

Hornby Island Local Trust Committee

Regular Meeting Agenda

Date: October 2, 2015
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	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	11:35 AM - 11:50 AM	
4.	COMMUNITY INFORMATION MEETING		
5.	PUBLIC HEARING - none		
6.	MINUTES	11:50 AM - 12:00 PM	
6.1	Local Trust Committee Special Meeting Minutes dated August 31, 2015 - for Adoption		3 - 7
6.2	Local Trust Committee Minutes dated August 14, 2015 - for Adoption		8 - 18
6.3	Local Trust Committee Public Hearing Record dated August 14, 2015 - for receipt		19 - 22
6.4	Section 26 Resolutions-without-meeting - none		
6.5	Advisory Planning Commission Minutes - none		
7.	BUSINESS ARISING FROM MINUTES	12:00 PM - 12:15 PM	
7.1	Follow-up Action List dated September 21, 2015		23 - 24
7.2	Boat Ramp - verbal update		
8.	DELEGATIONS		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
9.1	Letter dated August 11, 2015 from Minister Todd Stone re: BC Ferries and Hornby Island		25 - 26
	Late item deferred from August 14, 2015 meeting		

9.2	Email dated September 15, 2015 from Joanne Wyvill regarding Hornby Island Provincial Parks Committee (HIPPC) Appointee	27 - 27
10.	APPLICATIONS AND REFERRALS	12:15 PM - 12:25 PM
10.1	HO-SUB-2013.1 Heinegg and Chalfin regarding Section 946 Covenant Cost Recovery	
10.1.1	<u>Memorandum dated September 18, 2015</u>	28 - 40
11.	BREAK	12:25 PM - 12:40 PM
12.	LOCAL TRUST COMMITTEE PROJECTS	12:40 PM - 2:15 PM
12.1	Communication Strategy for Revised Official Community Plan and Land Use Bylaw	
12.1.1	<u>Submission from Trustee Law</u>	41 - 42
12.2	Local Trust Committee Work Program and Project Prioritization	
13.	REPORTS	2:15 PM - 2:30 PM
13.1	Work Program	
13.1.1	<u>Top Priorities Report dated September 21, 2015</u>	43 - 43
13.1.2	<u>Projects List Report dated September 21, 2015</u>	44 - 45
13.2	Applications Report dated September 21, 2015	46 - 46
13.3	Trustee and Local Expense Report August, 2015	47 - 47
13.4	Adopted Policies and Standing Resolutions	48 - 48
13.5	Local Trust Committee Webpage	
13.6	Chair's Report	
13.7	Trustee Reports	
13.8	Electoral Area Director's Report	
13.9	Trust Fund Board Report dated August, 2015	49 - 49
14.	NEW BUSINESS	
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for November 20, 2015 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC	
16.	TOWNHALL	2:30 PM - 2:45 PM
17.	CLOSED MEETING - none	
18.	ADJOURNMENT	2:45 PM - 2:45 PM

Hornby Island Local Trust Committee Minutes of Special Meeting

Date: August 31, 2015
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
Katherine Vogt, Recorder

Media and Others Present Approximately 15 members of the public were in attendance

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:30am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She welcomed the public and introduced herself, Trustees, Island Planner and Recorder.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- That the Town Hall Discussion be moved to the front of the agenda
- That the discussion on Float Planes precede the discussion on the Proposed Ford Cove Harbour Marina Expansion
- That late correspondence from John Cooper be added to the Float Planes discussion as 4.2.1
- That the Staff Report: Riparian Areas Regulation Implementation be added as a final item 4.6
- That the Agenda be renumbered to reflect this reordering

By general consent the agenda was adopted as amended.

3. TOWN HALL DISCUSSION

Michelle Easterly of 4150 Channel Road on Hornby Island acknowledged that her residence and bed and breakfast business were located near to both the float plane landing site and the boat ramp. She expressed concern that the present float plane landing area was rocky, which created a falling hazard for customers getting on and off the planes. Also, customers had to pass over private property to access the float planes. Noise disturbance from the float planes was exacerbated by unscheduled landings and take-offs. These issues could be mitigated by a dedicated Float Plane area at Ford Cove.

The present state of disrepair of the boat ramp was also of concern; in particular, unsafe re-bar and overhanging tree branches impinging on sailboats and parked cars. A boat ramp should be workable for motorized vessels as well as sailboats

Mike Pedneault of 5225 Riken Road on Hornby Island acknowledged that he had resided on the island since 1993 and had used the boat ramp frequently. He noted that in the past, the boat ramp had been used by B.C. Ferries to haul various cargo to the island and that the Highways Department had used it to haul gravel and other aggregates. He thought it would take a minimal amount of money to make the present boat ramp, located on crown land, more functional and safe. There should be a float built alongside the ramp for boats. A dedicated committee could be created for these improvement projects. He offered to volunteer his experience as a community planner to be part of some sort of solution.

Rich Ward of 6490 Anderson Drive expressed that the present Hornby Boat ramp was one of the most dangerous of any on the B.C. Coast because of re-bar and overhead tree branches. He thought a better place for a ramp might be at the Clamshell Place beach access where boats could be easily launched at high tide.

John McGloughlin of 4000 Parnell Road on Hornby Island expressed that the most important reason for having a good boat launch on the island was for emergency disaster preparedness. He thought the present boat ramp was unsafe, especially the re-bar.

4. NEW BUSINESS

4.1 Staff Report for discussion of Fire Hall Project Development

Planner Milne provided background information regarding the staff report. He advised that Steve Carballeira from H2O Environmental Ltd. of Denman Island, was present to address any questions regarding his report entitled "Hydrology Assessment: Hornby Island Fire Hall" included as attachment 4 to the staff report.

HO-2015-072

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to issue Development Permit HO-DP-2015.1 for Crown Lands held under tenure by the Comox Valley Regional District under License No. 114434 described as That part of the remainder of NW1/4, Section 11, Hornby Island, Nanaimo District, containing 1.0 hectares, more or less.

