage areas, where there are ravines, using the Riparian Areas Regulation definition of ravines.

Michele Jones responded by describing the methodology that would be involved and concluding that accuracy might be a challenge. She suggested that it might be easier to produce such information from Light Detection and Ranging (LIDAR) topography contour maps.

Trustee Law asked for clarification as to why he did not see streams in this Riparian Areas Regulation stream identification report that he saw in other local government maps.

Michele Jones responded that the water needs to connect to fish habitat by surface water and in these cases they did not connect and do not have fish in them.

It was noted that only provincial mapping was used as a starting point for this report, however it was advised that there were both regional parks and crown land maps that are available and might have provided more detail. It was asked if these maps had been provided.

Michele Jones responded that quite a bit of research had been done and some of this information had been obtained. She added that as much research was done as possible before proceeding and that there was a tight timetable for completion by late December, 2011.

Planner Zupanec added that the maps of parks would have been a lower priority than private properties with potential for development.

Trustee Law asked if the standard setback from a stream is 30 meters under the Riparian Areas Regulation.

Michele Jones explained that 30 meters is the standard, however it can vary in a detailed assessment. She clarified that this project just mapped streams and that when a landowner proposes development close to a stream, a Riparian Areas Assessment may be required and that would determine the setback required.

Trustee Law asked if the area of concern where Ford Creek goes under Strachan Road should be discussed with the Department of Transportation.

Michele Jones advised that this area would definitely be a barrier to fish however the culvert should be clear and this would need to be done wisely and with a permit within the stream.

The technical definition of a “ditch” under Riparian Areas Regulation was questioned as some of the ditches in the report do not provide fish habitat.

Michele Jones explained that the ditches in this report are considered streams under the Riparian Areas Regulation as they influence downstream fish habitat. She advised that ditches that let their water disburse on to land would not connect to streams and would not be streams under the Riparian Areas Regulation.

The Chair recessed the meeting at 2:15 pm and reconvened at 2:21 pm.

4. MINUTES

4.1 Local Trust Committee Meeting Minutes dated February 3, 2012

The minutes were adopted by consensus with the following amendments:

- Page 1, item 3.1, first line: replace “February 3, 2012” with “October 19, 2011”
- Page 3, item 9, second paragraph: replace the second sentence with: “He summarized the process by which the Local Trust Committee had drafted the bylaws. He thought they reflected Hornby’s unique situation and he hoped they would be adopted as presented.”
- Page 4, second paragraph, first line: replace “Chair” with “Trustee”

4.2 Section 26 Resolutions Without Meeting Log dated March 7, 2012

The Section 26 Resolutions Without Meeting Log dated March 7, 2012 was reviewed.

4.3 Advisory Planning Commission Minutes

There were no Advisory Planning Commission draft minutes.

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated March 7, 2012

Planner Zupanec advised that there were no updates to provide to the Follow-up Action List.

Trustee Allen reported that he is waiting to receive the artwork for the sandwich board which will be used to advertise the Local Trust Committee meetings. Planner Zupanec recommended that the invoice for the sandwich board work be received for payment by March 31, 2012 if funds from the current fiscal are to be used.

6. CORRESPONDENCE

6.1 Post Public Hearing Correspondence for Bylaw No. 142 and Bylaw No. 143

The Post Public Hearing Correspondence for Bylaw No. 142 and Bylaw No. 143 was received. There was discussion regarding the letter from K’omoks First Nation dated July 21, 2011. Planner Zupanec advised that staff is currently working to establish a framework for going forward in order to create effective engagements with First Nation Bands.

7. TRUSTEES' REPORT

Trustee Allen stated that he attended the Islands Trust Council meeting and reported that the Council had voted against accepting a grant from the Gas Tax Fund to review the Islands Trust Policy Statement. He also reported that the fiscal year budget had been finalized, resulting in no increases to property taxes.

Trustee Law reported on Ferry Advisory Committee meetings and provided an update on the Cable Ferry status. He stated that he is in the process of setting up a meeting with the Hornby Island Residents and Ratepayers Association Executive, the Local Trustees and the Comox Valley Regional District Director to discuss matters of mutual concern and to share information. Trustee Law reported that a meeting date with the Area Manager of the Ministry of Transportation and Emcon has been set for April 13, 2012 and that he will be soliciting feedback from the community and advertising this meeting in the Grapevine.

Trustee Law reported that he attended a meeting of the Hornby/Denman Growers & Producers Alliance where issues of concern to farmers on Hornby and Denman Islands are being prepared to be conveyed to the Minister of Agriculture. He reported that in his role as Chair of the Islands Trust Fund Board, he has registered to attend a workshop conducted by the Ministry of the Environment on the Coastal Douglas Fir ecosystem.

Planner Zupanec offered to provide a copy of the Riparian Areas Regulation Stream Identification report with some culvert issues flagged to Trustee Law for the meeting with the Ministry of Transportation and Emcon.

8. CHAIR'S REPORT

Chair Graham reported on his attendance at the recent Islands Trust Council meeting on Gabriola Island. He noted that since the last Hornby Island Local Trust Committee meeting, he had attended Local Trust Committee meetings on Lasqueti, Gabriola and Gambier Islands in his role as Chair of those Committees.

Chair Graham noted that he also attended a Local Trust Committee meeting on Denman Island as a Local Trustee where there is continued dialogue concerning Riparian Areas Regulations and affordable housing. He reported that the Denman Island draft Farm Plan will be presented soon and that it is hoped that this document will provide information on farming and food security on Denman Island that may be of interest to other islands as well.

9. DELEGATIONS

There were no delegations.

10. **TOWN HALL SESSION**

Sheila Farrington asked for an update regarding the current Advisory Planning Commission appointees as it was her understanding that a new member had been appointed some time ago, however the Advisory Planning Commission had not been notified.

Planner Zupanec stated that she will research this and respond with her findings. Trustee Law suggested that it might be appropriate to circulate a new list of Advisory Planning Commission appointees as appropriate

11. **APPLICATIONS AND PERMITS**

There were no applications and permits for consideration.

12. **LOCAL TRUST COMMITTEE PROJECTS**

12.1 *HO-OCP-2009.1 (Official Community Plan and Land Use Bylaw Review)*

Planner Zupanec summarized the status of the Official Community Plan and Land Use Bylaw review.

The proposed draft Project Charter was reviewed and discussion followed with some of the issues summarized as follows:

- The merits and difficulties of concurrently reviewing the Official Community Plan, Land Use Bylaw, and the Bylaw regarding the Bylaw Enforcement Adjudication System were considered.
- The K'omoks First Nation meeting was deemed to be a critical engagement opportunity and it was noted that a date had not been set for the meeting. It was determined that correspondence to express continued interest in such a meeting would be useful and should be vetted through Trust Area Services in the process.

HO-013-2012 It was **MOVED** and **SECONDED** that the Chair be requested to respond to the letter of July 28, 2011 from Chief Ernie Hardie of K'omoks First Nation (following consultation with staff) to express the interest of the Hornby Island Local Trust Committee in meeting with the K'omox First Nation Council to discuss the issues raised in the letter, particularly with respect to the current review of the Official Community Plan and Land Use Bylaw (with an explanation for the delay in responding due to the letter being received post public hearing).

CARRIED

- There was discussion regarding what density provisions the Local Trust Committee would be willing to review during the Official Community Plan amendment process and it was determined that fine

tuning of density in the Official Community Plan should be limited to addressing targeted topics.

- Discussion regarding the possible creation of Development Permit Areas resulted in a consensus that the issue should be set aside from this project due to time constraints and may be placed on the Projects List.
- Communications were considered to be an important factor in many areas to ensure success. There were various methods of improvement discussed including providing information to the public regarding timelines and how they can provide input at all stages, informing the public about how their submissions become a public document, finding ways that the community can hear each other's input, and to increase communication about the possibility of improving the format of the bylaws. It was also noted that the message needs to be communicated that people need to give their input to the Local Trust Committee rather than to the Trustees and that Trustees might find a way to coordinate email lists. It was the consensus that it might be helpful to request advice from the Advisory Planning Commission as to the best process and methods of communication.
- Various changes to the Risk Assessment aspect of the Project Charter were suggested.
- An early referral of the draft Official Community Plan to the Advisory Planning Commission was discussed and it was the consensus that this would be helpful prior to public review.

HO-014-2012 It was **MOVED** and **SECONDED** that the Advisory Planning Commission be requested to conduct a general review of the Official Community Plan "draft for comment" to identify any significant concerns, questions or issues of clarity.

CARRIED

Planner Zupanec stated that she will make the suggested changes to the draft and will include the recent changes regarding vacation home rentals prior to submitting the draft to the Advisory Planning Commission.

12.2 *HO-RZ-2012.1 (Vacation Home Rental Regulation)
Staff Report dated March 5, 2012*

Planner Zupanec summarized the staff report regarding vacation home rentals proposed Bylaw No. 145 with an update on referral responses received to date. She advised that the next step in the process is public notification and information.

A question arose from the public requesting clarification of the origin of regulation 1.a.ii. in the proposed bylaw. In response, it was noted that this would be a pertinent and fitting question for the upcoming Community Information Meeting and Public Hearing discussion.

There was discussion regarding the dates for the Community Information Meeting and Public Hearing for proposed Bylaw No. 145. It was determined that holding both the Community Information Meeting and Public Hearing sessions at the beginning of the April 27, 2012 Local Trust Committee business meeting would be the preferred option.

13. REPORTS

*13.1 Work Program Reports
Top Priorities Report and Projects List Report dated March 7, 2012*

The Top Priorities Report and Project List Report were reviewed and there were no changes to the reports.

*13.2 Applications Log
Report dated March 7, 2012*

Planner Zupanec provided updates to the Applications Log and responded to inquiries from the Trustees.

13.3 Trustee and Local Expenses

13.3.1 Expenses posted to January 23, 2012

The expenses posted to January 23, 2012 were reviewed.

13.3.2 Expenses posted to February 23, 2012

The expenses posted to February 23, 2012 were reviewed.

14. NEW BUSINESS

14.1 Memorandum dated February 21, 2012 to Local Trustees from David Marlor, Director of Local Planning Services regarding A Strategic Approach to Islands Trust Communications

Trustee Graham noted that this memorandum may be a useful tool in designing a communications strategy with the Official Community Plan and Land Use Bylaw review.

Trustee Law commented that several aspects of communications continue to be difficult. He noted that some concerns include the resistance of people to sign on to the Islands Trust email subscriber list for information and that the previous Trustees had separate email lists for communicating information. He suggested that some improved methodology would be useful in this area.

