



Hornby Island Local Trust Committee

Regular Meeting Agenda

Date: June 10, 2016
Time: 11:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Pages

1. CALL TO ORDER 11:30 AM - 11:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. APPROVAL OF AGENDA
3. TOWN HALL AND QUESTIONS 11:35 AM - 11:35 AM
4. COMMUNITY INFORMATION MEETING - none
5. PUBLIC HEARING - none
6. MINUTES 11:45 AM - 11:55 AM
 - 6.1 Local Trust Committee Minutes dated April 1, 2016 - for adoption 4 - 10
 - 6.2 Local Trust Committee Special Meeting Minutes dated May 24, 2016 - for adoption 11 - 17
 - 6.3 Section 26 Resolutions-without-meeting - none
 - 6.4 Advisory Planning Commission Minutes - none
7. BUSINESS ARISING FROM MINUTES 11:55 AM - 12:00 PM
 - 7.1 Follow-up Action List dated May 31, 2016 18 - 19
8. DELEGATIONS 12:00 PM - 12:05 PM
 - 8.1 Helen Grond regarding Residual Zoning Issue on a Hornby Island Property
9. CORRESPONDENCE
Correspondence received concerning current applications or projects is posted to the LTC webpage

10.	APPLICATIONS AND REFERRALS	12:05 PM - 12:15 PM	
10.1	HO-ALR-2016.1 (Helliwell and Smith, Blue Sky Architecture)		
10.1.1	<u>Staff Report dated May 16, 2016</u>		20 - 35
11.	LOCAL TRUST COMMITTEE PROJECTS	12:15 PM - 12:30 PM	
11.1	Riparian Areas Regulation		
11.1.1	<u>Bylaw No. 151</u> Bylaw No. 151 cited as "Hornby Island Official Community Plan (Hornby Island) Bylaw 149, 2014, Amendment No. 1, 2015", be adopted		36 - 39
11.1.2	<u>Bylaw No. 152</u> Bylaw No. 152 cited as "Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015", be adopted		40 - 43
12.	REPORTS	12:30 PM - 12:45 PM	
12.1	Work Program		
12.1.1	<u>Top Priorities Report dated May 31, 2016</u>		44 - 44
12.1.2	<u>Projects List Report dated May 31, 2016</u>		45 - 46
12.1.3	<u>Hornby LTC 2014-2018 Term Goal Setting Session</u>		47 - 49
12.1.4	<u>Work Program - Suggestions for Discussion</u>		50 - 51
12.2	Applications Report dated May 31, 2016		52 - 55
12.3	Trustee and Local Expense Report dated May, 2016		56 - 56
12.4	Adopted Policies and Standing Resolutions		57 - 57
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Reports		
12.8	Electoral Area Director's Report		
12.9	Trust Fund Board Report - May, 2016		58 - 59
13.	NEW BUSINESS		
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for August 12, 2016 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC		
15.	TOWNHALL	12:45 PM - 1:00 PM	
16.	BREAK	1:00 PM - 1:15 PM	

17. CLOSED MEETING

1:15 PM - 1:30 PM

17.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) and (d) for the purpose of considering Appointment of Board of Variance (BOV)Members and adoption of In-Camera Meeting Minutes dated April 1, 2016 and that the recorder and staff attend the meeting.

17.2 Recall to Order

17.3 Rise and Report

18. ADJOURNMENT

1:30 PM - 1:30 PM



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: April 1, 2016

Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Members Present Laura Busheikin, Chair
Alex Allen, Local Trustee
Tony Law, Local Trustee

Staff Present Rob Milne, Island Planner
Vicky Bockman, Recorder

Others Present There were no members of the public in attendance

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:36 am. She welcomed everyone and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

14.4 Request for Decision regarding 2015-2016 Annual Report – Approval of Hornby Island Local Trust Committee Section

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS - none

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated February 12, 2016 for Adoption

By general consent the Local Trust committee meeting minutes of February 12, 2016 were adopted.

6.2 Section 26 Resolutions-without-meeting - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated March 23, 2016

The Follow-up Action List was reviewed and the following points were noted:

- Planner Milne provided an update on the status of Riparian Areas Regulation bylaws. Trustees suggested that the Chief Administrative Officer might be informed as an opportunity for communication with staff from the Ministry of Culture, Sport and Community Development;
- Planner Milne reported that he continues to experience difficulty in his effort to initiate contact with K'omoks First Nation staff to discuss environmental mapping (ecosystems, eel grass, forage fish) as a step in relationship-building. Trustee Law provided information on a contact at BC Parks that might assist;
- Planner Milne indicated that through working with BC Assessment Authority he has produced reports on the number of parcels and number of structures on Hornby Island; he noted that he will continue to pursue additional information on homeowner grants; and
- Chair Busheikin advised that she will follow-up on providing BC Ferries with K'omoks First Nation contact information relating to the February 12, 2016 consultation item in response to their request. Trustees provided suggestions on possible approaches to determine an appropriate contact.

7.2 Heritage Designation - Leaf House and Ford Family Heritage Orchard

7.2.1 Staff Report dated April 1, 2016

Planner Milne outlined the Staff Report on Heritage protection for Ford Cove Orchard and Leaf House and the following key points were noted:

- He summarized the issues for consideration in the advancement of the initiative and the possible stakeholders that might be involved in the implementation of Heritage designation;
- Trustees discussed the process and acknowledged that a joint management plan is being created for the Mount Geoffrey Escarpment Park that might have some bearing on the project; and
- Trustee Law offered to arrange for a contact at BC Parks to provide Planner Milne with background information that may assist in his discussions with various agencies that would be involved in the process.

HO-2016-012

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add "Heritage Protection for Ford Cove Orchard and Leaf House" to its Projects List.

CARRIED

HO-2016-013**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to provide a report on issues and next steps with regard to pursuing Heritage protection at the Ford Cove Orchard portion of Mount Geoffrey Escarpment Park.

CARRIED

7.3 Letter dated March 1, 2016 to Chair Busheikin from Minister of Transportation and Infrastructure regarding Service Levels for Hornby Island

Trustees discussed the correspondence received in response to Chair Busheikin's letter requesting a determination of the net savings resulting from the BC Ferries service reductions. The following points were noted:

- No further response was suggested at this time; the Schedule Subcommittee of the Denman and Hornby Ferry Advisory Committee will continue to advocate for schedule improvements and the Local Trust Committee (LTC) will monitor the effectiveness of this approach;
- Improvements to service levels for other island sailings have been achieved and efforts to improve the schedule for Hornby Island will continue; and
- A Trustee suggested that communications between the community and BC Ferries relating to the cable ferry might be improved if information were provided to a key person on both Denman and Hornby Islands. Trustee Law offered to serve in such a position for Hornby Island.

8. DELEGATIONS - none

9. CORRESPONDENCE - none

10. APPLICATIONS AND REFERRALS - none

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Communications Strategy - Letter Mailout - for discussion

Planner Milne provided drafts of two proposed brochures addressing stewardship and secondary suites and dwellings on Hornby Island for Trustee review. The following key points were noted:

- Planner Milne solicited Trustee feedback on layout, wording, and colour preferences for the brochures;
- Trustees provided comments and suggestions and will review further with additional recommendations being provided subsequent to the LTC meeting;
- Discussion of the planned community meeting to communicate the key changes in the Official Community Plan and Land Use Bylaw included consideration of meeting date and time, venue, format, advertising, refreshments and budget;
- Trustees preferred dates of May 24th or 25th, with one session held in the afternoon and another held in the evening in order to accommodate as many interested community members as possible;

- Chair Busheikin offered to distribute the Islands Trust Social Media Checklist to Trustees for their information; and
- Trustees offered to research venue availability and to organise refreshments.

A Trustee suggested consideration of a mailout of a letter from Trustees or the Chair to non-resident property owners as a component of the communication strategy, noting that this activity has not been addressed in the Project Charter. The following points were noted:

- Trustees discussed the proposal and suggested that a letter highlighting issues of interest for the community including facilitating connection to activities of other Hornby Island organisations and identifying resources that are available for further information would be a good approach; and
- Trustees will draft text and formatting for this letter.

12. BREAK - none

13. REPORTS

13.1 Work Program

13.1.1 Top Priorities Report dated March 23, 2016

There were no additions, changes, or actions taken on the Top Priorities at this time.

13.1.2 Projects List Report dated March 23, 2016

Trustees noted that “Heritage Protection for Ford Cove Orchard and Leaf House” has been added to its Projects List and there were no further actions taken at this time.

13.1.3 Hornby LTC 2014-2018 Term Goal Setting Session

Received.

13.1.4 Work Program - Suggestions for Discussion

Received.

13.2 Applications Report dated March 23, 2016

Planner Milne advised that staff have been requested to provide addresses on the report for Trustee information.

A Trustee expressed concern with the issuance of a recently approved permit on Seawright Road and indicated that he will follow-up with staff to discuss the issues involved.

13.3 Trustee and Local Expense Report dated February, 2016

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

There were no changes requested at this time.

13.6 Chair's Report

Chair Busheikin reported on the following:

- The Trust Council held on Hornby Island recently was a success and she expressed her appreciation for the efforts of all who contributed to that event;
- She will be attending the Association of Vancouver Island and Coastal Communities program in April; and
- She will be attending the 2016 Salish Sea Ecosystem Conference in Vancouver later this month.

13.7 Trustee Reports

Trustee Law noted that he has been participating in an advisory role in a community group addressing potential housing solutions; and he reported that the Hornby Island Residents' & Ratepayers' Association has formed a new standing committee to explore housing options.

Trustee Allen did not provide a report.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report - March 2016

Trustee Law noted that property management activities are now included in the Trust Fund reports for information.