CARRIED

Planner Milne noted that it was not required to notify neighbors of development permits but that this information could be presented on the Hornby Island Web Page.

4.2 Float Planes

4.2.1 Email Correspondence from John Cooper dated August 29, 2015 regarding seaplanes at Shingle Spit

There was some discussion that every other Gulf Island except Hornby Island had docks with arrangements for float planes and that the float plane issue was linked to the boat ramp issue. Increasing float plane traffic was creating noise and safety problems. The two possible sites for a float plane area were Ford's Cove or the B.C. Ferries ramp area.

4.3 Boat Ramp

Trustees requested that staff provide an outline of the steps needed to be taken before approaching the Ministry of Transportation and the Comox Valley Regional District (CVRD) with a proposal for a volunteer managed boat ramp, similar to the Bill Mee Boat Ramp on Denman Island. The upcoming October 15, 2015 joint CVRD/Islands Trust meeting was suggested as an appropriate time to raise this issue.

4.4 Proposed Ford Cove Harbour Marina Expansion

Trustees discussed issues around minimizing visual impacts, respecting eel grass areas, concerns about parking congestion, desalinization, boat launch and float plane provision, toilet facilities and sewage treatment.

Planner Milne stated that the proposal to include float plane facilities tied into the concept of net community benefits from the proposed redevelopment which would not contradict the Official Community Plan or Land Use Bylaws. He noted that the road to Ford Cove was presently designated a heritage road and increased traffic volumes could require improvements which might conflict with that designation.

Ron Tuele, of 3975 Slade Road, Hornby Island; Vice President of the Board for Ford Cove Marina, spoke on the expansion proposal. He noted that the possibility of float plane access at Ford Cove could be put on the agenda for the next board meeting, but that a boat launch could never be realized because of a lack of space for trailer parking. All parking spaces at Ford Cove came under Department of Highways jurisdiction. A desalinization project to bring running water to Ford Cove was part of a ten year long term plan, but a sewage treatment plant at the site was not possible due to Department of Fisheries and Oceans (DFO) constraints. A biophysical survey team had been contracted to survey the Ford Cove site as part of the federal environmental permit requirements for federal approval of the Ford Cove expansion plans.

HO-2015-073

It was MOVED and SECONDED,

that the chair of the Hornby Island Local Trust Committee be requested to write a letter of support regarding the proposed improvements and expansions at Ford's Cove Harbour referencing the relevant Official Community Plan Policy.

CARRIED

HO-2015-074

It was MOVED and SECONDED,

that the Chair of the Hornby Island Local Trust Committee be requested to write to the board of the Ford's Cove Harbour Authority encouraging consideration of providing docking facilities for float planes at Ford's Cove Harbour.

CARRIED

It was requested by trustees that planning staff advance the Ford Cove issue so that it was a priority at subsequent meetings:

- that they check with the Bylaw Enforcement Officer on whether there had been any formal complaints raised against Ford Cove Harbour; and
- that they request that parking issues be added to the agenda of the upcoming CVRD/Islands Trust meeting.

Chair Busheikin called a ten minute recess at 1:00 pm.

The meeting was reconvened at 1:13 pm with one member of the public present.

4.5 Climate Change Leadership

It was suggested by Trustee Law that any letters from the Chair of the Hornby Island Local Trust Committee be posted to the Hornby Island Website.

4.6 Riparian Areas Regulation Implementation – Staff Report

HO-2015-075

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee confirms that Bylaw No. 151 cited as “Hornby Island Official Community Plan Bylaw 149, 2014, Amendment No. 1, 2015” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

HO-2015-076

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee confirms that Bylaw No. 152 cited as “Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

5. ADJOURNMENT

By general consent the meeting was adjourned at 1:18 pm.

Laura Busheikin, Chair

Certified Correct:

Katherine Vogt, Recorder



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: August 14, 2015
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 Approximately seventeen (17) members of the public - am
 Approximately six (6) members of the public - pm

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:32 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She welcomed the public and introduced herself, Trustees, Island Planner and Recorder.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 9.1 Letter dated August 11, 2015 from Minister Todd Stone re: BC Ferries and Hornby Island
- 9.2 Letter dated August 11, 2015 from John Grayson, Hornby Island Estate Winery and Farm re: Hornby Island Land Use Bylaw No. 150 (proposed)
- 9.3 Email dated August 9, 2015 from Bernhard Weiss re: Decontamination of Fire Fighting Gear and Apparatus and RAR
- 12.9 Trust Fund Board Verbal Report
- 13.1 Climate Change Leadership
- 13.2 Letter dated August 11, 2015 from T. Ian Smith, Comox Valley Regional District (CVRD) re: Hornby Fire Hall Project Development Permit

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Mary MacKenzie, speaking on behalf of Hornby Water Stewardship, noted that the Hornby Island watershed, groundwater and storage, including the collection of rainwater, needs to be acknowledged as the island's infrastructure/system for water distribution in order to apply for funding for protection and to develop above-ground storage. She requested that the Trust promote and enable rainwater collection and storage in the Trust area and create a policy of subsidy and enforcement that includes a position that no development permit be issued without a water harvesting plan.

Ellen Leslie, speaking on behalf of Hornby Water Stewardship, acknowledged the importance of research and up-to-date information on all aspects of water resources and asked that the Trust support the gathering of information to be used in planning decisions regarding water quantity and quality.

Trustees noted several avenues that the Local Trust Committee (LTC) will be considering to address this issue including the review of approaches to ground water protection and water conservation, currently on the Projects List, discussion of water in the Strategic Planning process, and potentially through advocacy efforts involving the provincial Climate Change Leadership Discussion Paper.

4. COMMUNITY INFORMATION MEETING – none

5. PUBLIC HEARING

5.1 Recess for Public Hearing

5.1.1 Bylaw Nos. 150, 151 and 152

By general consent the meeting was recessed at 11:45 am to conduct a Public Hearing on Bylaw Nos. 150, 151 and 152.