There was discussion regarding the possibility of advertising regular business meetings in the Grapevine publication and it was determined that it would be a useful system for communication of meeting information and could be funded from the advertising budget.

HO-015-2012 It was **MOVED** and **SECONDED** that future Hornby Island Local Trust Committee meetings be advertised in the Island Grapevine on a regular basis.

CARRIED

15. BYLAWS

There were no Bylaws for consideration.

16. ISLANDS TRUST WEBSITE

16.1 Hornby Page

The following changes were requested to the Hornby page of the website:

- Add to the Latest News section: information regarding the Community Information Meeting and Public Hearing on proposed Bylaw No. 145
- Add a new heading: Riparian Areas Regulation Implementation, and move the Mimulus Consulting report which is currently under the March, 2012 Latest News heading to the new section
- Reorder the placement of the headings: place the Hornby Island Local Trust Committee Work Program at the top of the page before Latest News and list the Top Priorities there

17. NEXT BUSINESS MEETING DATE

The next meeting of the Hornby Island Local Trust Committee will take place on Friday, April 27, 2012 at 12:30 pm at New Horizons, 1765 Sollans Road, Hornby Island, BC

18. ADJOURNMENT

The Chair adjourned the meeting at 4:40 pm.

Recorder

Chair



Islands Trust

Follow Up Action Report w/ Target Date

Hornby Island Dec-15-2010

No.	Activity	Responsibility	Target Date	Status
1	GHG and RAR Budgets - proposed Climate Change pamphlet to be considered and staff asked upon completion of draft to contract for formatting and printing of pamphlet. RAR budget to be reconsidered at next LTC meeting.	Chris Jackson		On Going

Jun-01-2011

No.	Activity	Responsibility	Target Date	Status
1	HO-OCP-2009.1 (OCP and LUB review project) Resolution: Request staff to flag the following issues arising from the Islands Trust Food Security report for the OCP/LUB review: farm worker housing; amenity zoning policy; community food storage facilities; shared equipment storage facilities. Resolution (2010):LTC expresses interest in Toby Islet, Norris Rocks and Flora Islet being rezoned from Rural Residential to Park as part of the OCP and LUB review process and request staff to prepare a report on the conservation values of the islets and to consult with their owners. Consider Ron McMurtrie's comments regarding septic fields expressed in his Oct 17, 2010 email when drafting the proposed LUB.	Sonja Zupanec		On Going

Sep-21-2011

No.	Activity	Responsibility	Target Date	Status
1	Meeting with K'omoks Indian Band - reschedule.	Courtney Simpson Sonja Zupanec	Nov-30-2011	On Going

Feb-03-2012

No.	Activity	Responsibility	Target Date	Status
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1	HO-RZ-2012.1 (Vacation Home Rental Regulations) Staff to prepare a draft bylaw enforcement policy and communications strategy with respect to VHR for consideration by the LTC. CIM and Public Hearing to be scheduled during beginning of HOLTC meeting April 27, 2012.	Miles Drew Jacquie Hill Sonja Zupanec	Feb-17-2012	On Going
1	Staff to coordinate and facilitate APC orientation with first referral in 2012.	Sonja Zupanec	Mar-30-2012	On Going
1	HOLTC resolution to spend up to \$200 from HOLTC miscellaneous account for the creation of a sandwich board to advertise HOLTC meetings.	Alex Allen	Mar-30-2012	On Going

Mar-16-2012

No.	Activity	Responsibility	Target Date	Status
1	Staff to ensure that all HOLTC meeting dates are advertised in the 'Island Grapevine' on a regular basis.	Theresa Vieau	Mar-30-2012	Done
1	Staff to update Hornby website with additions and revisions as discussed.	Sonja Zupanec	Mar-30-2012	Done
1	Island planner to flag copy of Mimulus stream mapping report with sections of interest to MOTI for Trustees to take to upcoming meeting regarding road maintenance and culvert upgrades relevant to Ford/Beulah creeks.	Sonja Zupanec	Mar-30-2012	Done
1	HOLTC Chair be requested to responde to correspondence from the Chief of Komoks First Nations to express the interest of the HOLTC in meeting with KFN to discuss issues raised in their letter, particularly with respect to the current review of the Official Community Plan and Land Use Bylaw, with an explanation for the delay in our response due to the letter being received post public hearing.	David Graham	Apr-06-2012	On Going
1	HO-OCP-2009.1 Staff to update draft 'Project Charter' to reflect changes discussed and return for final endorsement at next meeting. Staff to prepare a draft project newsletter for public mail out and distribute to HOLTC prior to meeting for review and comment. Staff to prepare APC referral of draft OCP (revised to include new VHR regulations) to identify significant questions, concerns or clarity required prior to	Sonja Zupanec	Apr-06-2012	Done

sending otu to public for comment.

From: [William Thomas](#)
Sent: Wednesday, March 28, 2012 4:44 PM
To: rwt@telus.net
Subject: Smart Meters on Hornby violate OCP - immediate action by trustees sought

Dear Alex, Tony and other friends on this mailing list,

It has been brought to my attention that 5.6.4 of our Official Community Plan stipulates: "Commercial microwave towers and satellite antennae shall be prohibited."

1. Since smart meter transmitters send signals in the microwave spectrum from 900 Mhz to 2.4 Ghz range, each smart meter operates as a commercial microwave station.
2. All smart meter relay repeaters mounted on poles function as commercial microwave towers broadcasting 24/7.

As soon as possible, we request that our island trustees send a letter informing BC Hydro that since the installation of their smart meters and smart meter repeating transmitters on Hornby Island violate the spirit, intent and *expressly stated content of our OCP Section 5.6.4*, we require that all installed smart meters be removed from Hornby Island immediately and no further smart meters installed.

As elected guardians of our Official Community Plan, thanks in advance to Tony and Alex for your immediate attention.

Respectfully,
William Thomas



FILE COPY

Our File: 2012-01528

April 3, 2012

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

Attn: Sonja Zupanec, Island Planner

Dear Ms Zupanec:

Re: Lot 20, Sections 1 & 6, Plan 23972, Nanaimo District

This is to advise that a secondary residential access on MOTI right of way is being issued to the present owners Jack and Leah Laurenson.

The owners have an existing access fronting on Porpoise Crescent #1031 which they currently use as the "primary" driveway access. Permit No. 11115 was issued to the previous owner, Bill Cannon for this access. New Permit No. 2012-01528 is being issued for a "secondary access only" on the unopened portion of our road right of way. The access is existing and the intended use is to infrequently access the back of the residence. The owners and public have been made aware that this portion of road allowance is for public use and must be maintained accordingly for the benefit of all. Minor brush trimming, etc. and repair and maintenance of the access has been discussed with the applicant.

If you have any comments or questions please feel free to call Elaine Malo at (250) 334-6969 or Angie Allwood, Area Manager at (250) 334-6959.

Yours truly,

Elaine Malo
A/Development Technician

cc: Tony Law, Hornby Island Trustee
Att.



COMMUNICATIONS PLAN MATRIX

13.1.1

Hornby Island Official Community Plan and Land Use Bylaw Review Project

The objectives of this document are to ensure all potential project partners are identified, determine what information they require and decide how and who will provide that information.

Project Partners	Represented by	Project Interests or Concerns	Communication Required	Delivery Method	Responsibility	Timing
Property Owners	• HIRRA • Registered owners on title • Tenants, shareholders and strata members	• Site specific zoning regulations • Secondary suites •	• Project progress and consultation	• Mailout • Website • Trustee newsletter • Meetings • Public hearing	Island Planner and Trustees	Monthly
Advisory Planning Commission	• Six member appointed commission	• Depending on nature of LTC referral – OCP policies or LUB regulations or information gathering to inform development of OCP/LUB work.	• Referrals by the LTC as required	• Staff memorandums as required	Referral by LTC; Island Planner as support staff	As required
K'omoks First Nation Wei Wai Kum First Nation Stz'uminus First Nation Cowichan Tribes Halalt First Nation Lyackson First Nation Penelakut Tribe Hul'qumi'num Treaty Group Qualicum First Nation Nanwakolas First Nations Te'Mexw Treaty Association Snaw'Naw'As Nation Laich-kwil-tach Treaty Society Nanwakolas First Nations Xwemalhkwu (Homalco) First Nation Sliammon First Nation	Chief and Councils	• Crown islets and land • Other interests to be determined	• Early and ongoing engagement of status of review project and draft bylaws.	• Email • Phone • Face to face meetings • Written correspondence	Island Planner; Planning Clerk Regional Planning Manager HOLTC	Prior to bylaws being given any readings and thereafter as required
Islands Trust Executive Committee	Four member elected committee	• Project status and budget requirements • Consistent with Islands Trust Policy Statement	• OCP and LUB Approval	• Briefing after third reading of bylaws	Island Planner HOLTC as required	Once after bylaws are given third reading.



COMMUNICATIONS PLAN MATRIX

Hornby Island Official Community Plan and Land Use Bylaw Review Project

Project Partners	Represented by	Project Interests or Concerns	Communication Required	Delivery Method	Respons-ibility	Timing
Referral Agencies	Staff from various local, regional, provincial agencies	• Various interest in land/water uses; public health	• referral of draft or proposed bylaws prior to public hearing	• Mail • Email	Island Planner	After first reading and then as needed if significant changes to bylaws are proposed.
Ministry of Community, Sport and Cultural Development	Minister Ida Chong	• reviewing the official community plan bylaw to prevent inconsistencies between local bylaws and significant Provincial interests, as expressed by the affected governmental agencies.	• OCP approval after third reading and before consideration of final adoption	• Mail	Island Planner Planning Clerk	Once after OCP bylaw is approved by Executive Committee.

Purpose A targeted review of the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) to ensure that policies and regulations conform to applicable statutory requirements, law and recognized planning principles, practices and conventions.

Background The OCP/LUB review project is the second priority of the LTC work program, following the vacation home rental regulation review. In early 2009 the LTC sent a notice to all property owners soliciting input on key target areas for review and determined the focus was 1) Community Housing; 2)Economic Opportunities. The LTC endorsed a 'Terms of Reference: Principles and Process' in November 2009 which is incorporated in this Project Charter. Public consultation was conducted in April 2010. The project was put on hold during the vacation home rental review process.

Objectives

- Adoption of OCP and LUB that are consistent with each other and the Islands Trust Policy Statement.
- Ongoing notification and effective engagement with property owners, residents and the K’omoks First Nation.