14. NEW BUSINESS

14.1 Annual Meeting with Ministry of Transportation regarding Roads - for discussion

Trustees remarked on the value of the annual meeting with Ministry of Transportation and noted that this will be a good opportunity to connect with the new Highways Manager and discuss road issues of concern. They indicated that they will solicit community input for discussion items, coordinate and attend the meeting.

14.2 Temporary Siting of Caravans - for discussion

Trustee Law provided background for discussion on the growing practice of the use of caravans for temporary housing. He noted that the LTC may wish to consider exploration of the issues and possible options after the community has provided input on the upcoming housing aspect of the communications project.

14.3 Marine Protection - for discussion

Trustee Law noted that there are several key organizations that are actively pursuing marine protections which will require involvement of government and First Nations in a complex process. He suggested that a Trustee might be designated as a liaison to work with appropriate groups in coordinating multiple stakeholder issues and the many steps and groundwork that would be required. He offered to participate in this role and to keep the LTC apprised on the initiative as it develops.

HO-2016-014

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee designate Trustee Tony Law to engage in discussion with community organizations and other entities around marine protection options and report back to the Local Trust Committee.

CARRIED

14.4 Request for Decision regarding 2015-2016 Annual Report – Approval of Hornby Island Local Trust Committee Section

Planner Milne presented the Request for Decision and proposed text for consideration of inclusion in the 2015-2016 Annual Report. Trustees reviewed the Hornby Island LTC section.

HO-2016-015

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approves the text as presented for inclusion in the 2015-2016 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

CARRIED

15. UPCOMING MEETINGS**15.1 Next Regular Meeting Scheduled for Friday, June 10, 2016 at 11:30 am at Room to Grow, the Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC**

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

16. TOWNHALL - none

17. CLOSED MEETING

17.1 Motion to Close the Meeting

HO-2016-016

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(d) for the purpose of considering adoption of *In-Camera* Meeting Minutes dated June 4, 2015 and November 20, 2015 and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 1:25 pm.

17.2 Recall to Order

The meeting was recalled to order at 1:26 pm.

17.3 Rise and Report

Chair Busheikin reported that in the Closed Meeting the LTC adopted minutes from *In Camera* meetings of June 4, 2015 and November 20, 2015.

18. ADJOURNMENT

By general consent the meeting was adjourned at 1:27 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder



Hornby Island Local Trust Committee Minutes of Special Meeting

Date: May 24, 2016

Location: Hornby Island Community Hall
Central Road, Hornby Island, BC

Members Present: Laura Busheikin, Chair
Alex Allen, Local Trustee
Tony Law, Local Trustee

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

Others Present: 3:00 pm - Approximately fifteen (15) members of the public
7:30 pm - Approximately ten (10) members of the public

1. OPEN HOUSE

Planner Milne was available to facilitate an informal Open House held from 2:30 pm – 3:00 pm for the public to view map displays and copies of the Official Community Plan (OCP) and Land Use Bylaw (LUB). Brochure handouts were available on Secondary Suites & Dwellings and Stewardship on Hornby Island.

2. CALL TO ORDER

Chair Busheikin called the meeting to order at 3:05 pm and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She welcomed those present and introduced herself, Local Trustees, staff and recorder. She noted that this meeting is being held to present the new OCP and LUB and thanked Trustees, Planner Milne and members of the community who contributed to the process.

Trustee Law provided a summary of the background of the development of the OCP which was first created in the 1990's and observed that the community objectives and goals established at that time remain intact. He explained that the current project has been a targeted review, focusing on bringing the documents up to date and addressing the key topics of housing and economic opportunity which were identified as the most in need of focus. He appreciated the major contribution of the volunteer Advisory Planning Commission in the process and thanked the Planners who worked on the undertaking.

By general consent the agenda was approved as presented.

3. COMMUNITY INFORMATION SESSION

3.1 Presentation by Planner Milne

Planner Milne pointed out brochures that were available on Hornby Island Secondary Suites & Dwellings and Stewardship on Hornby Island. He provided an overview of the OCP and LUB targeted review that focused on housing and economic opportunity and the Riparian Areas Regulation (RAR) Implementation project. His presentation summarized key changes to the OCP and LUB and information on RAR, and key points included the following items.

OCP Key Changes

- Housing – new policies 6.3.5.13 and 6.3.5.14 provide options for secondary suites on larger lots and the use of detached units to provide temporary housing which are administered through a Temporary Use Permit (TUP);
- Subdivision of Rural Residential lots – policy 6.3.3.1 provides an option to enable residents to subdivide rural lots with two dwellings into two lots with a dwelling on each lot;
- Expansion of Commercial Zoning – policy 6.5.1.3 provides criteria for the opportunity of limited expansion of commercial zoning to allow for small scale retail and personal service use;
- Community Service Use – policy 6.2 contains new language, is renamed and provides new policies to encourage community based businesses;
 - Policy 6.2.2 provides a policy intended to ensure protection of groundwater resources on land within the Community Services Use designation and Public Utilities and Services designation areas on Schedule B; and
 - Policy 6.2.7 provides criteria for limited commercial activities such as a farmers' market, community arts facility or credit union in the Community Service Use area.

LUB Key Changes

- Secondary Suites – new regulation 3.8 outlines general guidelines;
- Temporary Use Permit – Objective 10.2 (6) contains new considerations for allowing a temporary secondary suite or detached housing;
- Home Occupations – regulations have been organized into four categories to ensure they are compatible with the context of the neighbourhood within which they would be established; and
- A1 Agriculture Zone – new provisions recognize changes in the Agricultural Land Commission regulations.

RAR Implementation

- Bylaws are awaiting final reading;
- An overview was given of Hornby Island watersheds; and
- Tools available to regulate RAR.

In summary, Planner Milne noted that the intent of the new OCP, LUB and RAR Implementation is to create more housing and economic opportunities and to increase protection of fish habitat. He added that the Local Trust Committee is encouraging residents to be aware of the policies, to protect the natural environment, and is actively pursuing relationship building with K'omoks First Nation.

3.2 Questions and Answers

Planner Milne responded to questions with the following noted:

- What are the hectares involved in the rural residential lot subdivision policy.
Where permitted, the minimum lot size of one hectare should be maintained unless to create park or other community service use.
- Is any of the land involved in the Community Service Use area subject to the K'omoks treaty process.
The area containing the gravel pit on Central Road may be subject to a Treaty agreement.
- Does a TUP expire after three years? What is the cost for a TUP? Is the TUP requirement creating a barrier to use of the detached dwellings option.
TUPs are effective for three years and may be renewed for another three years, after which a new TUP application would be required if desired. The LTC has advocated for lower TUP fees which are approximately \$400. The process is attempting to strike a balance between accountability and accessibility.
- Is the secondary building limited to 970 square feet.
Secondary suites are limited in size to 40% of the floor area of the principal dwelling to a maximum of 90 square metres or approximately 970 square feet. Regulation 3.8 provides details on the requirements such as meeting BC Building Code requirements, being wholly within the principle residential dwelling, and having an external entrance.
- How large can the secondary dwelling be.
The size of the secondary residence must be approved through a TUP application process.
- Where do caravans or tiny homes fit into these regulations.
The regulation governing Secondary Suites does not address caravans, however there is language elsewhere in the Hornby Island bylaws regarding caravans.

- Can any R2 lot have a second dwelling.
R2 lots are permitted a maximum of two dwelling units per lot having an area of 4.0 hectares or larger.
- Can each of the two permitted dwellings in a Large Lot have a secondary suite and second dwelling.
They could have secondary suites; secondary dwellings would require application for TUPs. Reviewing the TUP guidelines and discussion with the Planner would be advisable prior to moving forward in this circumstance.
- How do building codes apply if the intent is to provide low-cost housing.
Meeting the BC Building Codes is a requirement in order to address potential liabilities and to ensure obligations are understood.
- How would compliance with the BC Building Code be enforced.
Every structure on Hornby Island used for residential purposes is required to comply with the BC Building Code.
- Would a secondary suite located within a garage be permitted.
If the garage is attached to the principal dwelling, it could qualify as a secondary suite; however, if it is detached a TUP would be required.
- Will the presentation made here today be on the Islands Trust website.
Yes, that can be arranged.
- Do the zones affect the Home Occupation regulations.
Residential zoning still applies; Home Occupation regulations are specified in section 3.6 of the LUB. New categories of Home Occupation tiers have been created to encourage their use while recognizing the sensibilities of being conducted in residential areas.
- The cemetery may need expansion or a new location. Has this been considered in the new bylaws.
This issue has not been formally brought before the LTC to consider. The process for creation of cemeteries is very complex and highly regulated. The Islands Trust may be able to assist with the process and cost if this project were to be initiated.
- Do Home Occupations have to be run by the property owner on title, or can someone else operate the operation.
The general intent is for the Home Occupation to be run by the people living there.

There were no further questions. Planner Milne invited those present to take brochures on Secondary Suites & Dwellings and Stewardship on Hornby Island. He advised that there will be another session of the CIM held this evening and welcomed participation in that forum.

A Trustee commented that the LTC has addressed housing issues with the intention of improving accessibility while meeting regulations. He advised that there will be an Islands Trust Housing Forum next month and Trustees will be

considering information from that forum for possible future adjustments that might need to be made over time. He commented that the OCP and LUB are online for the public to review and suggested that Trustees can provide assistance to locate information if necessary.

Chair Busheikin thanked everyone for their participation at this session.

4. RECESS

By general consent the meeting was recessed at 3:49 pm.