5.2 Recall to Order

By general consent the meeting was recalled to order at 12:37 pm.

By general consent agenda item 10.1 was moved to follow 5.2.

10. APPLICATIONS AND REFERRALS

10.1 HO-DVP-2013.2 (Heinegg & Chalfin - 4115 Roburn Road)

10.1.1 Staff Report dated July 8, 2015

Planner Milne presented the Staff Report which addresses the application to vary the Land Use Bylaw (LUB) Section 3.12 that requires that no lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line. He reported that there have been no comments received as a result of the notice provided to adjacent property owners.

Trustees discussed the access and proposed subdivision process and supported the application to issue the Development Variance Permit.

HO-2015-054

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee issue the Development Variance Permit HO-DVP-2013.2 (Heinegg & Chalfin) that authorizes the creation of a subdivision such that the front lot line of the proposed remainder lot may be less than one-third the length of its longest side lot line, located on Lot 5, Section 11, Hornby Island, Nanaimo District, Plan 28020; PID 003-241-807, in accordance with Schedule "A" attached to and forming part of the permit.

CARRIED

6. MINUTES

6.1 Local Trust Committee Minutes dated July 17, 2015 for Adoption

The following amendments to the minutes were presented for consideration:

page 5, item 12.1.2, third paragraph, fifth line: add a comma after "consider"
page 11, item 13.7, second paragraph, sixth line: add "members" after "LTC"

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report dated August 4, 2015

Received.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated August 4, 2015

Planner Milne summarized the Follow-up Action List and provided updates for information.

8. DELEGATIONS – none

9. CORRESPONDENCE

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

9.1 Letter dated August 11, 2015 from Minister Todd Stone re: BC Ferries and Hornby Island

The LTC requested that this item be deferred to the next regular business meeting for consideration.

9.2 Letter dated August 11, 2015 from John Grayson, Hornby Island Estate Winery and Farm re: Hornby Island Land Use Bylaw No. 150 (proposed)

Received.

9.3 Email dated August 9, 2015 from Bernhard Weiss re: Decontamination of Fire Fighting Gear and Apparatus and RAR

Trustees received the email and noted that this correspondence will be taken into account with the Fire Hall project Development Permit application; and it was suggested that by that time, staff may have followed up with CVRD for response on some of the issues raised.

By general consent the meeting was recessed at 12:51 pm and reconvened at 1:20 pm.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Bylaw No. 149

Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014" - for consideration of third reading, submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval.

Planner Milne indicated that the LTC is in a position to move forward with Bylaw No. 149 if desired.

HO-2015-055

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee give third reading to Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014."

CARRIED

Before the vote Trustee Law spoke to the motion, declaring that he is pleased to have the bylaw reach this stage and although he is not entirely comfortable with the wording of the Information Note requested by the Ministry, he recognized that it is not substantive in content, and hopes that the bylaw will receive Ministerial approval.

HO-2015-056

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee submit Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014" to the Executive Committee and Minister of Community, Sport and Cultural Development for approval.

CARRIED

11.2 Bylaw No. 150

Bylaw No. 150 cited as "Hornby Island Land Use Bylaw No. 150, 2014" - for consideration of third reading and submission to Executive Committee for approval.

Trustee Allen declared a potential conflict of interest due to his employment as Manager of the Co-op Gas Bar and left the meeting at 1:25 pm.

Planner Milne identified two issues that arose in the Public Hearing that the LTC might consider at this time. There was discussion of the items with the following key points noted:

Definition of Hostel

- The proposed definition was compared to the definition existing in LUB No. 86 and Trustees gave consideration to concerns expressed at the Public Hearing that the new definition is viewed as potentially permitting a commercial operation operating as a hotel;
- Trustees acknowledged that hostel use is supported in the Official Community Plan (OCP) and is being added to the draft LUB to correct an inadvertent omission; and
- Trustees considered fine tuning the wording and recognized that a minor change in the definition could be accomplished without further public consultation.

HO-2015-057

It was MOVED and SECONDED,

that proposed Bylaw No. 150 be amended by removing the existing definition of hostel and replacing it with the following wording: "hostel means a building that contains shared sleeping units and common facilities for cooking, eating and washing in order to provide temporary accommodation for persons such as summer workers and displaced residents."

CARRIED

Before the vote, Trustee Law spoke to the motion, noting that this represents a minor change for a use supported through previous community processes and responds to concerns heard at the Public Hearing.

3.6 Home Occupation Regulations-Prohibited Uses (1) (f)

- A resident has requested that this regulation be eliminated, believing that it is prejudicial and places a limitation on the use of his non-Agricultural Land Reserve (ALR) land;
- Planner Milne noted that a change in this regulation would be significant and would require a Public Hearing for public consultation. He provided an estimated timeline for this possibility;
- Trustees recognized that this regulation has been included to make the LUB congruent with uses permitted by the Agricultural Land Commission and recalled that in previous community consultation there had been concern regarding allowing winery lounges in residentially-zoned neighbourhoods;
- There is more than one winery on non-ALR land on Hornby Island with neighbourhoods that would be affected by a change in this regulation;
- Trustees were not in favour of holding an additional Public Hearing for the purpose of deleting the regulation. Suggestions for alternative approaches for the property owner to pursue were discussed and

included application for a site-specific rezoning or application for inclusion into the ALR; and

- Trustees suggested that consideration might be given to adding “farm uses on non-agriculturally zoned land” to the Projects List for future attention.

A Trustee remarked that there were supportive comments heard at the Public Hearing regarding the proposed removal of references to liquor sales in the LUB, and that it was recognized that other government processes that regulate liquor licensing would provide opportunity for community consultation.

HO-2015-058

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee give third reading to Bylaw No. 150 cited as “Hornby Island Land Use Bylaw No. 150, 2014”.

CARRIED

HO-2015-059

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee submit Bylaw No. 150 cited as “Hornby Island Land Use Bylaw No. 150, 2014” to Executive Committee for approval.