In Scope

- Existing use and density provisions to be maintained unless deemed to be out-dated or not applicable.
- Housekeeping amendments identified by staff and trustees.
- Consistency of proposed new zoning regulations with policies and objectives of OCP.
- Consistency with *Riparian Areas Regulation* requirements where necessary.
- Reformatting the LUB for increased readability.

Out of Scope

- Vacation home rental regulations.
- Sensitive ecosystem mapping.
- Increased density or significant new permitted uses other than to address targeted topics.
- Major applications to amend the OCP while review is in progress.

Budget	
Item	Cost
Consultation	\$5,000
Legislative Process	\$2,000
Advertising	\$1,000
Total	\$8,000

Critical Success Factors

- Stay within reasonable budget.
- LTC/staff provides clear and timely communication of project and opportunities for input to residents and property owners and timelines.
- Effective communication on document format changes and community support for enhanced readability of LUB and OCP.
- Cooperative, respectful environment.

Links & Dependencies

- LTC meeting schedule as basic framework for deliverables; community information meetings.
- Victoria mapping department for draft mapping schedules.
- Referral agency response turn-around.
- Island planner workload.

Project Team		Interest Groups	
Name/Project Role		Name	Representing
Sonja Zupanec/Island Planner		Property owners and residents	Hornby Island
I.T. Victoria Mapping Department		K’omoks First Nation	First Nations
Hornby LTC		Comox Valley RD	Regional District
Jacquie Hill/Planning Clerk Legislative Process		Advisory Planning Commission	Residents
		MOTI; VIHA; Others	Referral Agencies
		Executive Committee	Islands Trust

Workplan Overview		Governance	
Deliverable/Milestone	Targeted Completion	Name/Project Role	Responsibility
Release of draft LUB /OCP	Summer 2012	HOLTC	Bylaw review, revisions, consideration and adoption.
Consultation with residents and private property owners on draft regulations and zones	Summer—Winter 2012	Executive Committee	Bylaw approvals
Early Referral to select agencies prior to 1st reading	Winter 2013	Minister of Community, Sport and Rural Development	OCP Bylaw approval
1st reading of draft bylaw—agency and First Nation referrals	Spring 2013	Regional Planning Manager Approval: _____Date_____	
Community Information Meetings/Public Hearing; revisions and further readings	Summer /Fall 2013	HOLTC Chair Approval: _____Date_____	
OCP Submission to Executive Committee/Minister of CSCD	Fall /Winter 2013		
Consideration of adoption of LUB and OCP	Early 2014	Endorsement Resolution #: _____ Date_____	

Risk Assessment				
Risk	Probability	Impact	Response Strategy	Residual Risk
LTC efforts focused on other regional or trust wide work program items.	Low	High	Maintain LUB review project as work program priority #1 until final adoption.	Low
Unable to meet deliverable dates due to aggressive timelines.	Med	High	Detailed planning, clear roles and responsibilities of team members.	Low
Property owner discourse over private property rights or implications of land use regulations being proposed.	Med	High	Clear communications; ample opportunity for public review of draft regulations	Low
Unable to meet deliverable dates due to interruption in staff appointments	High	High	RPM contingency plan to secure relief staff for 2013 leave of planner	Low

STAFF REPORT

Date: April 5, 2012

File No.:

To: Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Thetis Island Local Trust Committee

From: Chris Jackson, MCIP

CC: Northern Region Planners

Re: Compliance with Provincial Riparian Areas Regulation

PURPOSE

This comprehensive report provides Northern Region Local Trust Committees with:

1. background on the Provincial *Fish Protection Act* and the *Riparian Areas Regulation*;
2. a summary of related Legislation and Policy;
3. a summary of Islands Trust RAR Implementation Progress to Date;
4. a briefing on community consultation and budget considerations;
5. options for compliance with these Provincial Laws; and
6. recommended next steps for each Local Trust Committee.

Note: this report contains information previously provided to some LTCs; for others, this is the first report on this topic. All Northern Region LTCs are receiving this report in order to provide consistent communication. As individual LTCs move forward, future reports will be tailored to each LTC.

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Acronyms used in this report:

- DPA - Development Permit Area
- FA - Fisheries Act
- FPA - Fish Protection Act
- LUB - Land Use Bylaw
- LTC - Local Trust Committee
- LTA - Local Trust Area
- MOE - Ministry of Environment
- OCP - Official Community Plan
- QEP - Qualified Environmental Professional
- RAA - Riparian Assessment Area
- RAR - Riparian Areas Regulation
- SPEA - Streamside Protection and Enhancement Area

FISH HABITAT PROTECTION IN BRITISH COLUMBIA

Please refer to the Attachment 1, which contains a detailed summary of the legal framework of fish habitat protection in British Columbia and the role of local governments. Below is a summary of that attachment.

The federal *Fisheries Act* (FA), the provincial *Fish Protection Act* (FPA) and *Riparian Areas Regulation* (RAR) are used to protect fish habitat in BC. The *Riparian Areas Regulation* (RAR) was enacted under Section 12 of the *Fish Protection Act* (FPA) in July 2004 (amended by Order-in-Council in 2006) and took effect on March 31, 2006.

The Province considers local government land use controls as an effective means to protect fish habitat and fish processes. The *Fish Protection Act* (from which RAR stems) states that a local government must provide a level of protection that is comparable to or exceeds the RAR.

The Riparian Areas Regulation:

- covers any area within 30 metres of a “stream”, referred to as the “Riparian Assessment Area” (RAA).
- defines a “stream” to include a watercourse, whether it usually contains water or not, that provides fish habitat, including ponds, lakes, rivers, creeks and brooks as well as ditches, springs, and wetlands that are connected by surface flow to such watercourses.
- includes “streams” where fish could potentially be present in the event that the introduced obstructions were made passable, even if no fish are currently present.
- defines “fish” to include salmonids, game fish and regionally significant fish (these include all salmon species and trout).
- methodology is meant to provide objective Qualified Environmental Professional (QEP) assessments; as a science based approach, assessments are intended to be measureable and repeatable independent of the observer.

Provincial Expectations of Local Government

The Riparian Areas Regulation:

- requires local governments to amend bylaws to ensure that riparian areas are protected.
- requires local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a QEP.
- prohibits a local government from approving or allowing a development to proceed within a Riparian Assessment Area without the provision of a QEP report; such applications that trigger RAR include: rezoning, development variance permit, development permit, temporary use permit and subdivision.

Development within the Riparian Assessment Area (RAA)

The Province allows local governments to approve/permit development within 30 metres of the high water mark of a stream or top of a ravine bank (referred to as the Riparian Assessment Area), provided that a QEP:

- completes an Assessment Report;
- submits the Report to the Province;
- concludes that development will not result in a harmful alteration of riparian fish habitat;
- establishes, on a site-specific basis, a Streamside Protection and Enhancement Area (SPEA).

The Assessment Report may also include QEP recommendations on mitigation or enhancement measures specific to the development proposal, and identify measures to maintain the integrity of the riparian area during the development process.

CURRENT LEGISLATION AND POLICY

Islands Trust Act

Section 3. Object of trust

The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia. [Note: Underlining added for emphasis]

Trust Policy Statement:

Policies for Ecosystem Preservation and Protection

- 3.1.5 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.*
- 3.3.2 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.*

Policies for Stewardship of Resources

- 4.4.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.[Note: Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and the maintenance of water quality in lakes and streams and wetlands.]*

Trust Council Strategic Plan:

The current Trust Council Strategic Plan includes “Implementation of Riparian Area Regulations” as the first focus area.

Northern Region Local Trust Committee Work Programs

All northern Local Trust Committees (LTC) have RAR compliance among their three top priorities.

Official Community Plans and Land Use Bylaws

This report is directed at all Northern Region Local Trust Committees, and as such will not list the various Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations relevant to this project.

STATUS OF ISLANDS TRUST RIPARIAN AREAS REGULATION IMPLEMENTATION

In 2006 Trust Council adopted a resolution directing staff to prepare development permit area provisions to implement the RAR. Local Trust Committees were also requested to consider amending setback provisions to correspond with RAR in their Land Use Bylaws as a first step prior to implementing development permit areas.

The implementation of RAR in the Trust Area has been delayed since 2006. Principally, the delay was attributable to issues with identifying watercourses that are subject to the RAR and in accurately mapping those watercourses.

In 2008/9, staff undertook a watershed mapping exercise, derived from 2-metre contour Digital Elevation Mapping, with the Ministry of Environment and the School of Architecture and Landscape Architecture at UBC. The UBC work identified watershed boundaries on most of the 450 islands within the Islands Trust. This mapping provided the platform for MOE staff to indicate which watersheds they believe to be applicable under RAR.

In a letter dated July 20, 2011, Ministry of Forests, Lands and Natural Resource Operations (formerly Ministry of Environment) staff confirmed those watersheds where RAR applies [Note: Hornby, Gambier, and Lasqueti lacked conclusive information]. Since receipt of this letter, mapping of Northern RAR applicable watershed streams have been completed for: Gabriola and Thetis, and partly for Hornby (two of five) and Denman (one of five) Local Trust Areas (LTA).

Two LTAs within the Islands Trust have RAR compliant bylaws: North Pender and Galiano. In 2011, Islands Trust Council endorsed the North Pender Island RAR bylaw as a reference for all Local Trust Committees. However, given that every island is unique it is imperative that each Local Trust Committee decide how best to proceed with implementing the RAR on their respective Islands.

Status of the Northern Region Local Trust Committees:

Denman: there are five MOE verified RAR watersheds; one of these watersheds is mapped. Next steps include further mapping work, LTC determination of public process and bylaw development.

Gabriola: initial review from MOE indicated one watershed was RAR applicable. Further investigation found that three watersheds are RAR applicable. These watersheds are now mapped. Next steps include LTC determination of public process and bylaw development.

Gambier: the MOE, Vancouver Island Region, does not cover those islands in the Gambier LTA, and as such were unable to provide RAR verification. Next steps include further mapping work, LTC determination of public process and bylaw development.

Hornby: the MOE determined two watersheds were RAR applicable, three lacked information to verify, and the remainder were not RAR applicable. The two verified watersheds were mapped. Next steps include further mapping work, LTC determination of public process and bylaw development.

Lasqueti: the MOE does not have the knowledge base required to determine which watersheds on Lasqueti are RAR applicable. Next steps include further mapping work, LTC determination of public process and bylaw development.