5. OPEN HOUSE

Planner Milne was available to facilitate an informal Open House held from 7:00 pm – 7:30 pm for the public to view map displays and copies of the OCP and LUB. Brochure handouts were available on Secondary Suites & Dwellings and Stewardship on Hornby Island.

6. CALL TO ORDER

Chair Busheikin reconvened the meeting at 3:05 pm and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She welcomed those present and introduced herself, Local Trustees, staff and recorder. She noted that this meeting is being held to present the new OCP and LUB and thanked Trustees, Planner Milne and members of the community who contributed to the process.

Trustee Law provided a summary of the background of the development of the OCP which was first created in the 1990's and observed that the community objectives and goals established at that time remain intact. He explained that the current project has been a targeted review, focusing on bringing the documents up to date and addressing the key topics of housing and economic opportunity which were identified as the most in need of focus. He appreciated the major contribution of the volunteer Advisory Planning Commission in the process and thanked the Planners who worked on the undertaking.

7. COMMUNITY INFORMATION SESSION

7.1 Presentation by Planner Milne

Planner Milne repeated the presentation summarized in agenda item 3.1.

7.2 Questions and Answers

Planner Milne responded to questions with the following noted:

- Does RAR apply to changes to existing developments.
Once the RAR bylaws are adopted, any development occurring within the 30 metre Development Permit area assessed as RAR-applicable would be subject to the regulation.
- Is agricultural land in the Agricultural Land Reserve (ALR) treated differently than land not in the ALR for purposes of RAR.
Agricultural activities are not subject to RAR however residential use of the property would be subject to RAR.
- Is it permitted under RAR to remove older trees for general safety within 30 metres of a creek on an ALR property.
The Hornby Island RAR bylaw does provide language to permit dealing with hazard trees. A biologist might be consulted to ensure that riparian habitat is not damaged in the process.
- Is there any activity or organization working to encourage Beulah Creek to become a salmon-bearing creek.
It is recognized that there are currently no fish in Beulah Creek; the intent of RAR is to maintain the potential. If there are any groups working on this task, they might be encouraged to contact the LTC which might provide assistance with advocacy or identification of funding sources.
- The bylaws do not discuss storing rain water; the sale of water on Hornby Island is not sustainable; Hornby Island cannot be dependent on ground water especially now that secondary suites are allowed. Will the LTC be acting on these concerns.
The Islands Trust is involved in advocacy of water issues. There is a new provision in the LUB that prohibits in all zones the use of a well for the extraction of ground water for transportation off the lot from which it is extracted, except where permitted through zoning regulations or TUP. Catchment of rain water can be encouraged for non-potable uses; however health requirements for potable water would limit that use at this time.
- Why is it a moral issue for someone with a 70 gallon-per-minute well selling water to someone with a 3 gallon-per-minute well.
Hornby Island bylaws require that it must be proven that sufficient volume exists and that other neighbouring properties would not be affected by the extraction of ground water for sale. Trust Council has an organization that continues to advocate on water issues; there have been numerous efforts made regarding rain water catchment.

There were no further questions. A Trustee commented that there is information on the OCP and LUB on the Islands Trust website and suggested that if there are questions or if assistance is needed to access those sites, Local Trustees may be contacted for assistance.

Chair Busheikin thanked everyone for coming and participating in the creation of the new Hornby Island OCP and LUB.

8. ADJOURNMENT

By general consent the meeting was adjourned at 8:27 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Hornby Island

25-Apr-2014

Activity	Responsibility	Target Date	Status
HO-2014-020- that the Hornby Island Local Trust Committee direct staff to proceed with the implementation of the Riparian Areas Regulation Implementation project as described in the endorsed Project Charter.	Rob Milne		On Going

02-Oct-2015

Activity	Responsibility	Target Date	Status
Staff to initiate contact with the Komoks First Nation staff to discuss environmental mapping (ecosystems, eel grass, forage fish) as a step in relationship-building.	Rob Milne		On Going
Staff to initiate a communications strategy for the revised Official Community Plan and Land Use Bylaw focusing on communications with respect to housing opportunities, economic opportunities, regulations and best practices with respect to building and land development and contact with Hornby Island realtors.	Rob Milne		Done

20-Nov-2015

Activity	Responsibility	Target Date	Status
That a new budget item be established under Projects for the Hornby Island Local Trust Committee with respect to Official Community Plan/ Land Use Bylaw/ Riparian Areas Regulation post-adoption Communication Strategy and that the \$1,640.59 remaining in the Riparian Areas Regulation budget be applied to this line item.	Rob Milne		On Going

01-Apr-2016

Activity	Responsibility	Target Date	Status
----------	----------------	-------------	--------

Follow Up Action Report

Staff to add Heritage Protection for Ford Orchard and Leaf House to its Projects List.	Rob Milne	Done
staff to provide a report on issues and next steps with regard to pursuing Heritage protection at the Ford Orchard portion of Mount Geoffrey Escarpment Park.	Rob Milne	On Going

May 16, 2016

File No.: HO-ALR-2016.1

To: Hornby Island Local Trust Committee

From: Sonja Zupanec, Island Planner

Copy: Ann Kjerulf, Regional Planning Manager
Rob Milne, Island Planner

Re: Application for non-farm use for a second dwelling on land in the ALR

Owner: Yajung Song and Houmei Li

Applicant: Helliwell + Smith, Blue Sky Architecture

Location: 5905 Maclean Road, PID 000-157-503 LOT 7 SECTION 10 HORNBY ISLAND
NANAIMO DISTRICT PLAN 32518

BACKGROUND:

The applicant wishes to construct two single family dwellings (1950 sq.ft. and 850 sq.) attached by a breezeway, on the subject property within the Agricultural Land Reserve (ALR). The Hornby Island Land Use Bylaw 'Agriculture' (A1) zone permits two dwellings on lots over 2 hectares in size but written permission from the Agricultural Land Commission (ALC) is required for the construction of more than one single family dwelling within the ALR. The Hornby Island Local Trust Committee (LTC) is requested to consider whether or not to forward this application to the Agricultural Land Commission.

SITE CONTEXT:

The subject property is an undeveloped 3.7 hectare oceanfront lot which was purchased by the current owner in March 2016 for recreational/residential use. The land is wholly within the ALR and does not have farm class status. The property is in an area of similar sized lots in the Agriculture 1 (A1) zone (Figure 1.) used for limited agriculture and residential purposes.



Figure 1. Aerial photo of subject property and surrounding lots

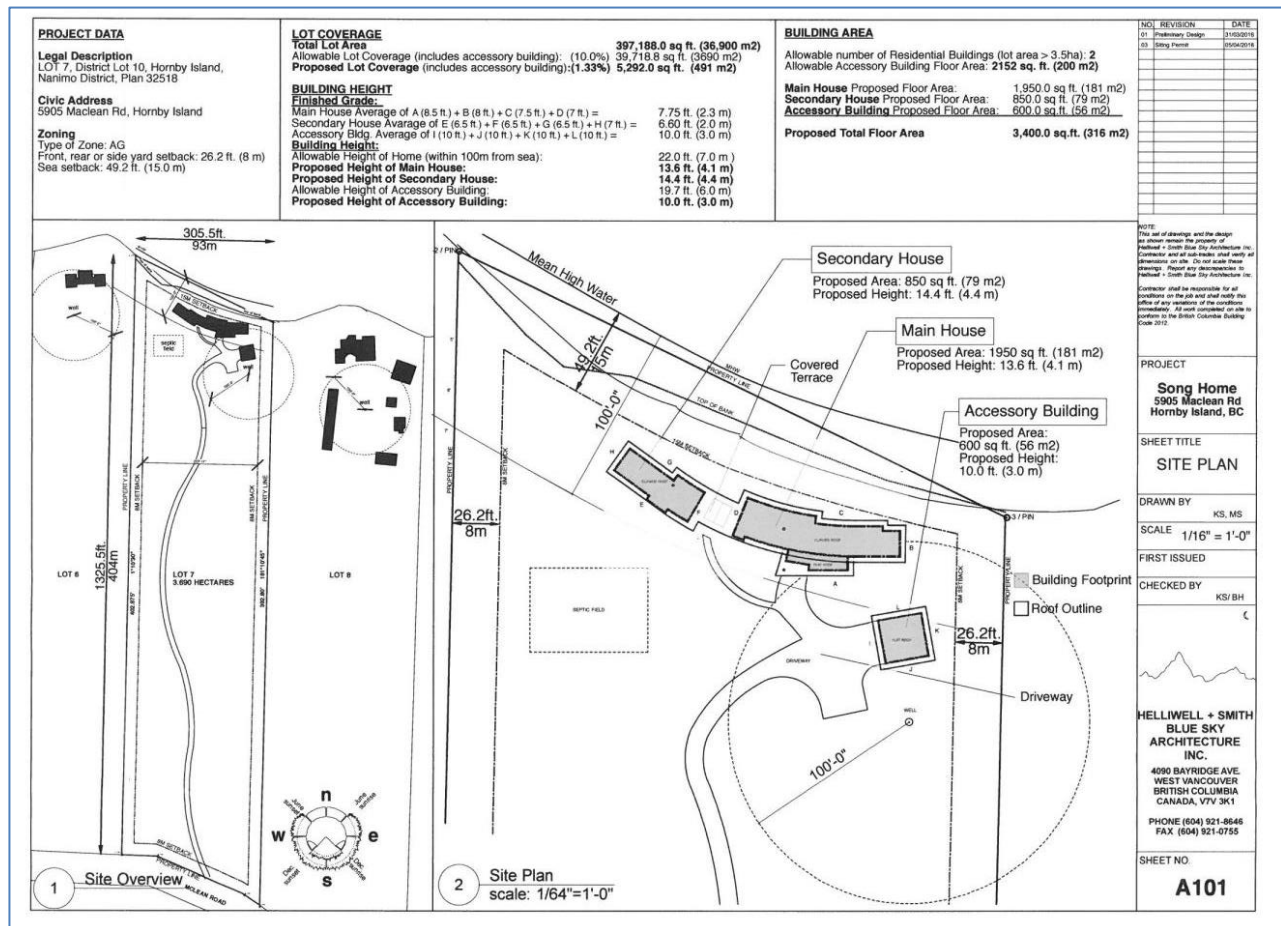


Figure 2. Proposed site plan for construction of two residences connected by breezeway

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The [Islands Trust Policy Statement](#) (ITPS) contains a number of directive policies with respect to agricultural and residential uses, which specify that local trust committees and island municipalities shall address the following in their official community plans and regulatory bylaws:

- 4.1.4 the identification and preservation of agricultural land for current and future uses.
- 4.1.5 the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- 4.1.6 the use of adjacent properties to minimize any adverse effects on agricultural land.
- 4.1.7 the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
- 4.1.8 land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
- 4.1.9 the use of Crown lands for agricultural leases.
- 4.4.2 neither the density nor intensity of land use in increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater.