CARRIED

11.3 Bylaw No. 151 and Bylaw No. 152

Bylaw No. 151 cited as “Hornby Island Official Community Plan (Hornby Island) Bylaw 149, 2014, Amendment No. 1, 2015” - for consideration of third reading and submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval.

Bylaw No. 152 cited as “Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015” - for consideration of third reading and submission to Executive Committee for approval.

Trustee Allen returned to the meeting at 1:55 pm.

Planner Milne observed that there were misunderstandings expressed at the Public Hearing by community members about Riparian Area Regulation (RAR) and he did not believe an amendment to the bylaws was necessary. He remarked that there had been justification to further reduce the setback from ditches at the last meeting to address some of the community concerns.

Trustees considered possible approaches to take concerning the ditches and how they should be addressed in the RAR bylaw:

- A Trustee declared that while he strongly supports protection of riparian areas, he considered that the report received by a community member that assessed a 2-metre Streamside Protection and Enhancement Area (SPEA) setback for the non-fish bearing stream on the side of Central Road closer to Beulah Creek could provide justification for a further reduction in the bylaw requirement for ditches in that area; and

- A Trustee was of the view that a third-party report should be conducted on the Central Road area ditches affected by RAR to resolve the question; however, agreed that this approach would entail significant time and funding.

Trustees agreed that the level of voluntary compliance with the regulations may be low if they are considered to be unreasonable while affirming that the LTC has a responsibility to honour the intent of RAR. Discussion followed on further reducing the development permit area width from 15 to 8 metres from a stream that is a roadside ditch which does not contain in-stream habitat for fish.

HO-2015-060

It was MOVED and SECONDED,

that proposed Bylaw No. 152 be amended by making the following change in exemption s): deleting 15 metres and replacing it with 8 metres.

CARRIED

Prior to the vote, Trustee Law spoke to the motion, remarking that his decision was informed by the report, created by a professional biologist and brought to the LTC's attention, that assessed a 2-metre SPEA setback on a non-fish bearing stream closer to Beulah Creek. He noted that the 8-metre distance established is a significant margin beyond that determined in the report.

Prior to the vote, Trustee Allen agreed that this is a reasonable approach and can be re-evaluated in the future if conditions warrant.

HO-2015-061

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee give third reading to Bylaw No. 151 cited as "Hornby Island Official Community Plan Bylaw 149, 2014, Amendment No. 1, 2015".

CARRIED

HO-2015-062

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee give third reading to Bylaw No. 152 cited as "Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015" as amended.

CARRIED

HO-2015-063

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee submit Bylaw No. 151 cited as "Hornby Island Official Community Plan Bylaw 149, 2014, Amendment No. 1, 2015" to the Executive Committee and Minister of Community, Sport and Cultural Development for approval.

CARRIED

HO-2015-064

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee submit Bylaw No. 152 cited as “Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015” to the Executive Committee for approval.

CARRIED

Trustee Law expressed his gratitude for the work done by staff on this project, including the conducting of community consultation meetings. He observed that RAR has been a difficult issue mandated by the provincial government, and he appreciated the input provided by the community which presented the opportunity for him to consider the issues more deeply.

12. REPORTS

12.1 Work Program

12.1.1 Top Priorities Report dated August 4, 2015

Trustees reviewed the report. They recognized the potential to initiate new priorities and discussed possible options.

HO-2015-065

It was MOVED and SECONDED,

that the Top Priorities be amended by removing item 3 “Appointments to the Advisory Planning Commission” and adding “Communication Strategy for Revised Official Community Plan and Land Use Bylaw”.

CARRIED

HO-2015-066

It was MOVED and SECONDED,

that the Projects List be amended by deleting “Communication Strategy for Revised OCP and LUB” and adding “Appointments to the APC”.

CARRIED

HO-2015-067

It was MOVED and SECONDED,

that the Projects List be amended by adding the words “and address farming activities on non-ALR land” after the words “opportunities for small-scale farming”.

CARRIED

HO-2015-068

It was MOVED and SECONDED,

that staff be requested to write to Mr. John Grayson to convey the Local Trust Committee’s decision, with respect to the issues raised in his letter regarding winery lounges on non-Agricultural Land Reserve land, to outline opportunities for him to address this and to convey that the Local Trust Committee has added an item to its Projects List to consider how to address farming activities on non-ALR land.

CARRIED

12.1.2 Projects List Report August 4, 2015

Trustees reviewed the Projects List.

HO-2015-069

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend “Review of Siting and Use Permit Bylaw No. 52...” to read “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 capacity”.

CARRIED

12.2 Applications Report dated August 4, 2015

Planner Milne presented the report and provided updates.

12.3 Trustee and Local Expense Report dated July, 2015

Received.

12.4 Adopted Policies and Standing Resolutions

Trustees reviewed the report and observed that Resolution HO-043-2013 will be expiring on September 30, 2015 and indicated that this may be an item for consideration at the next business meeting.

12.5 Local Trust Committee Webpage

Trustees requested that the Hornby Island webpage be updated to reflect the current Top Priorities and Projects List.

12.6 Chair's Report

Chair Busheikin reported on matters being addressed at Executive Committee including the Strategic Plan and status of the Chief Administrative Officer hiring process. She reminded Trustees that late New Business items for the Trust Council meeting are discouraged unless urgent; and advised that working with staff on items for inclusion at this time would be preferable. She provided an update on the Office Relocation Review and will keep Trustees informed on the progress.

In response to an inquiry from a Trustee, Chair Busheikin advised that Trustees may participate at Executive Committee meetings when bylaws are being discussed.

12.7 Trustee Reports

Trustee Allen reported that the Ferry Advisory Committee will be discussing topics including level of service and options at their next meeting.