Thetis: the MOE determined that one watershed on Thetis is RAR applicable. That watershed is now mapped. Next steps include LTC determination of public process and bylaw development.

COMMUNITY CONSULTATION and EDUCATION

Typically LTCs go into community consultation processes with a mind to create bylaw provisions that match the expectations and vision of the community. A possible outcome could be that the community does not support a proposal; the LTC could then resolve to not proceed any further given the limited appeal of moving forward. This is not an option with regard to the Riparian Areas Regulation project. Provincial Law requires that local governments must determine which streams the RAR applies to, and then take measures that protect fish habitat.

With this requirement in mind, staff recommends that community consultation focus on appropriate ways to implement RAR and become compliant with Provincial Law, rather than considering whether it should be undertaken.

Community consultation is fundamental to any proposed changes to LTC policies and regulations. Here are several approaches LTCs may consider, alone or in combination:

- Establish a Northern working group made up of trustees and staff for the purposes of information sharing, developing consultation options and educational materials.
- Direct contact with land owners/residents may be a feasible option depending on the number of properties affected, for example, letters providing opportunities to individually contact trustees and staff to have questions answered.
- Information materials and links to on-line information can be provided in letters.
- An open house, where affected and interested persons can drop-in and ask questions specific to their property and their concerns.
- Town hall, where all affected and interested persons can attend and hear others questions and comments, and the answers and responses.
- Use of the new Islands Trust website where a separate RAR page can be developed and maintained, with links connected from each individual LTC.
- Advisory Planning Commission referrals.
- Trustee newsletters and other articles in local papers and community on-line webpages.
- Development of a brochure explaining RAR and DPAs.
- Retain qualified environmental professionals for on-island presentations that focus the technical aspects of RAR and protection of fish and fish habitat.
- Invite Provincial Ministry staff to assist with the process and participate with on-island presentations.

BUDGET ALLOCATION

The recently approved 2012/13 Trust Council budget allocated \$71,000 for LTC work related to RAR. Of this, \$40,000 will be used for stream mapping on Salt Spring Island, and the remaining \$31,000 is divided amongst LTCs for 'public process'.

As noted in the briefing to Trust Council "Riparian Areas Regulation – Funding to Map All Riparian Areas Regulation Streams in the Trust Area to a Consistent Standard" dated February 23, 2012: "With this funding, local trust committees should have the resources to have a discussion with the community on the Riparian Areas Regulation, options to be compliant and development of amendment bylaws to become compliant using existing mapping products available for the local trust area."

Mapping Budget

Over the last several fiscal years, mapping has started on Salt Spring Island and all RAR mapping is now complete for Southern Region LTAs. Northern mapping started last fiscal and is now complete for Gabriola and Thetis. Hornby and Denman are partially complete. Lasqueti and Gambier have not started any mapping work at this time. There is no funding this fiscal for RAR mapping of northern LTAs.

Public Process Budget

During the last previous fiscal years, Salt Spring Island has undertaken public processes related to RAR, and will continue to do so [note: there are 24 RAR applicable watersheds on Salt Spring Island]. There is \$5000 allocated this fiscal for public process on Salt Spring Island.

Mayne and Saturna Islands will undertake public processes this fiscal to become RAR compliant. Each LTA received \$4000 for public process.

Denman, Gabriola, Gambier and Lasqueti were each allocated \$4,000 for public process for RAR this fiscal. Thetis received \$2,000, and Hornby did not have funds allocated for public process.

Public process funds are intended to cover costs associated with: hiring consultants, meeting venues, advertising, mail-outs, printing of informational material, and minute takers.

RIPARIAN AREAS REGULATIONS IMPLEMENTATION OPTIONS

At March, 2010 Trust Council, the following four options on how to comply with RAR were provided in a briefing dated February 10, 2010 (provided as Attachment 2 in this report).

1. Amend the LUB to establish both a 30 metre setback and a landscape strip for all watercourses within the RAR-identified watersheds. This approach is possible but not recommended as it does not establish any certainty with respect to the actual location of streams, any development within 30 metres of a watercourse would require a variance (which could only be approved once a QEP assessment is provided), and conditions cannot be incorporated in the variance.
2. Amend the OCP to designate all RAR-identified watersheds as a Development Permit Area (DPA). This approach may be optimal where there are a limited number of larger properties in the watershed, where subdivision is anticipated, or where it is not anticipated that the watercourse(s) will be mapped. The advantages of this approach is that the flexibility of DPA provisions can be used to establish exemptions for work that is found to be further than 30 metres from a watercourse and a Development Permit (DP)

can incorporate any conditions recommended by the QEP's assessment report. The disadvantage of this approach is that all land within the watershed would be designated as a DPA, regardless of where the actual watercourse is, imposing requirements on landowners to determine if development activity actually requires an assessment and DP. However, as noted previously in this report, the RAR was established to allow the cost of this assessment to be the responsibility of the land developer, allowing governments to focus on monitoring and enforcement within their respective jurisdictions. This approach is recommended for consideration by all LTCs at this time in consideration of the necessity to comply with the RAR, internal budget constraints and land developer responsibilities.

3. Amend the OCP to designate all land within 30 metres of watercourses in RAR-identified watersheds as a Development Permit Area (DPA). This approach requires the Islands Trust to map watercourses in RAR-identified watersheds and is currently being undertaken for the Southern Region islands through the use of existing and new watercourse mapping. The advantage of this approach is that it provides greater certainty with respect to actual watercourse locations and limits reviews and applications to work within 30 metres of fish-bearing or potential fish-bearing streams. The disadvantage is that a DPA would not be applied to areas more than 30 metres from a watercourse but still within a RAR-identified watershed. In addition, the quality of existing mapping may vary greatly between Local Trust Areas and contractors will need to be hired to map the watercourses within the identified RAR watersheds to an acceptable standard and confirm that the watershed is fish bearing or potentially fish bearing.
4. Exceed RAR by:
 - a. Designating a DPA within 30 metres of all watercourses, regardless of fish habitat status: this would require mapping of the location of all watercourses with an acceptable degree of certainty, but would not require any confirmation of fish habitat. The advantage of this approach is that all values associated with watercourse protection are addressed, not just fish habitat.
 - b. Designating one DPA within 30 metres of RAR watercourses and a second DPA, with different requirements, over the remainder of the land within the RAR-identified watershed. This would require mapping of watercourses, but may be preferred if there is evidence that activities permitted more than 30 metres from a watercourse could affect fish habitat and thus require regulation.
 - c. Designating all watershed areas a DPA, regardless of RAR designation. This would result in comprehensive regulation of all watershed areas and not require further mapping of watercourses, but would present a significant impact on landowners and on planning staff to administer such a DPA.

STAFF COMMENTS AND RECOMMENDATIONS

Community consultation and education are areas all LTCs need to address, as noted earlier in this report. An LTC could provide specific direction to staff on proceeding immediately to organize consultation, or direct staff to prepare options for consideration at a later meeting. Given that this project is being undertaken by all northern region LTCs, a working group (made up of trustees and staff) could be established that would assist with developing options and educational materials.

The provincial RAR requires local governments to use their existing land use planning authority to protect fish habitat. Of the four options noted previously, staff seeks direction from each LTC on how they wish to proceed.

Each LTC requires a unique approach to bringing bylaws into compliance with provincial RAR. Below is a preliminary discussion of each LTCs status and recommended next steps.

Denman

The MOE identified five RAR applicable watersheds on Denman Island. The community of Denman Island has had development permit areas in place for many years, so the concept of DPAs as a land use tool is not new. Specifically, DPA-4: streams, lakes and wetlands, in the Denman Island Official Community Plan states the following:

Riparian areas are important because they include ecosystems that support a disproportionately high number of vascular plant, moss, amphibian and small mammal species for the area they occupy.

This development permit area includes streams, lakes, and wetlands that have been identified as important fish, wildlife, and plant habitats and as water supplies for rural and residential use. Trees and shrubs shade streams, preventing high water temperatures that can be harmful to fish and other aquatic animals and providing cover that enables fish to avoid predators. Mature trees along streams provide a source of large organic debris that maintains pools and cascades used by fish. Plant roots and ground-covering vegetation stabilize stream banks and help to maintain high water quality by filtering sediments and pollutants throughout a drainage system. Riparian and aquatic habitats are unique and necessary to many species of plants and animals. Land use practices including land clearing, logging, road building, and location of septic systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Denman Island.

The current DPA extends out from the natural boundary of a watercourse to 10 or 30 m, depending on how the stream was categorized (i.e. major or minor). The LTC should consider establishing the DPA consistently at 30 m, within those watersheds verified as RAR applicable.

Stream mapping was recently completed for the Morrison Marsh watershed. This mapping can be used to refine the DPA boundaries. Additional mapping should be completed for the four remaining verified RAR applicable watersheds. Funding is required to complete this mapping work, which is not allocated for this fiscal year.

Staff recommends that the Denman Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***reviewing Development Permit Area 4 and prepare draft wording and mapping for compliance with RAR.***

Gabriola

The MOE identified one RAR applicable watershed on Gabriola Island. Upon further review, this was expanded to two verified watersheds and two unverified watersheds. Watercourses within the verified watersheds have now been mapped and the unverified watersheds have been assessed and, where applicable, mapped.

The community of Gabriola Island has had development permit areas in place for many years, so the concept of DPAs as a land use tool is not new. Current DPAs include DP-3 Hoggan Lake Area, which serves to protect the riparian habitat within 15m of the natural boundary of the lake. Staff recommends that the LTC consider using DPAs as the land use tool to comply with RAR. The DPA could be based on establishing a 30 m riparian assessment area extending from the recently mapped streams natural boundary.

Staff recommends that the Gabriola Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***preparing draft development permit area maps and provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Gambier

The MOE, Vancouver Island Region, was not able to verify which watersheds on Gambier Island are RAR applicable. Without that information or a QEP assessment report, all streams on Gambier Island are considered RAR applicable until proven otherwise.

The Gambier Island Official Community Plan, Schedule F contains a map of watersheds and watercourses (Schedule I illustrates development permit area designations). The text of the OCP states that streamside protection and enhancement areas should be established by DPA. This provides a basis from which to consider implementing RAR.

It may be that some of these streams are not RAR applicable. This can be determined by a QEP. However, funding was not allocated for such work this fiscal year. As an interim measure, implementing DPA guidelines for the watershed and watercourse mapping already within the OCP would bring LTC bylaws into compliance with RAR.