The proposal may be at variance with directive policies 4.1.8 and 4.4.2 and further staff comments on this are provided later in this report.

Official Community Plan

The subject property is designated 'AG' (Agriculture) in the [Hornby Island Official Community Plan \(OCP\)](#) and located in an area of similarly designated properties (Figure 3).

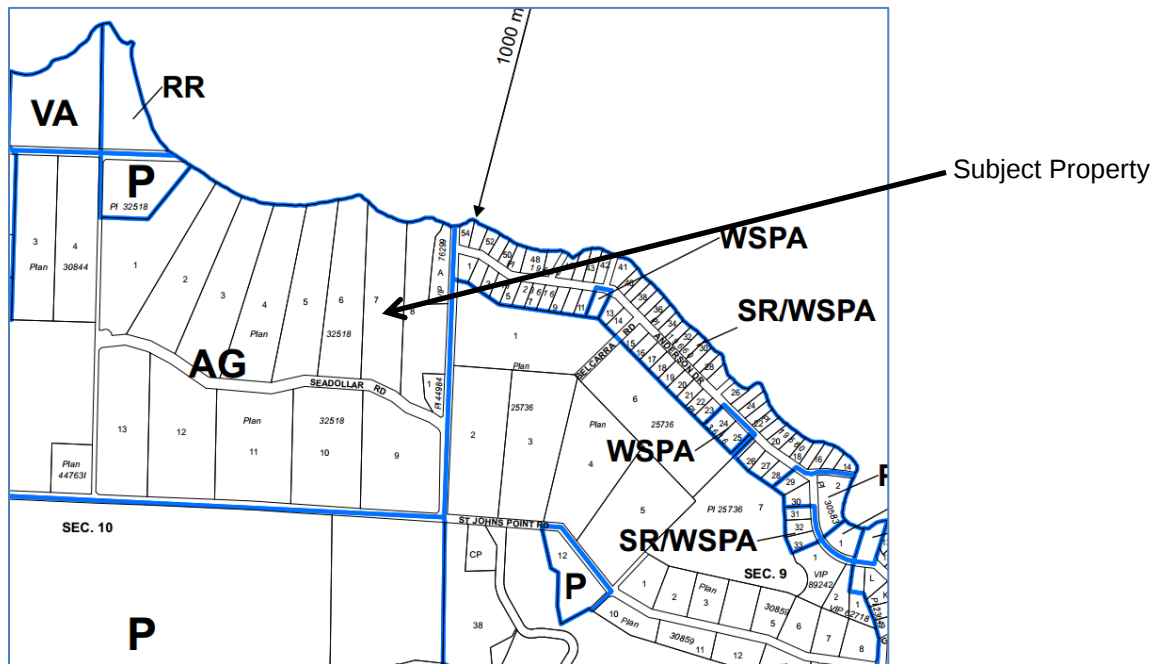


Figure 3. OCP designations in general vicinity of subject property

The following policies of the OCP are relevant to this application:

6.4.1.4 On parcels 3.5 hectares (8.6 acres) or greater the following should be permitted:

*a) one dwelling with a secondary suite within the dwelling; or
b) two dwellings, with the second dwelling limited in size, and if the land is in the Agricultural Land Reserve the second dwelling should only be permitted if the second dwelling is necessary for farm use as determined by the Local Trust Committee in consultation with a Provincial Regional Agrologist and is otherwise consistent with the Agricultural Land Reserve related enactments; or if authorized as a non-farm use by the Agricultural Land Commission.*

6.4.2.1 The retention of the Agricultural Land Reserve and the Agricultural Land Commission to protect against the loss of the potential for self-sufficiency in agricultural production in the Province of British Columbia is supported.

Staff interprets these policies in tandem as clear direction that an application for a second dwelling can be forwarded to the ALC for consideration, but that the intent is for the ALC to review proposals that support agriculture. The applicant has indicated that there is no agricultural activity or plan to conduct agricultural activity on the subject property.

The subject property is located wholly within the IA (Heavily developed, high vulnerability) Aquifer in OCP Schedule D2 'Environmentally Sensitive Areas Aquifers' (Figure 4). The approval of a second residence with no farm status to justify or support the proposal may be inconsistent with ITPS 4.4.2.

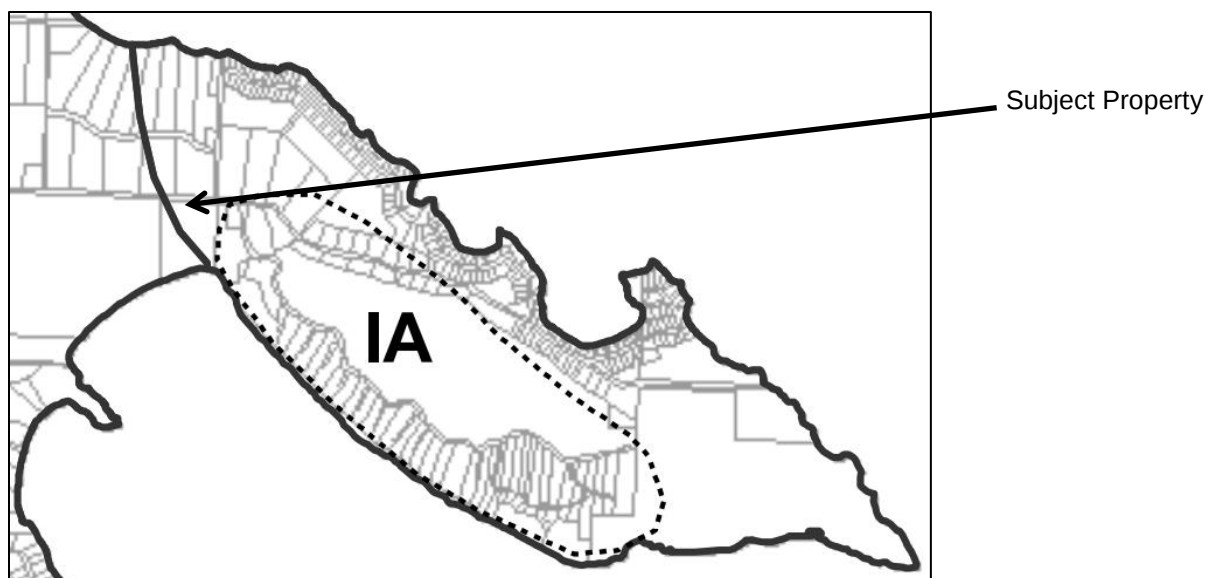


Figure 4. Aquifer designation of subject property and surrounding area.

Land Use Bylaw:

The subject property is zoned Agriculture 1 (A1) in the [Hornby Island Land Use Bylaw](#). Under the current A1 zone provisions a second dwelling is permitted on lots larger than 3.5 hectares, with an 'information note' to readers that ALC approvals may be required for second dwellings and secondary suites. ALC approval is required for a second single family dwelling in this case.

Agricultural Land Commission:

Agricultural Land Commission regulations provide overarching legislation for lands within the ALR, and specifically for non-farm residential uses:

[Agricultural Land Commission Act](#) (ALC Act):

Rules for use and subdivision of agricultural land reserve

18 Unless permitted under this Act,

(a) a local government...may not

(i) permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or

(ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use,

[Agricultural Land Reserve Use, Subdivision and Procedures Regulation](#), (BC Regulation 171/2002)

3(1) The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:

(b) for a parcel located in Zone 1,

(i) one secondary suite in a single family dwelling, and either

(A) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family, or

(B) accommodation that is constructed above an existing building on the farm and that has only a single level (applies to properties with farm status.)

Islands Trust Fund:

This application does not directly affect Trust Fund Board (TFB) interests as it does not affect TFB owned property or conservation covenants, property directly adjacent to TFB owned property or conservation covenants, or Crown Land within 100m of a TFB owned property or conservation covenant.

Regional Conservation Plan:

The [Islands Trust Fund Regional Conservation Plan \(RCP\) 2011-2015](#) states that Hornby Island is vulnerable to a loss of natural ecosystems to residential, agricultural and associated uses. Hornby Island has over 470 hectares of land converted from ecosystem to residential/urban use and over 280 hectares of land converted from ecosystem to agricultural use.

Sensitive Ecosystems and Hazard Areas:

The subject property contains both a 'Wetland-Swamp' and 'Seasonally Flooded' sensitive ecosystem designations.