Trustee Law remarked that he attended a meeting with a representative from Fords Cove Harbour Authority and reported that they are planning for a significant expansion of the harbour and will be seeking the support of the LTC. He noted that this issue may include discussion of location for float planes. He advised that he has spoken to BC Parks regarding the property for sale adjacent to Tribune Bay and, given their response and the importance of that property, the LTC may want to encourage other entities that might have options in order to provide protective measures.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report

Trustee Law provided an update on Trust Fund Board (TFB) activities, reporting that a covenant has now been signed for protection of a property in the south of Pender Island, a meeting was held with the Qualicum First Nation and that the relationship building process is ongoing. He noted that the Thetis Island acquisition has moved into the second stage and that the TFB did a realtor outreach on Pender Island that was successful. He remarked that contact has been made with Nature Conservancy of Canada to consider protection options for Grace Islet and that a major trespass situation on Lasquiti Island is being addressed. He noted that the Coastal Douglas Fir Conservation Strategy work is ongoing.

13. NEW BUSINESS

13.1 Climate Change Leadership

Trustee Law reported that there is an opportunity to provide input into British Columbia's Climate Change Leadership Discussion Paper with goals and objectives to respond to climate change. He suggested that the LTC might provide a written submission with reference to policies in the Hornby Island OCP that relate to the goals and objectives of the discussion paper in order to advance advocacy in those areas. Trustees agreed that participation in this initiative would be worthwhile.

HO-2015-070

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

that the Hornby Island Local Trust Committee requests the Chair to provide a written submission to the Province of British Columbia's Climate Change Leadership Discussion Paper, with particular reference to policies in the Hornby Island Official Community Plan that relate to the goals and objectives of the Discussion Paper.

CARRIED

Trustee Law offered to draft the letter and Chair Busheikin suggested that the letter be copied to Lisa Gordon, Trust Area Services.

13.2 Letter dated August 11, 2015 from T. Ian Smith, Comox Valley Regional District (CVRD) re: Hornby Fire Hall Project Development Permit

Planner Milne provided an overview of the Hornby Fire Hall project and their request for a Special LTC Meeting to expedite the consideration of the CVRD's Development Permit application. Trustees suggested that other business might be conducted at a Special Meeting as well, such as the discussion of Fords Cove Harbour Authority's possible expansion of the harbour. Discussion followed on date and time for the meeting with the venue yet to be determined.

HO-2015-071

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee hold a Special Meeting on August 31, 2015 at 11:30 am.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for October 2, 2015 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC

Trustees confirmed that the next regular business meeting is scheduled for October 2, 2015 at 11:30 am.

In addition, a Special Meeting has been scheduled for August 31, 2015 at 11:30 am with the venue to be determined.

15. TOWNHALL - none

16. CLOSED MEETING - none

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:18 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder



Hornby Island Local Trust Committee Public Hearing Record

REGARDING PROPOSED BYLAW NO. 150 CITED AS “HORNBY ISLAND LAND USE BYLAW NO. 150, 2014”, BYLAW NO. 151 CITED AS “HORNBY ISLAND OFFICIAL COMMUNITY PLAN BYLAW 149, 2014, AMENDMENT NO. 1, 2015” AND BYLAW NO. 152 CITED AS “HORNBY ISLAND LAND USE BYLAW 150, 2014, AMENDMENT NO. 1, 2015”

DATE OF PUBLIC HEARING: Friday, August 14, 2015

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: Approximately seventeen (17) members of the public

1. CALL TO ORDER

Chair Busheikin called the Public Hearing to order at 11:45 am. She explained the purpose of the Public Hearing and read the Chairperson's Opening Statement.

2. PROPOSED BYLAW NOS. 150, 151 and 152

Chair Busheikin explained that the Public Hearing would be conducted in two sections: first addressing proposed Bylaw No. 150 and then proposed Bylaw Nos. 151 and 152. Planner Milne pointed out the location of the Public Hearing reference binder, copies of the bylaws for public perusal and location of the Public Hearing submission box.

Trustee Allen declared a potential conflict of interest due to his employment as Manager of the Co-op Gas Bar and left the meeting at 11:47 am.

Proposed Bylaw No. 150

Chair Busheikin opened the floor for public comments on proposed Bylaw No. 150.

George Buvyer, 4740 Porpoise Crescent – expressed his view that the proposed definition of hostel might allow operation as a hotel.

Renaldo Cruz, 10825 Central Road – objected to the proposed definition of hostel, as individual sleeping unit and facilities for cooking, eating and washing are all generally provided in a hotel, however, are shared in a hostel.

Jeff Bishop, Seabreeze Lodge 5205 Fowler Road – objected to the proposed definition of hostel, expressing his concern that this will allow for-profit situations on public property financed by taxpayers and that commercial businesses will strongly oppose this situation.

Mary MacKenzie, 5775 Central Road – stated that Hornby Water Stewardship supports regulation 8.18. She requested clarification of this provision of the bylaw regarding zoning and what Temporary Use Permits (TUPs) will allow.

Planner Milne clarified that the authority of the Local Trust Committee (LTC) in this regard is outlined in regulation 8.18, with anything beyond that becoming provincial jurisdiction. He explained that TUPs can request a variety of things and are reviewed individually within the context of the zoning and community concerns, noting that TUPs do require public notification.

John Grayson, Hornby Island Estate Winery and Farm, 7000 Anderson Drive – expressed his opposition to section 3.6 (f) which excludes the ability for a winery to have a lounge if the farmland is not on Agricultural Land Reserve land. He outlined his opinion that this section ignores directives within the Official Community Plan and appears to be prejudicial. He referenced the letter he submitted that is on the LTC's meeting agenda. He requested that provision 3.6 (f) be deleted or changed so that this winery is not placed at a disadvantage.

Brian Bishop, 10000 Central Road – objected generally to the operation of hostels on Hornby and specifically to taxpayers' funding of this type of possible for-profit business. He stated that commercial concerns should be made aware that this would be a possibility on Hornby Island.

George Bouvyer, 4740 Porpoise Crescent – supported the removal of references to liquor sales in the bylaw as he does not consider regulating what a commercial outlet can sell to be appropriate and feels comfortable in this case as it would require licensing from an authority outside of Islands Trust.