Staff recommends that the Gambier Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation;***
- ***reviewing the current Gambier Island Official Community Plan, Schedules F and I, and drafting development permit area provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation; and,***
- ***exploring other methods that could be used to determine RAR applicability to Gambier Island Local Trust Area watersheds and watercourses.***

Hornby

The MOE confirmed that two watersheds are RAR applicable on Hornby Island, with three other watersheds lacking information needed to confirm or reject RAR applicability. Streams within the two verified watersheds were recently mapped by a QEP.

The Hornby Island OCP has development permit areas in place. Staff recommends the LTC use DPAs as a land use tool to become RAR compliant.

In terms of establishing DPA boundaries, those streams recently mapped can be incorporated into a DPA with a 30 m riparian assessment area extending out from the natural boundary of the stream. The three watersheds that have not been mapped require a different approach.

To be RAR compliant, either a setback regulation needs to be created, or a DPA boundary established that includes all properties within the entire watershed. Staff recommends that the LTC consider using DPAs for all five watersheds. Two watersheds would have 30 m DPAs extending from the natural boundary of the stream, while the other three would establish the DPA boundary along the watershed boundary. Exemptions from the DPA requirement could be further reviewed for those developments more than 30 m from the stream, but still within the watershed. A watershed level DPA could be an interim measure until mapping is conducted, and then a more refined DPA boundary can be established. Funding was not allocated for mapping work this fiscal year.

Staff recommends that the Hornby Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***preparing draft development permit area maps and provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Lasqueti

The MOE was unable to verify which watersheds are subject to RAR and which are not on Lasqueti Island, due to a lack of information. The Lasqueti OCP does not have any DPAs. However, the Lasqueti LUB has 30 m setback requirements for buildings and structures from the natural boundary of a watercourse. As an interim measure, expanding on zoning setback provisions would meet RAR requirements, and provide time for QEP assessment reports to be undertaken to determine and map those streams that are RAR applicable.

The zoning provisions in the LUB should be expanded to include landscape strips and drainage requirements.

Staff recommends that the Lasqueti Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation;***
- ***preparing draft Land Use Bylaw provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Thetis

The MOE identified one RAR applicable watershed on Thetis Island. Currently, Thetis Island bylaws do not include DPAs, however Thetis Island OCP policy introduces DPAs as appropriate land use planning tools.

Staff recommends that the LTC consider using DPAs as the land use tool to comply with RAR. Recent stream mapping can be used to accurately define a DPA. As well, staff is aware that the small number of affected landowners have developed long term plans for their property, with

stewardship and conservation in mind. Staff could work with these land owners during the development of DPA guidelines.

It is understood that a QEP report was recently completed that comments on a lack of fish presence within the stream identified by MOE as RAR applicable. The argument is that this disqualifies the stream from being RAR applicable. It is important to note that RAR applies in order to protect fish habitat for watercourses that have the potential for fish presence. The RAR does not require that fish be present year round in order to apply.

Staff recommends that the Thetis Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***working with the landowners of the RAR affected properties; and***
- ***preparing a draft development permit area map and provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Prepared and Submitted by:

Chris Jackson

MCIP, Regional Planning Manager

April 5, 2012

Date

Fish Protection in British Columbia:

The federal *Fisheries Act* (FA), the provincial *Fish Protection Act* (FPA) and *Riparian Areas Regulation* (RAR) are used to protect fish habitat in BC. The federal FA protects fish habitat through provisions that prohibit activities that cause damage to fish habitat. It governs the management of fisheries and the protection of fish habitat (including both physical habitat and water quality) throughout Canada. The Ministry of Environment (MOE) considers the *Riparian Areas Regulation* (RAR) as an alternate model for urban riparian management that has been developed under the provincial legislation that satisfies the statutory obligations of the federal FA.

The Department of Fisheries and Oceans (DFO) has an agreement with MOE where it accepts the RAR as legislation that protects fresh water fish habitat. If a local government complies with the RAR through its planning policies and regulations it, as a result, complies with both DFO and MOE requirements. If the RAR is not implemented then the local government and landowners may be out of compliance with both federal and provincial requirements.

What is the Riparian Areas Regulation (RAR)?

RAR Website: http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas.html

Riparian areas are the areas bordering on streams, lakes, and wetlands that link water to land. The blend of streambed, water, trees, shrubs and grasses directly influences and provides fish habitat. The *Riparian Areas Regulation* (RAR) was enacted under Section 12 of the *Fish Protection Act* (FPA) in July 2004 (amended by Order-in-Council in 2006) and took effect on March 31, 2006. The RAR is to be applied by local governments listed in the 2006 amendments using their Part 26 powers under the *Local Government Act*. The objectives of the FPA are to:

- (1) ensure sufficient water for fish;
- (2) protect and restore fish habitat;
- (3) improve riparian protection and enhancement; and
- (4) provide stronger local government powers in environmental planning.

The RAR requires local governments, including local trust committees, to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a Qualified Environmental Professional (QEP). According to MOE, a QEP includes agrologists, biologists, foresters, geoscientists, and technologists who are in good standing with their respective professional organizations and are working in their area of expertise (i.e. fish habitat).

The Purpose of RAR:

The Ministry of the Environment's website states that the purpose of the Regulation is to protect the features, functions and conditions that are vital in the natural maintenance of stream health and productivity. These vital features, functions and conditions are numerous and varied and include such things as:

- Sources of large organic debris, such as fallen trees and tree roots;
- Areas for stream channel migration;
- Vegetative cover to help moderate water temperature;
- Provision of food, nutrients and organic matter to the stream;
- Stream bank stabilization; and

- Buffers for streams from excessive silt and surface runoff pollution.

Section 4 of the RAR prohibits a local government from approving or allowing a development to proceed in a riparian assessment area (RAA) unless the local government is notified by the Ministry of Environment that the developer has provided an assessment report by a qualified environmental professional (QEP) which certifies that the development can be carried out without damaging fish habitat.

Where Does the RAR Apply?

The RAR applies to an area, “Riparian Assessment Area” (RAA), which is defined in the RAR to mean any area within 30 metres of a “stream”.

A “stream” is defined in RAR to include a watercourse, whether it usually contains water or not, that provides fish habitat, including ponds, lakes, rivers, creeks and brooks as well as ditches, springs, and wetlands that are connected by surface flow to such watercourses.

Even if the watercourse may not currently have fish present, they are still considered a “stream” for the purposes of the RAR if fish could potentially be present in the event that the introduced obstructions were made passable.

“Fish” is defined for the purposes of the RAR to include salmonids, game fish and regionally significant fish (these include all salmon species and trout). According the Ministry of Environment, while there are no regionally significant fish on Northern Local Trust Area islands, there are still RAR designated watersheds supporting salmonids or game fish.

Under the Regulation there is no authority provided to the Ministry of Environment or a QEP to regulate development. The RAR establishes that it is the local government that must amend its bylaws to ensure that riparian areas are protected and that development does not proceed within a Riparian Assessment Area (RAA) without the provision of a QEP report.

However, local governments may allow development within 30 metres of the high water mark of a stream or top of a ravine bank provided the prescribed riparian assessment methods have been followed. The riparian assessment method requires a Qualified Environmental Professional (QEP) to provide an opinion – in an Assessment Report – that the development will not result in a harmful alteration of riparian fish habitat. In the assessment, the QEP will establish, on a site-specific basis, an area within the 30 metre RAA that cannot be developed - termed a Streamside Protection and Enhancement Area (SPEA) and those portions of the site where development may occur within the 30 metre RAA. The QEP may also provide recommendations on mitigation or enhancement measures specific to the development proposal. The Assessment Report can also identify measures to maintain the integrity of the riparian area during the development process. These conditions can become part of a development permit should Development Permit Areas be established to implement RAR.

Role of the Local Government:

Local governments have land use decision making authority under Part 26 of the *Local Government Act* (LGA). The implementation of the RAR through land use control has been seen by MOE as an effective means to protect fish habitat and fish processes. The *Fish Protection Act* (from which RAR stems) states that a local government must provide a level of protection that is comparable to or exceeds RAR.

If a development is residential, commercial or industrial in nature, local governments must either include riparian area protection in its zoning and rural land use bylaws in accordance with the RAR or ensure that its Part 26 bylaws afford protection that compares to or exceeds the RAR. Although agricultural, mining and forestry uses are not regulated by the local government act non-agricultural uses locating in the ALR are subject to the RAR. The regulation encourages

environmentally responsible development. The intent is so that activities are conducted responsibly to avoid degrading valuable riparian fish habitat.

Any application to a local government for a rezoning, development variance permit, development permit, temporary use permit or subdivision can trigger the requirement for an assessment by a qualified environmental professional (QEP).

It applies to local government regulation or approval of residential, commercial and industrial activities, or ancillary activities, as regulated by Part 26 of the LGA being:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of nonstructural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors;
- j) subdivision as defined in section 872 of the Local Government Act;

It does not apply to a development permit (DP) or development variance permit (DVP) issued for -reconstruction of a legal non-conforming use (*Local Government Act* Section 911 (8)) nor does it apply to a land use or development activity under the RAR that is sited beyond the 30m setback requirement. It also does not apply to agricultural or institutional development. Nor does it apply to mining activities or First Nations reserve lands. However, other provincial or federal legislation may still apply in these instances.

In summary, the *Riparian Areas Regulation* specifies that:

- local governments must protect riparian areas in accordance with the regulations when exercising their powers with respect to commercial, residential and industrial development; and,
- local governments must meet or better the regulations, but cannot reduce them without specific authorization from Fisheries and Oceans Canada. For example, a local government could not issue a development variance permit for a new residential, commercial or industrial building within a RAA except in accordance with the riparian area regulations.

As the RAR has been in effect for over 4 years, any Part 26 application can trigger the requirements for an assessment. For example, an unrelated variance for work that happens to be within 30 metres of a watercourse within a RAR designated watershed would trigger the requirement for a QEP assessment.

ATTACHMENT 2

ISLANDS TRUST BRIEFING

DATE: 10 February 2010

TOPIC: RIPARIAN AREA REGULATION IMPLEMENTATION IN THE ISLANDS TRUST AREA

DIRECTED TO: Trust Council

CONFIDENTIAL: No

DESCRIPTION OF ISSUE: To inform the Islands Trust Council (through the Local Planning Committee) of the status of implementation of the provincial Riparian Area Regulation in the Islands Trust Area.

BACKGROUND: The provincial Ministry of Environment website (www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas) provides the following overview of the Riparian Area Regulation.