Agricultural Land Reserve (ALR):

Two thousand hectares or 27% of the Hornby Island land base is in the ALR.

Archaeological Sites:

There are no recorded archaeological sites on the subject property and the nearest site is within 150 metres of the property boundary.

Covenants:

H20802: Statutory right of way with the province for water drainage

J21086: Statutory right of way with BC Hydro

Shoreline:

The property's approximate 110 metres of shoreline is classified as 'Low Rock Boulder'.

RESULTS OF CIRCULATION:

There are no requirements for circulation associated with the application.

ISSUES SUMMARY:

1. Non-farm uses on ALR land
2. Hornby 'A1' zone provisions

STAFF COMMENTS:

Non-farm uses on ALR land:

During the Hornby OCP/LUB review process in 2012, the Ministry of Agriculture sent an early referral letter to the LTC stating "(The Ministry) supports measures...which will relieve pressure for residential development within the ALR. We do not support residential development within the ALR except as provided in (ALC policies)...we presume that the (OCP/LUB) review will not result in any proposals that envisage residential development in the ALR over and above those permitted in the ALC regulations."

Although the proposed density of this proposal is consistent with the Hornby Island LUB regulations for the A1 zone, approval for a second single family dwelling requires approval by the ALC. However, because local government legislation is subordinate to the *Agricultural Land Commission Act and Regulation*, the ALC is not compelled to approve a second residence for non-farm use. Moreover, the Hornby Island LTC has the discretion to forward or not forward applications to the ALC pursuant to s. 25(3) and s. 30(4) of the *ALC Act*. If the Hornby Island LTC exercises its authority and does not authorize the application, the application proceeds no further and will not be considered by the ALC.

The proposal as presented appears to be contrary to Hornby Island OCP policy 6.4.2.1 as there is no evidence that it would support agricultural self-sufficiency on Hornby Island. Furthermore, the application appears to be at variance with ITPS directive policy 4.1.8 given that the proposed land use would not support the economic viability of farms; and ITPS directive policy 4.4.2 as the proposal would result in an increase in density in areas which are known to have a problem with the quality of quantity of the supply of freshwater (high aquifer vulnerability). Furthermore, the proposal is inconsistent with ALC regulations and policies, and direction from the Ministry of Agriculture. For these reasons, staff recommends that this application not be forwarded to the ALC.

Alternatives:

The following alternatives would comply with both ALC Regulations and the Hornby Island LUB:

- A) The *ALC Regulation* and Hornby Island LUB A1 zoning permit a secondary suite for residential purposes, wholly contained within the single family dwelling on a parcel in the ALR with no additional ALC approvals required. The secondary suite does not need to be occupied by immediate family. However, changes to the proposed floor plan would need to be made prior to application for a 'Siting and Use Permit'; and/or
- B) The *ALC Regulation* and Hornby Island LUB A1 zoning permit one manufactured home, in addition to one single family dwelling on a parcel in the ALR. However, under ALC regulations the manufactured home may only be occupied by the property owner's immediate family. The maximum allowable width of a manufactured home is 9 metres (commonly known as a 'double-wide'). The manufactured home may only be occupied and used for residential purposes by a member of the property owner's immediate family. If the manufactured home is not occupied by a member of the property owner's immediate family, it is not a permitted residential use in the ALR and must be removed from the parcel. Furthermore, the manufactured home should be sited on concrete rail foundation rather than a permanent concrete slab, so as to be removable in the future. The Hornby A1 zoning could be updated to reflect foundation requirements and requirement for a registered covenant restricting the dwelling to use by the immediate family for this second residence and/or allowing it only for those properties in the ALR with farm classification under the *BC Assessment Act*.

Option A provides ALR property owners who do not intend to farm with the most flexibility for additional residential use of their land. This option is considered by staff to be a viable option to the proposal as presented and would require amendments to the floor plan as presented.

Hornby Island LUB:

The ALC recently updated the *ALC Act*, *ALC Regulation* and supporting policies to address many ALR-related land use issues, including non-farm uses and residential uses. Recent changes and Policy #8 (Attachment 4.) are not reflected in the Hornby Island LUB.

The A1 zone as written in the Hornby Island LUB (Attachment 3.) may create an expectation that non-farm uses are supported by the LTC (and need only to be considered by the ALC). In fact, zoning provisions should reinforce that for existing bona fide farms, non-farm uses may be considered by the LTC and ALC, but that non-farm uses such as seasonal/recreational uses of ALR land outside of the residential options permitted by the ALC, should not be supported.

Staff recommends that the LTC consider adding a project to the LTC Project List to review and update land use bylaw provisions as they apply to residential uses within the ALR in order to achieve consistency with the ALC regulations.

OPTIONS:

The LTC has the following options with respect to this application:

1. Pass a resolution to not forward this application to the ALC;
2. Pass a resolution to forward this application to the ALC (with or without comments); should the LTC choose option 2, the appropriate resolution would be as follows:
"That the Hornby Island Local Trust Committee request staff to forward application HO-ALR-2016.1 from Yajung Song and Houmei Li concerning the non-farm use of land within the Agricultural Land Reserve to the Agricultural Land Commission for consideration."

Staff recommends Option 1.

RECOMMENDATIONS:

1. THAT the Hornby Island Local Trust Committee not forward HO-ALR-2016.1 to the Agricultural Land Commission.
2. THAT the Hornby Island Local Trust Committee add "Land Use Bylaw Amendments regarding Residential Uses in the ALR" to the Local Trust Committee Projects List.

Prepared and Submitted by:

Sonja Zupanec

Island Planner

May 16, 2016

Date

Concurred in by:

Ann Kjerulf

Regional Planning Manager

May 16, 2016

Date

Attachments:

1. ALC Application
2. ALC Application Site Photos
3. A1 zone excerpt from the Hornby Island Land Use Bylaw
4. ALC Policy #8 Residential Uses in the ALR Zone 1

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55203

Application Status: Under LG Review

Applicant: Yajun Song , Houmei Li

Agent: Helliwell+Smith Blue Sky Architecture

Local Government: Islands Trust

Local Government Date of Receipt: 04/05/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: To add a secondary dwelling, (Size: 80 m2/ 0.008ha), as permitted by Islands Trust Zoning (AR) for family use.

Agent Information

Agent: Helliwell+Smith Blue Sky Architecture

Mailing Address:

4090 Bayridge Avenue

West Vancouver, BC

V7V3K1

Canada

Primary Phone: 6049218646

Email: bsa@blueskyarchitecture.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 000-157-503

Legal Description: Lot 7, Section 10, Hornby Island, Nanaimo District, Plan 32518

Parcel Area: 3.7 ha

Civic Address: 5905 Maclean Rd, Hornby Island, BC

Date of Purchase: 03/29/2016

Farm Classification: No

Owners

1. **Name:** Yajun Song

Address:

3260 Thompson Crescent

West Vancouver, BC

V7V 3E7

Canada

Phone: (604) 922-8669

Email: yajunsong@hotmail.com

2. **Name:** Houmei Li

Address:

3260 Thompson Crescent

Applicant: Yajun Song , Houmei Li

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

No agricultural use: Second Growth Forest

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

No agricultural improvements

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Currently the parcel is raw land; second growth forest.

Adjacent Land Uses

North

Land Use Type: Unused

Specify Activity: Ocean front

East

Land Use Type: Agricultural/Farm

Specify Activity: Horse Farm

South

Land Use Type: Agricultural/Farm

Specify Activity: Forest and grazing for horses

West

Land Use Type: Residential

Specify Activity: Residential+Second Growth Forest on Lots 6,5,4,3,2,1

Proposal

1. How many hectares are proposed for non-farm use?

0.1 ha

2. What is the purpose of the proposal?

To add a secondary dwelling, (Size: 80 m²/ 0.008ha), as permitted by Islands Trust Zoning (AR) for family use.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

The use of the land as residential is similar to the adjacent Lots 6,5,4,3,2,1, which are also in ALR. The secondary dwelling is designed to be attached to the primary dwelling on the property and is planned to

accommodate family members of the owner.

4. Does the proposal support agriculture in the short or long term? Please explain.

Not in the present. It will be used for family accommodation. The secondary dwelling could be used to accommodate farm workers if the property is farmed in the future. Farming would require clearing the second growth forest.

Applicant Attachments

- Agent Agreement - Blue Sky Architecture
- Site Photo - Site Photos
- Proposal Sketch - 55203
- Certificate of Title - 000-157-503

ALC Attachments

None.

Decisions

None.



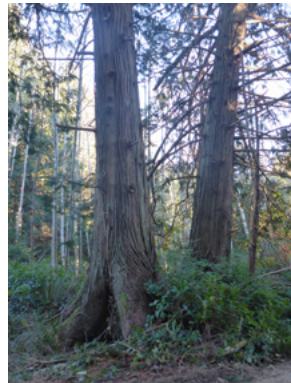
secondary growth forest at oceanfront - looking east



proposed location of main and secondary house



driveway into property



old growth among secondary growth

8.5 Agriculture 1 (A1) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:
 - (a) residential use of a dwelling;
 - (b) agriculture;
 - (c) silviculture;
 - (d) secondary suite in a dwelling on lots 2.0 hectares or larger;
 - (e) accessory uses, including but not limited to home occupations; and
 - (f) vacation home rental use.

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of one dwelling unit per lot having an area less than 4 hectares;
 - (b) a maximum of two dwelling units per lot having an area of 4 hectares or greater; and
 - (c) accessory buildings and structures.