Karen Ross, 3895 Shingle Spit Road – expressed her support for the statements by John Grayson and George Bouvyer.

Carol Quin, 4950 Seawright – expressed support for removing references to sale of liquor at retail operations. She commented that the proposed definition of hostel could be considered as a hotel and suggested that it should be defined to indicate that the correct zoning is in place before permitting the use.

Renaldo Cruz, 10825 Central Road – shared his view that a hostel should be zoned as commercial and should pay commercial taxes.

Chair Busheikin called for more verbal submissions on Bylaw No. 150 and there were none.

Planner Milne called for any written submissions on Bylaw No. 150 to be placed in the Public Hearing box at this time.

Chair Busheikin called a five-minute recess at 12:08 pm and reconvened at 12:13 pm.

Trustee Allen returned to the meeting at 12:13 pm.

Proposed Bylaw Nos. 151 and 152

Planner Milne presented an introduction to proposed Bylaw Nos. 151 and 152, which are intended to implement the provincial Riparian Areas Regulation on Hornby Island.

Chair Busheikin opened the floor for public comments on proposed Bylaw Nos. 151 and 152.

Karen Ross, 3895 Shingle Spit Road – addressed and submitted four items: 1) copy of the Mimulus report which states that none of the ditches in the Central Road area from the school to the Co-op contain in-stream fish habitat, however, provide nutrients, 2) a professional report from Kate Chambers which references the Mimulus finding that these ditches are not fish-bearing and therefore reduces the Streamside Protection Enhancement Area (SPEA) to 2-metres, 3) attached comment from Kate Chambers detailed assessment in which a 2-metre setback is beyond the property so is not included in the SPEA setback list, and 4) a submission from Ron Nessman expressing opposition to RAR as the highway ditches on two sides of his property do not connect with ditches that connect to Beulah Creek and therefore should not be included in RAR. She expressed her opposition to these Central Road ditches being included in RAR, stating that Beulah Creek is not a fish-bearing creek, the ditches are cleaned out periodically, and the costs to property owners is onerous. She expressed her opinion that this regulation should not exist at all and the Islands Trust should fund a report, completed by the company that did not include ditches, to assess an equitable treatment for properties on Hornby Island.

Trustee Law commented that the LTC will consider submissions received prior to the Public Hearing as well as what is received at this time in their decision on these bylaws.

Barbara Baird, 6155 St. Johns Point - speaking on behalf of Elder Housing, commented that these regulations will require that the Society incur significant expense to conduct cautionary tree work on many mature trees that will be involved under RAR. She also spoke on behalf of owners of a property on Central Road which is bordered on two sides by ditches cleaned periodically and not fundamental to a fish-bearing stream, expressing the opinion that including these in RAR is unreasonable.

Carol Quin, 4950 Seawright – provided examples and expressed the opinion that if ditches are on private property, the owners are subject to the setback regulations and the bylaws should be clear so that people understand the regulations.

George Bouvyer, 4740 Porpoise Crescent – supports Karen's comments, believing that there needs to be a distinction between a ditch and a watercourse, with consideration given to what effect a ditch has on the watercourse. He commented that the ditches on Central Road do not intersect with Beulah Creek watershed and that most people consider watercourse and ditches to be very different.

Karen Ross, 3895 Shingle Spit Road – reviewed Bylaw No. 86 definitions of a watercourse and drainage and demonstrated her observation that the regulations do not align with RAR. She commented that no one will follow the zoning bylaw and provide drainage if it will result in inclusion of the ditch into RAR.

John Grayson, Hornby Island Estate Winery and Farm, 7000 Anderson Drive – expressed appreciation for the original bylaws and the work that went into them, commenting that the good regulation that exists in Bylaw No. 86 should not be lost.

Renaldo Cruz, 10825 Central Road – expressed his support for the Trust to hire a new consultant to create a third report in order to resolve the problem of the conflicting reports.

4. ADJOURNMENT

Chair Busheikin asked three times if there was anyone in the audience who wished to comment or provide written submissions and hearing none, the meeting was closed at 12:37 pm.

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

Vicky Bockman, Recorder



Follow Up Action Report w/ Target Date

Hornby Island

1	HO-2015-064 that the Hornby Island Local Trust Committee submit Bylaw No. 152 cited as "Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015" to the Executive Committee for approval.	Rob Milne	Done
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Apr-25-2014

No.	Activity	Responsibility	Target Date	Status
1	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

May-15-2015

No.	Activity	Responsibility	Target Date	Status
1	staff were requested to explore with Islands Trust Fund staff how to appropriately provide environmental mapping (ecosystems, eel grass, forage fish) for the Hornby Island Local Trust Area to K'omoks First Nation as a step in relationship-building and provide recommendations to the Local Trust Committee.	Rob Milne		On Going

Aug-14-2015

No.	Activity	Responsibility	Target Date	Status
1	HO-2015-056 that the Hornby Island Local Trust Committee submit Bylaw No. 149 cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014" to the Executive Committee and Minister of Community, Sport and Cultural Development for approval.	Rob Milne		Done

1	HO-2015-059 that the Hornby Island Local Trust Committee submit Bylaw No. 150 cited as "Hornby Island Land Use Bylaw No. 150, 2014" to Executive Committee for approval.	Rob Milne	On Going
1	HO-2015-063 that the Hornby Island Local Trust Committee submit Bylaw No. 151 cited as 'Hornby Island Official Community Plan Bylaw 149, 2014, Amendment No. 1, 2015' to the Executive Committee and Minister of Community, Sport and Cultural Development for approval.	Rob Milne	Done
1	HO-2015-054 that the Hornby Island Local Trust Committee issue the Development Variance Permit HO-DVP-2013.2 (Heinegg & Chalfin) that authorizes the creation of a subdivision such that the front lot line of the proposed remainder lot may be less than one-third the length of its longest side lot line, located on Lot 5, Section 11, Hornby Island, Nanaimo District, Plan 28020; PID 003-241-807, in accordance with Schedule "A" attached to and forming part of the permit.	Marnie Eggen	On Going