The Riparian Area Regulation (RAR), enacted under section 12 of the Fish protection Act in July 2004, calls on local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science based assessment conducted by a Qualified Environmental Professional (QEP).

The purpose of the Regulation is to protect the features, functions and conditions that are vital in the natural maintenance of stream health and productivity. These vital features, functions and conditions are numerous and varied and include such things as:

- *Sources of large organic debris, such as fallen trees and tree roots;*
- *Areas for stream channel migration;*
- *Vegetative cover to help moderate water temperature;*
- *Provision of food, nutrients and organic matter to the stream;*
- *Stream bank stabilization; and*
- *Buffers for streams from excessive silt and surface runoff pollution.*

The RAR implementation model detailed in the Regulation uses QEPs, hired by land developers, to:

- *Assess habitat and the potential impacts to the habitat;*
- *Develop mitigation measures; and*
- *Avoid impacts from development to fish and fish habitat, particularly riparian habitat.*

The cost of this assessment is the responsibility of the land developer, allowing governments to focus on monitoring and enforcement within their respective jurisdictions. By conscientiously following the assessment procedure set out in the Regulation, the QEP and the land developer will have applied due diligence in avoiding a harmful alteration, disruption or destruction (HADD) of riparian fish habitat. If a HADD cannot be avoided, an application for an authorization must be submitted to Fisheries and Oceans Canada.

The assessment methods are attached to the Regulation as a schedule and are a key component of the regulatory regime for riparian protection that is clear and measurable, but does not rely exclusively on default setbacks. The assessment is based on the best available science with respect to riparian habitats.

The assessment methodology provides clear direction to QEPs on:

- How to assess impacts;*
- How to determine setbacks based on site conditions; and*
- The measures that need to be employed to maintain the integrity of the setbacks.*

QEPs submitting RAR assessments must certify that they have the qualifications, experience and skills necessary to conduct the assessment. The assessment will form the content of notifications by development proponents to regulatory agencies. The Ministry of Environment provides local governments with confirmation that an assessment report has been received, enabling local governments to move forward in approving development without taking on the liability for reviewing and approving riparian setbacks.

To increase the accountability of the QEP and to permit compliance monitoring, the assessment methodology will yield outcomes that are measurable, repeatable, and independent of observer. The assessment methodology will also enable effectiveness monitoring to be undertaken to determine whether impacts from development on riparian habitats are being fully avoided when the assessment methodology is used correctly.

The Islands Trust and Islands Trust Fund staff identified a program in 2006 to proactively undertake watercourse mapping. Review of the potential scope of work for this mapping identified a workload that exceeded the requirements of the RAR and would provide an information base appropriate for the unique responsibilities and challenges of the Islands Trust.

To achieve this higher standard of information procurement, it was proposed to ground truth every aquatic watercourse in the Islands Trust Area through a multi-year program with a cost of \$30,000/year for an undefined number of years.

In 2007, a review of this program identified an opportunity to expedite compliance with the RAR by determining which of the approximately 450 watersheds in the Islands Trust Area fall under the RAR requirements through an interpretative watershed mapping project in conjunction with the University of British Columbia and the provincial Ministry of Environment. Watercourse mapping has been completed in some watersheds through independent work initiated by Islands Trust and other groups. The interpretative watershed mapping project has now been completed for the Islands Trust Area except for the Hornby, Lasqueti and Gambier Local Trust Areas, Mudge/Link and De Courcy Islands in the Gabriola Local Trust Area, and Valdes and Ruxton Islands within the Thetis Local Trust Area. Mapping of these remaining LTAs required the completion of the Digital Elevation Mapping acquisition program which was completed in late 2009. The work to complete the interpretative watershed mapping set for the remaining LTAs will start shortly and should be done before the March Islands Trust Council meeting.

The interpretative watershed mapping project for the entire Islands Trust Area will cost \$42,000 in total (\$37,000 in Fiscal Year 2008/2009 and \$5,000 in Fiscal Year 2009/2010) and has to date identified 48 of the 385 watersheds (or 12.5%) as falling under the requirements of the RAR. The corollary to this is that, for the areas mapped to date, 87.5% of the watersheds do not benefit from the regulatory protection of the RAR. There are, to-date, two Official Community Plans covering areas with no identified RAR watersheds: the North Pender Associated Islands OCP and Piers Island OCP. Despite the focus on RAR compliance, it is submitted that the Islands Trust (and Local Trust Committees) must seriously consider if, and how, to further preserve and protect watersheds not falling under the RAR requirements.

A meeting on January 22nd between Islands Trust planning managers and Ministry of Environment staff responsible for the RAR in their Vancouver Island Region re-confirmed the methodology and validity of this interpretative watershed mapping approach. The Ministry of Environment will provide a letter confirming that the Islands Trust will be fully compliant with the RAR following the completion of the interpretative watershed mapping and Local Trust Committee amendments to their bylaws to protect Riparian Areas. It may be of interest to know that of the 28 local governments in the Ministry of Environment Vancouver Island Region, only the Islands Trust and the newly formed Strathcona Regional District are currently non-compliant with the RAR.

In the interim, until the Ministry of Environment confirms full compliance with the RAR, the, on those islands where watershed mapping has been completed, the watershed mapping is being used by planning staff to ensure that any application made to an LTC that affects lands within an RAR-identified watershed is reviewed for the presence of a watercourse within 30 metres of any residential, commercial or industrial development activity. Until the watershed mapping is completed on the remaining islands, Staff will review all applications to the LTC for the presence of a watercourse within 30 metres of any residential, commercial or industrial development activity. The presence of a watercourse within 30 metres would trigger the requirement for a report from a qualified environmental professional (QEP) and the LTC cannot approve an application in the absence of such an assessment.

As noted above, compliance with the RAR is contingent upon LTCs amending their bylaws to include riparian area protection provisions. An LTC has options with respect to meeting this legislative requirement as follows:

1. Amend the LUB to establish both a 30 metre setback and a landscape strip for all watercourses within the RAR-identified watersheds. This approach is possible but not recommended as it does not establish any certainty with respect to the actual location of streams, any development within 30 metres of a watercourse would require a variance (which could only be approved once a QEP assessment is provided), and conditions cannot be incorporated in the variance.
2. Amend the OCP to designate all RAR-identified watersheds as a Development Permit Area (DPA). This approach may be optimal where there is a limited number of larger properties in the watershed, where subdivision is anticipated, or where it is not anticipated that the watercourse(s) will be mapped. The advantages of this approach is that the flexibility of DPA provisions can be used to establish exemptions for work that is found to be further than 30 metres from a watercourse and a Development Permit (DP) can incorporate any conditions recommended by the QEP's assessment report. The disadvantage of this approach is that all land within the watershed would be designated as a DPA, regardless of where the actual watercourse is, imposing requirements on landowners to determine if development activity actually requires an assessment and DP. However, as noted previously in this report, the RAR was established to allow the cost of this assessment to be the responsibility of the land developer, allowing governments to focus on monitoring and enforcement within their respective jurisdictions. This approach is recommended for consideration by all LTCs at this time in consideration of the necessity to comply with the RAR, internal budget constraints and land developer responsibilities.
3. Amend the OCP to designate all land within 30 metres of watercourses in RAR-identified watersheds as a Development Permit Area (DPA). This approach requires the Islands Trust to map watercourses in RAR-identified watersheds and is currently being undertaken for the Southern Region islands through the use of existing and new watercourse mapping. The advantage of this approach is that it provides greater certainty with respect to actual watercourse locations and limits reviews and applications to work within 30 metres of fish-bearing or potential fish-bearing streams. The disadvantage is that a DPA would not be applied to areas more than 30 metres from a watercourse but still within a RAR-identified watershed. In addition, the quality of existing mapping may vary greatly between Local Trust Areas and contractors will need to be hired to map the watercourses within the identified RAR watersheds to an acceptable standard and confirm that the watershed is fish bearing or potentially fish bearing.
4. Exceed RAR by:

- a. Designating a DPA within 30 metres of all watercourses, regardless of fish habitat status: this would require mapping of the location of all watercourses with an acceptable degree of certainty, but would not require any confirmation of fish habitat. The advantage of this approach is that all values associated with watercourse protection are addressed, not just fish habitat.
- b. Designating one DPA within 30 metres of RAR watercourses and a second DPA, with different requirements, over the remainder of the land within the RAR-identified watershed. This would require mapping of watercourses, but may be preferred if there is evidence that activities permitted more than 30 metres from a watercourse could affect fish habitat and thus require regulation.
- c. Designating all watershed areas a DPA, regardless of RAR designation. This would result in comprehensive regulation of all watershed areas and not require further mapping of watercourses, but would present a significant impact on landowners and on planning staff to administer such a DPA.

Planners will be reviewing these options with local trust committees during the course of developing bylaws for compliance with the Riparian Area Regulation. Planning staff recognizes that, with respect to each watershed, unique situations exist, data may not be readily available or suitable, and funding may not be available to complete required mapping; therefore, planning staff will assess each watershed and for each, outline the advantages and disadvantages of each options listed above and make a recommendation on which option the local trust committee should consider.

ATTACHMENT: No

FOLLOW-UP: DLPS will ensure the completion of the Islands Trust interpretative watershed mapping project and that all Local Trust Committees receive staff reports for amending LTC bylaws to become compliant with the Riparian Area Regulation as soon as possible.

PREPARED BY: Mac Fraser, DLPS, David
Marlor, RPM and Robert
Kojima, Island Planner

REVIEWD BY: Local Planning Committee, Feb
10, 2010
Executive Committee Feb 24,
2010

SUBMITTED BY: Mac Fraser, DLPS



Memorandum

14.1.1

700 North Road Gabriola Island BC V0R 1X3

Telephone **250. 247-2063** FAX: 250. 247-7514

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

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

Date April 3, 2012

File Number 6500/20

To Hornby Island Local Trust Committee

From Sonja Zupanec, Island Planner

Re 2011/12 Annual Report submission for HOLTC

Submissions for the Islands Trust Annual Report are being requested by the Director of Local Planning Services. Each LTC is being asked to review a work program submission and make changes as needed to reflect the work of the LTC over the last year. Please review the following draft text and indicate any changes or additions you wish to submit for the 2011/12 Annual Report.