INFORMATION NOTE: *It is necessary to comply with Agriculture Land Commission Regulations regarding second dwellings, for those properties within the Agricultural Land Reserve. ALC approvals may be required for second dwellings and secondary suites in addition to compliance with Section 3.8 of this bylaw.*

- (3) Lot coverage must not exceed 10 % of any lot having an area of 1 hectare or more nor 15% of any lot having an area less than 1 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 8.0 metres from an interior side lot line; and
 - (d) 8.0 metres from an exterior side lot line.
- (5) The total combined floor area of all accessory buildings on a lot, excluding buildings exclusively devoted to agricultural use, must not exceed 200 m².

Subdivision Lot Area Requirements

- (6) No lot may be created by subdivision that has a lot area less than 16.0 hectares.

Agricultural Land Reserve Farm Use Regulations

- (7) Where land is in the Provincial Agricultural Land Reserve, farm use is a permitted use, *and*
- (a) the maximum floor area for retail sales ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres.
 - (b) the maximum floor area for a food and beverage service lounge ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres.
 - (c) an indoor or outdoor food and beverage lounge ancillary to a British Columbia licensed winery or cidery is limited to the hours of operation of 10:00 a.m. to 8:00 p.m.
- (8) Where land is in the Provincial Agricultural Land Reserve, non-farm uses permitted by this Bylaw within a zone are permitted only:
- (a) if also approved by the Provincial Agricultural Land Commission by written order and only to the extent provided by the written order, or
 - (b) if also permitted by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and only to the extent permitted by this Bylaw.
- (9) Land uses which are permitted in the Agricultural Land Reserve unless otherwise prohibited by a local government bylaw are permitted to the extent permitted in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, except as follows:
- (a) operation of a temporary saw mill is limited to the milling of timber harvested from the lot on the lot by a portable sawmill.

 Agricultural Land Commission Act	Policy #8 January 2016 ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE: RESIDENTIAL USES IN THE ALR– ZONE 1
--	---

This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act](#), 2002, including amendments as of September 2014, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of June 2015, (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedures Regulation, (BC Regulation 171/2002) Sections 3(1)(b) and 1(1)

3(1) *The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:*

(b) *for a parcel located in Zone 1,*

(i) *one secondary suite in a single family dwelling, and*
(ii) *either*

(A) *one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family, or*

(B) *accommodation that is constructed above an existing building on the farm and that has only a single level;*

1(1) *In this regulation:*

“immediate family” *means, with respect to an owner, the owner’s*

(a) *parents, grandparents and great grandparents,*

(b) *spouse, parents of spouse and stepparents of spouse,*

(c) *brothers and sisters, and*

(d) *children or stepchildren, grandchildren and great grandchildren;*

“farm” *means an occupation or use, for farm purposes, of one or several parcels of land or tenured areas of Crown land;*

Agricultural Land Commission Act S.B.C. 2002 c. 36 Section 4.2:

4.2 *The following zones are established:*

(a) *Zone 1, consisting of the Island Panel Region, the Okanagan Panel Region and the South Coast Panel Region.*

(b) *Zone 2, consisting of all geographic areas of British Columbia not in Zone 1.*

Note - The Panel Regions are described in more detail in the Schedule to the ALCA and on the Agricultural Land Commission website

Section 18(a):

18 Unless permitted under this Act,

(a) a local government, a first nation government or an authority, or a board or other agency established by a local government, a first nation government or an authority, or a person or agency that enters into an agreement under the Local Services Act may not

(i) permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or

(ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use,

INTERPRETATION:

Subject to applicable local government bylaws, one single family residential dwelling is allowed on land in the Agricultural Land Reserve (the “ALR”). This residence is considered a single family dwelling and referred to as the “single family dwelling” in this policy. A local government may permit one single family dwelling.

The Regulation permits, unless otherwise prohibited by a local government bylaw, a secondary suite for residential purposes, wholly contained within the single family dwelling on a parcel in the ALR. The secondary suite does not need to be occupied by immediate family.

The Regulation provides for one manufactured home, in addition to the single family dwelling, on a parcel in the ALR. The manufactured home may only be occupied by the property owner’s immediate family.

The maximum width of a manufactured home allowed is 9 metres (commonly known as a ‘double-wide’).

If the manufactured home is no longer occupied by member of the property owner’s immediate family, it is not a permitted use in the ALR and must be removed from the parcel. If it remains, the manufactured home must not be used for residential purposes except by the owner’s immediate family.

An alternative to a manufactured home, is an accommodation that is only a single level constructed above an existing building on a farm. In order to add an accommodation to an existing building, the parcel on which the structure is located must be operated as a farm and classified as a “farm” under the [Assessment Act](#). There is no restriction on who can occupy this additionally constructed accommodation (family, renter, farm workers); however, the accommodation must be consistent with the definition below.

Note - The Regulation does not permit both a manufactured home and accommodation constructed above an existing building on the farm.

TERMS:

secondary suite means an area set aside for residential use, within the footprint of a single family dwelling, and secondary or ancillary to the residential use of that single family dwelling.

manufactured home means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes built on concrete pile or surface pier foundation systems.

accommodation means a single residential unit that may have more than one bedroom, but does not have more than one kitchen, and does not serve as the residence for more than one person or family.

existing building means a building, constructed or under construction, in accordance with the *ALCA* and Regulation.

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

PROPOSED

Hornby Island Local Trust Committee

BYLAW NO. 151

A BYLAW TO AMEND THE HORNBY ISLAND OFFICIAL COMMUNITY PLAN, NO. 149

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. Bylaw No 149, cited as "Hornby Island Official Community Plan (Hornby Island) Bylaw No. 149, 2014" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Hornby Island Official Community Plan (Hornby Island) Bylaw 149, 2014, Amendment No. 1, 2015"

READ A FIRST TIME THIS	5 TH	DAY OF	MAY	, 2015
READ A SECOND TIME THIS	17 TH	DAY OF	JULY	, 2015
PUBLIC HEARING HELD THIS	14 TH	DAY OF	AUGUST	, 2015
READ A THIRD TIME THIS	14 TH	DAY OF	AUGUST	, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	6 TH	DAY OF	OCTOBER	, 2015
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT				
THIS	2 ND	DAY OF	MAY	, 2016
ADOPTED THIS		DAY OF		, 2015

SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. 151

Schedule 1

1. Section 6.9 “Development Permit Areas” of the Hornby Island Official Community Plan Bylaw No. 149 cited as “Hornby Island Official Community Plan (Hornby Island) Bylaw No. 149, 2014”, is amended by a new Section 6.9.4, “Riparian Areas Protection” which reads as follows:

“DEVELOPMENT PERMIT AREA NO. 6: Riparian Areas

Purpose

This development permit area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. 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.

Area:

Development Permit Area No. 6 includes all land designated on Schedule -- of this plan as being within the Riparian Areas DPA. This DPA includes the following:

1. Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule - as “RAR applicable” streams, major wetlands, and lakes as the term “streams” is defined in the *Riparian Areas Regulation, BC Fish Protection Act*, which includes any of the following that provides fish habitat:
 - 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 something referred to in the two previous bullets.

and consisting of the surface of the water body and:

- a) for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark;
- b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
- c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;
- d) for a lake, wetland or other water body, 30 metres around the water body measured from the high water mark of the water body;

and Schedule E shall be so interpreted. The designation and delineation of Development Permit Area No. 6 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

INFORMATION NOTE: Farming activities covered under the <i>Farm Practices Protection Act</i> are exempt from the requirements of DPA No. 6.
--

Objectives:

The objectives of this development permit area are as follows:

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

Development Approval Information

Development Permit Area No. 6 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the Local Government Act. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: Development Permit Area Guidelines for Development Permit Area No. 6: Riparian are located in the Land Use Bylaw.

2. Schedule E, Map 2 is deleted and replaced by Attachment "1" attached to and forming part of this bylaw`.

Attachment 1

PROPOSED

Hornby Island Local Trust Committee

BYLAW NO. 152

A BYLAW TO AMEND THE HORNBY ISLAND LAND USE BYLAW, NO. 150

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. Bylaw No. 150, cited as “Hornby Island Land Use Bylaw No. 150, 2014” 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 150, 2014, Amendment No. 1, 2015”

READ A FIRST TIME THIS	5 TH	DAY OF	MAY	, 2015
READ A SECOND TIME THIS	17th	DAY OF	JULY	, 2015
PUBLIC HEARING HELD THIS	14 TH	DAY OF	AUGUST	, 2015
READ A THIRD TIME THIS	14 TH	DAY OF	AUGUST	, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	6 TH	DAY OF	OCTOBER	, 2015
ADOPTED THIS		DAY OF		, 2015

SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. 152

Schedule 1

Schedule “A” of Hornby Island Land Use Bylaw No. 150 cited as “Hornby Island Land Use Bylaw No. 150, 2014” is amended by:

1. A new Section 9.6 which reads as follows:

“9.6 Development Permit Area No. 6: Riparian Areas - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Riparian Areas development permit area shall apply to the Hornby Island Local Trust Committee for a development permit, unless the proposed activity is otherwise exempted by Section 9.6.2.

9.6.1 Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- a) Subdivision of land;
- b) Construction of, addition to or alteration of a building or other structure;
- c) Alteration of land;
- d) Development as that term is defined in the *Riparian Areas Regulation, BC Fish Protection Act*; and
- e) Installation of any structures within a stream or within the natural boundary of a lake.