Aug-31-2015

No.	Activity	Responsibility	Target Date	Status
1	Staff were directed to issue Development Permit HO-DP-2015.1 for the new Hornby Island Fire Hall. A revised copy of the site plan with clarified labeling was requested by the HOLTC prior to the issuance of the permit.	Rob Milne		On Going
1	Staff were requested to provide an outline of the steps needed to be taken before approaching MOTI and the CVRD with a proposal for a volunteer managed boat ramp similar to the Bill Mee Boat Ramp on Denman Island.	Rob Milne		On Going
1	Staff were requested to write a letter of support regarding the proposed improvements and expansion at Ford Cove Harbour referencing the relevant Official Community Plan policy.	Rob Milne		Done
1	Staff were requested to draft a letter to the board of the Ford cove Harbour Authority encouraging consideration of providing docking facilities for the float planes at Ford Cove Harbour	Rob Milne		Done



August 12, 2015

Laura Busheikin, Chair
Hornby Island Local Trust Committee
Islands Trust
700 North Road
Gabriola Island BC V0R 1X3

Reference: 234393
Your File: 6930-20

Dear Chair Busheikin:

Re: BC Ferries and Hornby Island

Thank you for your letter regarding service levels for ferry routes serving Hornby Island. I appreciate the opportunity to review your feedback.

As you are aware, the Province has undertaken a number of initiatives to ensure a sustainable, efficient and affordable ferry system, including service reductions to generate \$18.9 million in savings, while also protecting basic service levels for communities. While BC Ferries and the Province initially proposed specific service reductions, BC Ferries has worked with a number of local Ferry Advisory Committees to determine if other service adjustments could be made to achieve the same level of net savings.

I recognize that many communities would like to see a greater level of service. However, increasing minimum service levels would create pressure for higher fares, which would not be consistent with the Province's vision for coastal ferries.

As the Coastal Ferry Services Contract with BC Ferries sets minimum service levels, BC Ferries can always provide additional services if there is a business case to do so. I encourage you to contact BC Ferries directly to discuss the potential net revenue impacts associated with extending the peak season. I have also taken the liberty of sharing your correspondence with Mike Corrigan, President and CEO of BC Ferries, for his information.

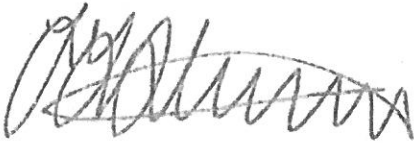
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- 2 -

With respect to your comments about high fares, the Province and BC Ferries provided the BC Ferry Commissioner with an amended Coastal Ferry Services Contract by the June 30, 2015, deadline. The amended contract confirms a commitment by the Province to provide sufficient funding to limit price caps increases to 1.9 per cent per year for the next four year Performance Term (April 1, 2016 to March 31, 2020), as outlined in the Commissioner's Preliminary Price Cap decision announced earlier this year and consistent with the Province's vision for an affordable, efficient and sustainable coastal ferry service. As well, BC Ferries is on track to exceed a target of over \$54 million in efficiencies by 2016, and the Commissioner has challenged them to find an additional \$27 million in efficiencies over Performance Term 4.

Thank you again for taking the time to write.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Todd G. Stone', with a stylized, flowing script.

Todd G. Stone
Minister

Copy to: Don McRae
MLA, Comox Valley

Kirk Handrahan, Executive Director
Marine Branch

Mike Corrigan, President and CEO
BC Ferries

From: Joanne Wyvill

Sent: Tuesday, September 15, 2015 5:51 PM

To: Tony Law

Subject: HIPPC Committee appointee

Hi Tony,

This is a reminder that our committee has been a person short since Mette left in April; an Islands Trust appointee short in fact. As no-one has been found yet, we suggest that you place an ad in the Tribune for a new member, willing to attend occasional meetings and participate in work parties.

Thanks. Joanne

Memorandum

700 North Road Gabriola Island, BC BC V0R 1X3

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

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

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

Date September 18, 2015 File Number HO-SUB-2013.1 (Heinegg & Chalfin)

To Hornby Island Local Trust Committee
For meeting of October 2, 2015

From Marnie Eggen, A/Island Planner
Local Planning Services, Northern Office

Re Cost Recovery Agreement for Legal Review of a Covenant under Section 946 of the *Local Government Act* for a proposed two lot subdivision on Lot 5, Section 11, Hornby Island, Nanaimo District, Plan 28020; PID 003-241-807.

The owner of the above noted property for proposed subdivision is required to enter into a covenant with the Hornby Island Local Trust Committee pursuant to Section 946 of the *Local Government Act*.

Any covenant that the Local Trust Committee is a signatory to should be reviewed by legal counsel. The cost of this review is not included in the cost of the subdivision referral review fee. For the Islands Trust to enter into a cost recovery agreement with the applicant, a Hornby Island Local Trust Committee resolution is required.

Copies of the subdivision referral report and the Preliminary Layout Approval (PLA) letter from the Ministry of Transportation and Infrastructure (MOTI) are attached for your information. Please note that prior to moving forward with the 946 covenant, the applicant/agent has been working towards gaining PLA (recently received), and was also working towards satisfying other Hornby LTC conditions of subdivision, including a Development Variance Permit from the Hornby Local Trust Committee (issued August 31, 2015).