“The Hornby Island Local Trust Committee held 11 regular business meetings, 1 public hearing and 6 special meetings on Hornby Island. New policies and regulations for vacation home rentals were developed and adopted after extensive community consultation. Work on the targeted Official Community Plan and Land Use Bylaw Review project was commenced and is anticipated to continue into 2013. The LTC reviewed 1 Agriculture Land Commission Inclusion/Exclusion Application; 2 Development Variance Permit Applications; 1 Development Permit Application; 1 Rezoning Application and 4 Subdivisions. Staff reviewed 14 siting and use permits. “

Copy: Chris Jackson, Regional Planning Manager



Islands Trust

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Vacation Home Rentals - Regulations Review	Staff to develop an enforcement and communications policy; draft an amendment for Bylaw 143 to permit greater flexibility for use of VHR during any consecutive five month period.	Feb-03-2012	Miles Drew Sonja Zupanec	Apr-30-2012	On Going
2	Official Community Plan and Land Use Bylaw Review	Targetted review and update of the OCP and LUB.	Feb-03-2012	Sonja Zupanec		On Going
3	Riparian Areas Regulation mapping and implementation.		Feb-03-2012	Sonja Zupanec	Dec-31-2012	On Going



Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Development Procedures Bylaw	<i>Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications.</i>	Feb-03-2012	On Going
2	Continue relationship building with K'omoks First Nations.		Feb-03-2012	On Going
3	GHG Emissions Reduction	<i>Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.</i>	Feb-03-2012	On Going
4	Communications strategy for revised OCP and LUB		Feb-03-2012	On Going



Applications w/ Status - Hornby Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2012.1	(Remi Savoie)	Feb-21-2012	to create a 1.01 ha parcel under section 946 for family member

Planner: Marnie Eggen

Planning Status

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2011.1	Hornby Island Resort Ltd (The Thatch)	Sep-22-2011	year round 50 seat restaurant and pub, liquor store, managers suite and 15 visitor accommodation strata units

Planner: Sonja Zupanec

Planning Status

Status Date: Dec-30-2011

Applicant advised that DVP is required for height and setbacks.

Status Date: Oct-11-2011

Staff review of SUP requirements - contact with architect regarding setbacks; floor area; parking and siting questions

Status Date: Sep-28-2011

Staff review of DP and report preparation

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2012.1	Ron McMurtrie	Mar-06-2012	PID: 003-319-016 (5115 Sandpiper Road) Mills & Marshall variance to setback to well and property line

Planner: Linda Prowse

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2012.2	John Ross	Feb-28-2012	Hornby Island Resorts Ltd. height variance

Planner: Sonja Zupanec

Planning Status

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2012.1		Feb-06-2012	

Planner:

Planning Status

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.2	Ron Tuele	Apr-29-2010	

Planner: Marnie Eggen

Planning Status

Status Date: Jun-21-2011

Forwarded covenant to applicant for acceptance

Status Date: Jun-16-2011

Rcv'd reviewed covenant from legal counsel

Status Date: Jun-14-2011

Letter to MOTI requesting RAR Assessment Report based on new information and revised PLA

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2011.3	Cohan - Hornby Island Resort	Nov-15-2011	To subdivide C7 zoned parking lot from the R3 zoned parent lot.

Planner: Sonja Zupanec

Planning Status

Status Date: Dec-02-2011

Applicant advised that options are limited and a rezoning would be required based on plans submitted. Requested to be informed of next steps.

Status Date: Nov-22-2011

Applicant contacted and given recommendation to amend application to a lot line adjustment and revise dimensions to correspond to C7 zone boundaries.

Status Date: Nov-18-2011

Preliminary review and zoning boundary query sent to Victoria GIS office

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2012.1	Christian & Karin Weixelbaumer & Ristau Planner: Linda Prowse	Feb-23-2012	4200 Roburn Road Subdivision to create 2 parcels

Planning Status

Status Date: Mar-08-2012

Referral response sent to Ministry of Transportation and Infrastructure, the LTC and the applicant.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2012.2	Toby Krell Planner: Sonja Zupanec	Apr-05-2012	4330 Central Road, Hornby Is, BC 2 lot subdivision

Planning Status

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.11	Hornby Island Resorts Ltd. (The Thatch) Planner: Marnie Eggen	Sep-22-2011	Commercial Building, Triplex and Duplexes, Pump House and Water Cistern

Planning Status

Status Date: Oct-03-2011

Pending outcome of DP and DVP.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.13	5405 Jerow Road Planner: Marnie Eggen	Dec-06-2011	construct a cottage

Planning Status

Status Date: Dec-06-2011

Requested further information

From: Linda McClung
Sent: March-29-12 9:43 AM
To: Alex Allen; David Graham; Tony Law; Becky McErlean
Cc: Nancy Roggers; Cindy Shelest
Subject: Hornby LTC March/12 Expense Report

Please direct all questions relating to the attached detailed expenditure reports to Nancy by email.

Thanks.

635 Hornby	Invoices posted to March 31, 2012		Budget		Spent		Balance
			1,300.0		1,049.0		250.9
65000	LTC "Trustee Expenses"	0		8		2	
			3,200.0		2,761.9		438.0
65200	LTC Local Exp LTC Meeting Expenses	0		1		9	
			300.0				300.0
65210	LTC Local Exp APC Meeting Expenses	0		-		0	
			400.0		388.9		11.1
65220	LTC Local Exp Communications	0		0		0	
			500.0				500.0
65230	LTC Local Exp Special Projects	0		-		0	
			200.0				200.0
65240	LTC Local Exp Miscellaneous	0		-		0	
	TOTAL LTC Local Expense		4,600.00		3,150.81		1,449.19
			8,000.0		4,706.1		3,293.8
72300	Project OCP update	0		2		8	

From: Nancy Roggers
Sent: April-26-12 10:57 AM
To: Alex Allen; David Graham; Sonja Zupanec; Tony Law; Becky McErlean
Cc: Cindy Shelest
Subject: Hornby Expense report - final year end to March 31/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to March 31, 2012

635 Hornby	Invoices posted to March 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,300.00	1,049.08	250.92
65200	LTC Local Exp LTC Meeting Expenses	3,200.00	3,013.35	186.65
65210	LTC Local Exp APC Meeting Expenses	300.00	-	300.00
65220	LTC Local Exp Communications	400.00	388.90	11.10
65230	LTC Local Exp Special Projects	500.00	462.25	37.75
65240	LTC Local Exp Miscellaneous	200.00	-	200.00
TOTAL LTC Local Expense		4,600.00	3,864.50	735.50
72300	Project OCP update	8,000.00	4,706.12	3,293.88

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
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 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.



Living On Hornby Island

October 2009

Hornby Island is part of the Islands Trust, which was created in 1974 as a land use and planning agency with a legislated mandate to preserve and protect the Islands Trust Area and its unique amenities and environment.

Key components of our Island's natural environment are its forests and its shoreline, both containing sensitive ecosystems. A primary element, supporting all living systems, is freshwater - much of it conveyed below the surface as groundwater. Protecting ecosystems and the aquifers supplying the Island's water requires the co-operation of landowners, residents and visitors.

Many of us live in the forest or by the sea and there are particular considerations for protecting those environments. All of us can have a positive impact on our water resource by using water wisely and protecting our aquifers. Here are some things to think about.

Using water wisely

Most islanders get their water from wells, supplemented by some water catchment. Hornby's limited groundwater, replenished by winter rains, is steadily depleted in summer as the number of people on the Island soars. This leads to significant water shortages. Particularly serious is the potential for salt water intrusion along the settled coastal areas. Heavy pumping can draw sea water into the aquifer, contaminating the fresh water. Most of Hornby's aquifers are classified as "moderately developed." The Whaling Station Bay - Anderson Drive area is classified as "highly developed, highly vulnerable" - the most sensitive provincial aquifer classification, requiring particular care with water withdrawal.

~ How we can be water-wise

- Establish a rainwater catchment and storage system to reduce reliance upon well water.
- Use water-saving devices such as low-flow showerheads and low-flush toilets.
- Limit the number of people using your property during dry periods and teach them about wise water use.
- Re-use kitchen water on flowerbeds or planters.
- Shower briefly, or go for a swim and wear those clothes one more time.
- Avoid pumping too much water at any one time. Allow the well a period of recovery between showers or laundry loads.
- Reduce garden irrigation. Plant drought-resistant species, landscape with native plants, and use mulch to retain moisture.
- Stop running water while cleaning teeth or vegetables. Instead, use a glass of water for rinsing teeth and a bowl or dishpan to wash vegetables.
- Place a sealed container of water or sand in the toilet tank to reduce the flush volume.
- Establish household rules for water use and...fix leaks!



Photo by Joanne Ovitsland

Protecting our Aquifers

About 20% of our rainfall penetrates the surface and becomes "groundwater" in the faults and fissures of the underlying sedimentary rock. This is our main source of domestic water. Although some may resurface as springs and most of it eventually reaches the ocean, more than 500 wells intercept its flow.

Hornby's aquifers are classified as "highly vulnerable" because there is no confining layer to protect them. This means that any harmful materials entering the ground may contaminate well water and pollute the marine environment. Wells themselves can be a means of introducing pollutants into the groundwater.

Inadequate treatment of human waste is a serious health concern. Innovative treatment systems, more suitable for some situations, are starting to become available. However, all dwellings on Hornby are legislated to provide effective wastewater treatment.

- Ensure you have an adequate, functioning waste treatment system. There are local experts who can help you evaluate your system and provide

recommendations for improvement.

- Make sure your septic system is regularly inspected and pumped out.
- Do not overload your septic system or allow harmful chemicals to be flushed into it.
- Outhouses should be vaulted and pumped as needed.
- Take steps to improve the protection of your wellhead.
- Abandoned wells should be properly capped.
- Don't use chemical fertilizers and pesticides.
- Store and apply animal manure well away from watercourses, wells and saturated ground.

Living in the Forest

The Coastal Douglas-fir ecosystem is the most endangered and the least protected in B.C. It also has the highest biodiversity - which means it supports the highest number of species per unit of area. Many of these are rare or threatened. No doubt others remain to be discovered.

This ecosystem is only found on the Gulf Islands, part of the East Coast of Vancouver Island, and the San Juan Islands, with a narrow strip on the Sunshine Coast. Less than 3% of this area is protected - far short of the Provincial goal of 12%. Only 1% of the original forest remains in an undisturbed state. The Coastal Douglas-fir zone includes the increasingly rare Garry oak woodlands.