INFORMATION NOTE- The installation of a culvert and construction of a driveway access from a Highway is exempt from the requirement to obtain a development permit.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

9.6.2 Exemptions

The following activities are exempt from any requirement for a development permit:

- a) works undertaken by a local government or a body established by a local government;
- b) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- c) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- d) repair or replacement of a septic field on the same spot;
- e) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- f) With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;

- g) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- h) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- i) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- j) ecological restoration or enhancement projects undertaken or authorized by a public body;
- k) changes in or about a stream authorized under Section 9 of the Water Act;
- l) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- m) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection,
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- n) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* and horticulture as defined in the Hornby Island Land Use Bylaw 177;
- o) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;
- p) The construction of a private trail if all of the following apply:
 - i. The trail is 1.0 meter wide or less;
 - ii. No native trees are removed;
 - iii. The surface of the trail is pervious (for example, soil, gravel or wood chips)
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream;
- q) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared; and
- r) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared

- s) Any development more than 8.0 metres from a stream that is a roadside ditch which does not contain instream habitat for fish according to the Stream identification Reports prepared for Hornby Island by Madrone Environmental Services (January 2014) and Mimulus Biological Consultants (March 2012).

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Information Note: Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

9.6.3 Guidelines

Prior to undertaking any development activities within the Riparian Areas DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.
- b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.
- c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.
- f) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."

Top Priorities

Hornby Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
2	Communication Strategy for Revised Official Community Plan and Land Use Bylaw		14-Nov-2014	Rob Milne	
3	Relationship building with Komoks First Nation		12-Feb-2016	Laura Busheikin Tony Law Alex Allen Ann Kjerulf	

**Hornby Island**

Description	Activity	R/Initiated
Review of home occupation regulations to allow the rental of accessory building space to a non-resident of the property for commercial use.		
Review of environmentally sensitive areas OCP map schedule (D2) as a stand alone mapping project or addition to the community profile; and Review community profile by adding further information on environmentally sensitive areas and important habitat and including information in Schedule D2 of OCP.		26-Apr-2013
Establish a community process to review residential density to address community housing needs following the completion of the official community plan and land use bylaw reviews.		07-Jun-2013
Inventory and assessment of beach access and other unopened road allowances		12-Jul-2013
Information and education with respect to the marine environment and shoreline protection		07-Feb-2014
Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation.		
Develop and implement a project to support accessible opportunities for small-scale farming and address farming activities on non-ALR land involving consultation with relevant agencies and review of applicable policies and regulations.		
Conduct a consultative process for the Ford Cove area		
Support collaborative planning process for Public Use area.		27-Mar-2015



Projects

Hornby Island

Description	Activity	R/Initiated
Coastal Douglas Fir and associated ecosystem conservation		12-Feb-2016
Heritage Protection for Ford Orchard and Leaf House		01-Apr-2016
Development Procedures Bylaw	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.	03-Feb-2012
GHG Emissions Reduction	Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.	03-Feb-2012
Review of vacation home rental regulations by 2017		13-Sep-2013

OVERVIEW

The Hornby Island Local Trust Committee (LTC) held a 'Goal Setting Session' on February 27, 2015, facilitated by planning staff. The session took about an hour and comprised the following steps:

1. **Wishlist** - A brainstorming of what the three Trustees hoped to get out of the 2014-2018 term. The trustees completed this step independently using post-it notes and then shared their goals.
2. **What Else?** - A review of the current Top Priorities list, the Projects list, and any external requirements and considerations. The LTC identified certain topics and tasks they agreed should be added to the discussion.
3. **Grouping and Filtering** - Reviewing all the individual goals and additional topics and tasks, similar goals and tasks were grouped. Synergies were also considered.
4. **The Goals List** - The LTC established goals for the term. Some were content-related, some were process-related.

The resulting list of goals for the 2014-2018 term represents the result of an initial conversation this LTC had at the start of their term about shared goals. This list can be referred to over time should the LTC find it useful during the course of their term, and can be further refined.

SUMMARY NOTES FROM FEBRUARY 27, 2015 SESSION

Trustee Responses to "Wish List" Brainstorm

- | | |
|--|---|
| <ul style="list-style-type: none"> • Improve relationships with First Nation • Engage with K'omoks First Nation • Strengthen and maintain relationship with K'omoks First Nation • Encourage more community engagement with LTC issues • Improve 2-way communications with community • Identify communication avenues to engage our community in LTC (IT) • Engage the community in Trust work and issues | <ul style="list-style-type: none"> • Provide information to community on shoreline & marine protection issues • Provide information to community on "building & development" issues and processes • Provide information to community on OCP & LUB & especially on targeted topics in review: housing & economic opportunities • Address discrepancy between "legal" density and multiplicity of "non legal" dwellings providing necessary housing |
|--|---|

- Review communities appetite for secondary suites and dwellings (affordable housing)
- Support affordable & seniors' housing
- Work on GHG issues
- Work with community entities on implementation of GHG emissions reduction & transportation issues
- Facilitate/support planning process for “public use” area of the Islands Trust
- Work with community groups on commercial zoning/planning areas
- Address emerging housekeeping issues eg. Zoning of Anderson Drive wells
- Update administrative bylaws as required
- Conduct consultative planning process for Fords Cove area
- Review Vacation Rental policies and regs in 2017
- Review residential density with community
- Protect groundwater
- Complete RAR compliance
- Support a vibrant, appropriate local economy (“appropriate” means in line with our mandate & supportive of community goals)

“What Else” List:

- Address home occupation use on non-resident lot

Draft Long-Range LTC Goals for the 2014-2018 Term

- Provide centralized info to community on new policies & opportunities, shoreline protection/development & building processes/considerations
- Strengthen relationship with K’omoks First Nation
- Address home occupation use on non-resident lot
- Engage community
- Address housing/density issues
- Explore how to engage with community on achieving GHG emission reduction
- Address “public use area” planning
- Address planning in Ford Cove
- Address Anderson Drive wells zoning
- Become RAR compliant
- Review vacation rental policies in 2017
- Review administrative bylaws

NEXT STEPS

This list can be referred to in amending the LTC Work Program; the Top Priorities and Projects Lists. Weighing potential projects against identified goals can help set priorities.

The LTC can refer to this list of goals throughout the term, especially when projects are completed and a new project can be moved up to the Top Priorities list for staff to begin work on.

Hornby Island LTC Work Program

Suggestions for LTC Discussion

Communication Strategy for Revised Official Community Plan and Land Use Bylaw

Suggested elements:

- Communicate with the community at large about housing opportunities identified in the OCP (and seek input that might inform a process to review residential density)
- Communicate with the community at large about economic opportunities identified in the OCP (especially new home occupation regulations, TUPs, provisions for community trades and services and re-zoning applications)
- Provide information on regulations and best practices with respect to building and land development
- Collaborate with other community organizations to provide information on reducing Greenhouse Gas Emissions
- Provide information on shoreline protection and the marine environment
- Meet with Hornby Island realtors to provide information on regulations and policies.

Prioritization of Issues Identified for Possible Future Projects.

Rank	Description	Type of Project	Comments
1.	Establish a community process to review residential density to address community housing needs following the completion of the official community plan and land use bylaw reviews.	Consultation; Planning; Regulatory changes?	Kick-started by soliciting community feedback on existing housing policies as part of the OCP/LUB Communications Strategy?
2.	GHG Emissions Reduction Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.	Communications	Include as part of the OCP/LUB Communications Strategy?
3.	Review and update 'Building on Hornby Island' brochure and include HPO information.	Communications	Include as part of the OCP/LUB Communications Strategy?
4.	Information and education with respect to the marine environment and shoreline protection	Communications	Include as part of the OCP/LUB Communications Strategy?
5.	Relationship building with K'omoks First Nation including considering content of Official Community Plan as it relates to K'omoks First Nation interests.	External relationship building	Co-ordinate with Denman Island LTC?

6.	Review of Siting and Use Permit Bylaw No. 52 regarding applicability to the construction of secondary suites and cottages and research requirements for proof of adequate water and septic capability.	Regulatory changes (Administrative)	Required follow-up to new OCP/LUB provisions?
7.	Review of vacation home rental regulations by 2017 Sep-13-2013	Review/amend regulations	Bring forward for adding to the work program in 2016
8.	Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation.	Research; Consultation; Planning; Regulatory changes?	Begin with scoping out possible approaches? Re-prioritize in response to expressions of community interest?
9.	Develop and implement a project to support accessible opportunities for small-scale farming and address farming activities on non-ALR land involving consultation with relevant agencies and review of applicable policies and regulations.	Consultation; Planning; Regulatory changes?	Re-prioritize in response to expressions of community interest?
10.	Conduct a consultative process for the Ford Cove area	Consultation; Planning; Regulatory changes?	Re-prioritize in response to expressions of community interest?
11.	Review of home occupation regulations to allow the rental of accessory building space to a non-resident of the property for commercial use.	Review/amend regulations	Re-prioritize in response to expressions of community interest?
12.	Support collaborative planning process for Public Use area.	Consultation, planning	Re-prioritize in response to expressions of community interest?
13.	Development Procedures Bylaw Consider options prepared by staff for amendments to include requirements for posting signs on property with respect to significant applications.		
14.	Inventory and assessment of beach access / unopened road allowances	Research; planning	In collaboration with CVRD and MOTI?
15.	Review of environmentally sensitive areas OCP map schedule (D2) as a stand-alone mapping project or addition to the community profile.	Research; Mapping; Amend OCP? Communications	

Tony Law – 21 September 2015



Islands Trust

Print Date: May 31, 2016

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2016.1	Helliwell & Smith Blue Sky Architecture Planner: Sonja Zupanec	11-Apr-2016	PID: 000-157-503 Construction of house, guest house and garage at 5905 Maclean Road, Hornby Island.
Planning Status			
<u>Status Date:</u>			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2016.3	Dixon Lake Properties Ltd. Planner: Marnie Eggen	01-Feb-2016	PID: 001-034-367 Proposed dance studio/flex space for offspring
Planning Status			
<u>Status Date:</u>			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2016.5	Helliwell & Smith Blue Sky Architecture Planner: Sonja Zupanec	11-Apr-2016	PID: 000-157-503 Construction of house, guest house and garage at 5905 Maclean Road, Hornby Island
Planning Status			
<u>Status Date:</u>			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2016.6	Wade, CHRISTOPHER Planner: Aleksandra Brzozowski	29-Apr-2016	PID: 003-319-211 Adding addition to residence and storage/workshop building. 4970 Sandpiper Road.
Planning Status			

Applications

Status Date:

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2016.7	Osburn/Clarke	29-Apr-2016	PID: 000-134-686 Building one residential dwelling, one storage/pantry building and one garage/shop. Civic address: 2770 Texada Drive, Hornby

Planner: Aleksandra Brzozowski

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2016.8	Helliwell & Smith Blue Sky Architecture	20-May-2016	PID: 000-930-890 Building one residential dwelling at 3030 High Salal Drive, Hornby Island

Planner: Teresa Rittmann

Planning Status

Status Date:

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2013.1	Zaharko Land Surveying Inc.	13-Jun-2013	4115 Roburn Road, Hornby Island 2 lot subdivision, Section 946 Local Government Act

Planner: Marnie Eggen

Planning Status

Status Date: 04-May-2016
covenant ready for signature

Status Date: 08-Jan-2016
Staff reviewing draft covenant.

Status Date: 31-Aug-2015
HO-DVP-2013.2 issued.

**Applications**

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2014.1	Mason, Peter	02-Jul-2014	To create 2 parcels under sec. 946

Planner: Teresa Rittemann**Planning Status****Status Date:** 26-May-2016

No change in status

Status Date: 03-Feb-2015

File remains on Hold. No change in status.

Status Date: 15-Oct-2014

MOTI issued a PLNA on Oct. 15, 2014. If applicant has not resolved issues within a year, MOTI will close file. Follow up with MOTI after one year for next steps.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2016.1	BLANCHARD, EVELYN	23-Feb-2016	PID: 000-000-604 Creating two lots from one

Planner: Lisa Webster-Gibson**Planning Status****Status Date:**

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2016.2	GROND, HELEN	09-Mar-2016	PID: 028-464-095 Lot 1, Section 12, Hornby Island PID: 018-755-801 Lot B, Section 12, Hornby Island Subdividing two lots into three

Planner: Rob Milne**Planning Status****Status Date:** 31-Mar-2016

Referral response completed and sent to MOTI, applicant and HOLTC. Proposed subdivision does not comply with HO LUB regulations.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2016.3	WISEMAN, DAVID	04-Apr-2016	PID: 028-737-245 Two lot subdivision on 5020 Fowler Road, Hornby Island

Planner: Marnie Eggen

Applications

Planning Status

Status Date: 04-May-2016

planner reviewing

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2016.4	MCCARTY, TIM	04-May-2016	PID:001-383-663 Three lot subdivision. 3805 Euston Road, Hornby Island.

Planner: Aleksandra Brzozowski

Planning Status

Status Date:

Islands Trust
 LTC EXP SUMMARY REPORT F2016
 Invoices posted to Month ending March 2016

635 Hornby	Invoices posted to Month ending March 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	750.00	609.38	140.62
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,500.00	2,541.83	-41.83
65210-635	LTC - Local Exp - APC Meeting Expenses	750.00	157.54	592.46
65220-635	LTC - Local Exp - Communications	300.00	856.29	-556.29
65230-635	LTC - Local Exp - Special Projects	750.00	1,087.02	-337.02
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>4,642.68</u>	<u>-342.68</u>
Projects				
73001-635-3009	Hornby RAR	2,500.00	859.41	1,640.59
TOTAL Project Expenses		<u>2,500.00</u>	<u>859.41</u>	<u>1,640.59</u>

Hornby Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	November 22, 2013	HO-O43-2013.	Enforcement Actions related to rentals of Accessory buildings by non-residents	It was MOVED and SECONDED, 1. that whereas the Land Use Bylaw and Official Community Plan for the Hornby Island Local Trust area are currently undergoing a community review process which amongst other items includes a review of home occupation AND THAT whereas neither document addresses the rental of accessory buildings for non-commercial use it is resolved that enforcement actions related to the rental of accessory buildings shall be considered to be a low priority; 2. that nothing in this enforcement policy should be interpreted as giving permission to any party to violate the Land Use Bylaw and the Hornby Island Trust Committee may change this policy at any time and may give direction to commence enforcement activities without notice; and 3. that unless the Hornby Island Local Trust Committee extends the effective period on this enforcement policy it expires on September 30, 2014 or when the Land Use Bylaw and Official Community Plan review is complete, whichever is the sooner.
2.	September 19, 2014	HO-IC-2014-001	Amend Expiration date of Resolution No. HO-043-2013	During Rise and Report in the regular business meeting Chair Graham reported the following resolution: HO-IC-2014-001 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee amend the expiration date of Resolution No. HO-043-2013 to September 30, 2015.
3.	October 2, 2015	HO-IC-2015-003	Amend Expiration date of Amending Resolution No. HO-IC-2014.001	During Rise and Report in the regular business meeting Chair Busheikin reported the following amendment to resolution HO-IC-2014.001: HO-IC-2015-003 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee amend the expiration date of Resolution HO-IC-2014-001 to March 31, 2016.
4.	February 12, 2016	HO-2016-010	Amend Expiration date of Amending Resolution No. HO-IC-2014.001	HO-2016-0010 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee amend the expiration date of Resolution HO-IC-2014.001 to September 30, 2016.

Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality

Important deadline! Fairy Slipper Forest Campaign – Thetis Island

June second is an important deadline for the campaign to purchase 40 acres of forest, creating Thetis Island's first publicly accessible nature reserve. Half the total cost of \$560,000 needs to be raised by this date. To help meet this important fundraising goal, an anonymous donor is matching funds, to a maximum of \$40,000, until the deadline. Donations can be made through the [Islands Trust Fund \(ITF\)](#) website. Media packages are available upon request from the ITF Communications and Fundraising Specialist for promotions.

Appointed Board Members – Vacancies

Three of the six members of the Trust Fund Board (TFB) are appointed by the Province. The term of former member Julie Glover has concluded (Dec. 2015) and the provincial Board Resourcing and Development Office recently concluded its advertising of this vacancy. The term of member Dereck Atha ends in June and applications for this position are now being accepted through the [Board Resourcing and Development Office](#). Please inform individuals you know who might have the knowledge, experience and interest to serve on TFB.

Land Securement Strategy

The Islands Trust Strategic Plan includes a strategy for TFB to "Protect high biodiversity areas identified in TFB's Regional Conservation Plan" by "developing a land conservation strategy to protect high biodiversity areas (e.g. Coastal Douglas-fir)". Most of our protected land has come about opportunistically as a result of landowners and organizations coming to us (albeit with prior relationship-building in many cases). Another approach, used successfully by other land conservancies, is to focus on areas with high biodiversity and approach landowners to explore voluntary conservation options that might work for them. This requires careful and sensitive planning. TFB has approved the project charter for developing a securement strategy to implement such an approach.

Conservation Tax Incentive Program

The Islands Trust Strategic Plan also identifies the Trust Fund Board will support efforts to expand a conservation tax exemption program to the rest of British Columbia. The TFB Chair has written an open letter of support outlining the success of NAPTEP in support of a province-wide program.

Long Term Funding

The Trust Fund Board has reviewed the considerable work carried out over the years to develop a Long Term Funding Initiative and discussed this in the current context. The Chair hopes to provide a brief report at the June Trust Council meeting and is happy to discuss this issue in more depth with individual trustees.

Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality

Planned Giving

The Board reviewed and discussed ITF's approach to encouraging and enabling planned, or legacy, gifts. Two recent prime examples are legacies that have established the Morrison Waxler Biodiversity Protection Legacy Fund (\$20,000) and the Gambier Island Acquisition Fund (\$115,000). Crystal Oberg, ITF's new Communications and Fundraising Specialist, will attend an upcoming professional development opportunity to enhance this part of our work. Check out the "[Gift and Estate Planning](#)" page on our website.

Budget

Preliminary figures show that the Islands Trust Fund's 2015-16 expenses came in under budget. The 2016-17 budget is essentially unchanged. The budget includes provision for responding to emerging and time-sensitive conservation proposals and property management issues.

Property Management

Here is a summary of current property management activities:

Bowen -	New management contract for Fairy Fen Nature Reserve; revision of management plan for Singing Woods Nature Reserve
Denman -	Restoration and signage at Inner Island; restoration and tree planting at Lindsay Dickson Nature Reserve; trail development and maintenance at Morrison Marsh Nature Reserve
Gabriola -	Management Plan for Burren's Acres Nature Reserve; boardwalk repair; trail maintenance and root protection work at Elder Cedar Nature Reserve
Lasqueti -	Monitoring of restoration and possible trespass at Mount Trematon Nature Reserve; revision of management plan for Kwel Nature Sanctuary
N. Pender -	Interpretive panels at Medicine Beach Nature Reserve
Salt Spring -	Revision of management plan for Cyril Cunningham Nature Reserve.

Annual monitoring of properties and covenants across the Trust Area will be completed by July 15, 2016.

Trail Proposal for the Lindsay Dickson Nature Reserve –Denman Island

After onsite meetings and consultation with our property managers, the Trust Fund Board has agreed to allow an old logging road across one corner of the reserve, which already supports public use, to be part of the Denman cross-island trail. However, the board does not support the development of an unopened road access alongside the nature reserve because of the additional disturbance it could bring to the reserve.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.