~What forest dwellers can do

- Avoid the temptation to create a park-like landscape. Underbrush, snags and fallen dead trees all play an important part in the ecosystem.
- Talk with neighbours about establishing connected "wild areas" across adjoining properties.
- Retain significant areas of natural vegetation on your property. Logged-over land will eventually become "old growth" again.
- Ensure the natural vegetation you retain is protected and cherished in the future with a conservation covenant. (See side box)
- Control invasive species such as broom, holly, daphne, ivy and orchard grass, which eliminate habitat for species such as rare butterflies.
- Use native vegetation for landscaping -- saving water.
- Stay on trails when walking in the forest and keep dogs leashed in public places.
- Become more informed about our forest ecosystem.

Living by the Sea

Hornby's coastline is valued for its views and for recreation by residents and visitors. More than 80% of Hornby's wildlife is found along the shoreline and in rare ecosystems on land adjacent to the sea. Our rich and diverse marine environment is vulnerable to pollution from run-off and seepage along the shoreline. Physical action and climate change make this an ever-changing zone.

~ What waterfront dwellers can do

- Observe the minimum 15 meter setback from the natural boundary of the sea for all structures.
- Allow natural debris to accumulate to provide a buffer.
- Retain natural vegetation as much as possible and restore native species if they have been removed.
- To maintain views, carefully prune trees rather than felling or topping them.
- Ensure that wildlife is not disturbed by dogs and human activity. Harlequin ducks are particularly vulnerable during their breeding and molting phase in June and July.
- Make sure that your sewage disposal system is adequate and functioning well. Non-existent or poorly functioning systems pollute the foreshore killing intertidal species or making them inedible.
- Do not overload the septic system or draw heavily upon well water.
- Use alternative cleaners such as phosphate-free soap, baking soda and vinegar instead of toxic products.

Good General Practices to Sustain Ecosystems

- Maintain natural surface drainage and wetlands. Ditches, roadways and paved surfaces can have a significant hydrological impact.
- Handle fuels, oil, paints and chemicals carefully to avoid spills.
- In place of pesticides and chemical fertilizers, learn about plant-based formulas for pest resistance and the art of composting.
- Refrain from removing rocks from foreshore or any material affecting fish habitat.

Covenants and the Islands Trust Fund

The Islands Trust Fund is a conservation land trust established in 1990 to preserve and protect unique ecological and cultural properties in the Islands Trust Area. As one of British Columbia's leading conservation trusts, the Islands Trust Fund works with landowners to protect special places for the future through conservation covenants. A conservation covenant allows landowners to enlist the help of a conservation organization to ensure the natural values of their property are protected permanently, regardless of who owns the land in the future. For more information on covenants visit the Islands Trust Fund web site at: islandstrustfund.bc.ca

For more information contact your local trustess:

Fred Hunt
fhunt@islandstrust.bc.ca

Tony Law
tlaw@islandstrust.bc.ca

From: Marion Grau
Sent: Thursday, April 05, 2012 9:49 AM
To: Trustees
Cc: David Marlor; Chris Jackson; Leah Hartley; Robert Kojima; Lisa Gordon; Clare Frater
Subject: Funding for Electric Car Charging Stations

Dear Trustees,

The Province announced a \$2.74-million Community Charging Infrastructure Fund which will fund 570 public charging stations for “Clean Energy Vehicles” across BC. The fund will be administered by Fraser Basin Council and is expected to be launched in May, possibly with a tight deadline. You may want to consider making a resolution asking your Regional District to apply for funding for a charging station on your island. Bowen Island Municipality could apply directly.

Here is a link to the full announcement: <http://www.newsroom.gov.bc.ca/2012/04/clean-car-plug-ins-expanded-around-province.html>

Islands within the CRD: The CRD is already working on a strategy. Sarah Webb, their Climate Action Program Manager, assured us this morning by phone that their plan is to include the Southern Gulf Islands and Salt Spring Island in this strategy and subsequent funding application. More about the CRD’s plans in this Times Colonist article:

<http://www.timescolonist.com/technology/City+charged+over+program+funding+electric+stations/6415068/story.html> .

Regards,
 Marion

Marion Grau
 Grants Administrator
 Islands Trust
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 Victoria, B.C. V8R 1H8
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Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

PROPOSED

Hornby Island Local Trust Committee

BYLAW NO. 145

**A BYLAW TO AMEND THE HORNBY ISLAND LAND USE BYLAW TO REGULATE VACATION
HOME RENTALS**

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

1. Hornby Island Land Use Bylaw No. 86, 1993 is amended as shown on Schedule 1 attached to and forming part of this bylaw.
2. This bylaw may be cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2012”.

READ A FIRST TIME THIS	17th	DAY OF	February	20 12
PUBLIC HEARING HELD THIS	-	DAY OF	-	20 1X
READ A SECOND TIME THIS	-	DAY OF	-	20 1X
READ A THIRD TIME THIS	-	DAY OF	-	20 1X
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	-	DAY OF	-	20 1X
ADOPTED THIS		DAY OF		20 1x

SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. 145

Schedule 1

1. Hornby Island Land Use Bylaw No. 86, 1993 is amended by:
 - a. Amending Part **3.0 GENERAL REGULATIONS – VACATION HOME RENTAL USES** as follows:
 - i. Deleting the regulation “3.23.1 A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.” and replacing with:

“3.23.1 A dwelling unit may only be occupied by paying guests during one period of not more than five consecutive calendar months in a twelve month period and involving not more than five calendar months in any calendar year.”
 - ii. Adding a new regulation directly after 3.23.1:

“3.23.2 Despite 3.23.1, a dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is residing in another lawful dwelling on the lot while the vacation home rental is occurring.”
 - iii. Renumbering subsequent regulations 3.23.2 to 3.23.6 accordingly.



Islands Trust

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Population (2011):

Approximately 958

Size:

2,990 hectares (7,388 acres)

Location:

31 kilometres south-east of Courtenay on Vancouver Island.

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Hornby Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Hornby Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

April 2012

- [Community Information Meeting on Proposed Bylaw 145 – Vacation Home Rental Regulation April 27th, 2012 12:30 pm New Horizons](#)

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Hornby Island Work Program

1. Vacation Home Rental Regulation Review
2. Targeted Official Community Plan and Land Use Bylaw Review
3. Riparian Areas Regulation Implementation

Hornby Island Local Trust Committee Projects

Official Community Plan and Land Use Bylaw Review

- **Discussion Documents for April, 2011 Community Information Meeting:**
 - [Draft Hornby OCP Revisions April 2011](#)
 - [Draft Schedule B \(April 2011\) - Land Use Designations](#)
 - [Schedule C - Land Status and Road Designations](#)
 - [Schedule D2 - Environmentally Sensitive Areas](#)
 - [Draft Schedule E \(April 2011\) - Development Permit Areas](#)
 - [Schedule F - Hazard Areas](#)
- [OCP/LUB Project Terms of Reference - November 2009](#)
- [Staff Report - March 2011](#)
- [Staff Report - December 2010](#)
- [Staff Report - October 2010](#)
- [Staff Report - September 2010](#)
- [Staff Report - July 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report - February 2010](#)
- [Staff Report - September, 2009](#)

Vacation Home Rentals

- [Staff Report - March 2012](#)
- [Summary and Proposed Bylaws 142 and 143 re Vacation Home Rentals for May 21 Community Information Meeting](#)
- [Discussion Document for April 2011 Community Information Meeting](#)
- [Staff Report - March 21, 2011](#)
- [Staff Report - December 15, 2010 STVR Enforcement Policy](#)
- [Staff Report - September 2010](#)
- [Staff Report - August 2010](#)
- [Staff Report - July 2010](#)
- [Draft Bylaws Permitting and Regulating Short Term Vacation Rentals on Hornby Island 2010](#)
- [Early Referral Letter to Agricultural Land Commission, April 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report and Appendix - December 2009 \(HO-OCP-2009.2\)](#)

Committee Links

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[Land Use Application Forms](#)

- [Staff Report - October 2009 \(HO-OCP-2009.2\)](#)
- [Staff Memo - September 2009](#)
- [Short-term Vacation Rental Staff Report - July 2009](#)
- [Short-term Vacation Rental Survey - Final Results](#)
- [For Discussion: A Proposal For Permitting and Regulating Vacation Rentals](#)
- [Short Term Vacation Rental Staff Report - July 2008](#)

Riparian Areas Regulation Implementation

- [March 2012 Mimulus Biological Consultants Stream Mapping Report](#)
- [November 2011 RAR Factsheet](#)

Island Information and Reports

- [Hornby Island Local Trust Committee Submission Regarding Water Act Modernization](#)
- [Hornby Island Community Profile](#)
- [Building on Hornby Island \(October 2009\)](#)
- [Living on Hornby Information Pamphlet \(October 2009\)](#)
- [Hornby Island DRAFT Build Out Map, December 2008](#)
- [Final Report - Results of the Groundwater Geochemistry Study on Hornby Island by D. Allen and M. Suchy April 2002](#)
- [Heart of the Island - A Report on Hornby Vacant Crown Land, 2000](#)

Climate Change Action

- [Staff Report - March 2010](#)
- [Preliminary Climate Change Initiative Report - October 2009](#)
- [Climate Wise Islands Program](#)
- [Newsletter - 2009](#)
- [Fact Sheets](#)
- [Minutes - November 2, 2010](#)
- [Community Information Meeting Notes - November 15, 2009](#)
- [Proposed Bylaw No. 139](#)

Ecosystem Mapping

- [Hornby Island Ecosystem Map 2001](#)

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Applications

HO-RZ-2009.2 (Hornby Island Resort Ltd. - The Thatch)

- [Staff Report dated December 2, 2010](#)
- [Staff Report dated July 2010](#)
- [Staff Report dated June 2010](#)
- [Staff Report dated March 2010](#)
- [Staff Report dated November 2009](#)

Professional Reports

- [Payne Engineering Report dated January 2009](#)
- [Rezoning Submission dated May 2009](#)
- [Baseline Archaeology Letter dated January 2010](#)

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Hornby Island Local Trust Committee Work Program

- [Top Priorities](#)

Housing

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)
- [Secondary Housing on Hornby Island - Staff Report June 2008](#)
- [Enabling Secondary Accommodation Units on Hornby Island](#)
- [Hornby Island Advisory Housing Committee Report - 2004](#)

K'omoks First Nation

- [K'omoks Treaty Process - Message from Trustees](#)
- [Hornby Island Local Trust Committee Submission to Negotiations](#)

[Division Ministry of Aboriginal Relations and Reconciliation on Vacant Crown Land on Hornby Island in connection with the K'omoks First Nation Treaty Negotiation, September 2008](#)



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