RECOMMENDATION

THAT the Hornby Island Local Trust Committee instruct staff to enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a Covenant under Section 946 for Subdivision application HO-SUB-2013.1 (Heinegg & Chalfin).

pc Rob Milne, Island Planner

Attachments:

1. Subdivision Referral Review Report (dated July 29, 2013)
2. Preliminary Layout Approval letter (dated June 25, 2015)



Islands Trust

Attachment 1
**SUBDIVISION
REFERRAL REPORT**

200 1627 Fort St.
Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

SENT VIA EMAIL

Date: July 29, 2013

To: Larry Park
District Development Technician

MOT File #: 2013-01590
IT File #: 3435-20
HO-SUB-2013.1 (Zaharko
Chalfin/Heinegg)

MOT District Office: Courtenay Area Office

From: Marnie Eggen, A/Planner 2

Re: Proposed one lot subdivision with remainder, Section 946 LGA: Lot 5, Section 11,
Nanaimo district, Plan 28020 (PID: 003-241-807); 4115 Roburn Road, Hornby Island

Referral Response Summary:

Islands Trust recommends that the following be made conditions precedent of any Preliminary Layout Approval, based on the Hornby Island Land Use Bylaw (LUB) No. 86:

1. Obtain approval from the Vancouver Island Health Authority that there is sufficient water supply and waste disposal capability for serving the property both at the time of application and at ultimate projected growth levels (Section 6.1.3 of the Hornby OCP). This is also a requirement under Subsection 946(6) of the *Local Government Act*;
2. Apply to Islands Trust, Northern Office for a Development Variance Permit requesting a variance to Section 3.12 of the Hornby Island Land Use Bylaw which stipulates that no lot may be created by subdivision whose front lot line is less than one third the length of its longest side lot line;
3. No non-conformity may be created with respect to the use, siting or density of any existing building or structure as a result of the subdivision;
4. ***Local Government Act Requirements:***

Under Section 946 of the *Local Government Act*, the following provisions should be received before the Approving Officer considers final approval:



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- a) The applicant must provide a written statement indicating that the purpose of a separate residence is for the owner or for the owner's mother, father, mother-in-law, father-in-law, daughter, son, daughter-in-law, son-in-law or grandchild;
- b) The applicant must covenant with the Hornby Island Local Trust Committee, in respect of each of the parcels being created by the subdivision, that the parcel:
 - (i) will be used as required by item c) below; and
 - (ii) will not be subdivided under Section 946; and the covenants be registered at the same time that application is made to deposit the subdivision plan;
- c) Pursuant to subsection 946 (8) of the *Local Government Act*, the covenant in item b) above must state:
 - (i) that the parcel subdivided for the purpose of providing a residence as stated in item a) is for residential use only, and
 - (ii) that the remainder of the original parcel is not to be changed from the use of the original parcel, unless the use is changed by bylaw. This covenant applies for 5 years after subdivision.
- d) If this subdivision application is approved, the approving officer must state on the note of approval required by section 88 of the *Land Title Act* that the approval is subject to conditions established by item b) above.

Prior to final approval, the applicant must obtain written confirmation from the Islands Trust that the proposed subdivision meets the above conditions and conforms to all Hornby Island Local Trust Committee Bylaws.

This referral response is based upon the attached subdivision layout plan. Details of the application's compliance or non-compliance with specific bylaw regulations are provided on the attached pages.



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1. General Information:

Applicant:	Zaharko Land Surveying Inc.
Land Owner:	John Heinegg & Laura Chalfin
Legal Description:	Lot 5, Section 11, Hornby Island, Nanaimo District, Plan 28020; PID 003-241-807
Area:	4 ha (10 Ac)
Details of Proposal:	1 lot (0.839 ha) subdivision with remainder (3.12 ha); Section 946 of the Local Government Act

2. Property Title Information: LTC Covenant/Easement/Right-of-Way/Permits

Legal Notations:	None
Comments:	

3. OCP Information:

OCP Designation:	Large Lot Residential (LR)
Development Permit Area:	No
Development Permit Required:	No
Comments:	

4. Zoning Information:

Zone Classification:	Rural Residential 3 (R3)
Average lot area:	4 ha (9.8 acres)
Minimum lot area:	1 ha (2.5 acres)
Comments:	

5. Lot Sizes and Density:

Proposed lot areas:	Lot 1: 0.839 ha (2.07 Ac); Remainder 3.12 ha (7.7 Ac)
Compliance with lot area:	No, see Section 6 below
Compliance with lot density:	Yes
Covenant required:	Yes, a covenant is required under Section 946(8) of the



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Comments: | *Local Government Act*

6. Section 946, Subdivision for a Relative:

Local Government Act
requirements:

The proposed lot sizes comply with Section 946 [Subdivision to provide residence for a relative] of the *Local Government Act*, provided that the applicant receive approval from the Vancouver Island Health Authority for septic capability and water supply.

7. Depth/Width Ratio:

Depth/width ratios of new lots:

No, proposed remainder lot is not compliant with Section 3.12 where, no lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line.

Remainder lot: the front lot line (16 m) is less than one-third the length of its longest side (413.3m).

Lot A: front lot line (82.04 m) is more than one-third the length of its longest side (96.18 m).

Comments: | Applicant must apply for a variance to vary Section 3.12 of the Hornby Island Land Use Bylaw which stipulates that no lot may be created by subdivision whose front lot line is less than one third the length of its longest side lot line.

8. Park Dedication:

Park dedication required:

No

If Yes, Amount required:

Comments:

9. Ten Percent Waiver:



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Lots Requiring Exemption: None. Under the *Local Government Act*, newly created lots must have at least 10% of the lot perimeter dedicated as road frontage. Both proposed lots have road frontage that is at least 10% of the lot perimeter.

Lot A: front lot line is 82.04m; 10% of 363.65 m perimeter = 36.36m

Remainder lot: front lot line is 113.97m; 10% of 1029.82m perimeter = 102.98m

Comments:

10. Agricultural Land Reserve:

Proposed Lots within ALR: No

Comments:

11. Servicing Requirements:

Proof of Potable Water and Sewage Disposal: Pursuant to Section 6.1.3 of the Hornby OCP, the applicant must obtain approval from the Vancouver Island Health Authority that there is sufficient water supply and waste disposal capability for serving the property both at the time of application and at ultimate projected growth levels.

Comments:

12. Road Standards:

Roads to be Constructed: None

Road Classification: n/a

Heritage Designated Road in vicinity: n/a

Comments:

13. Buildings and Structures:



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Islands Trust

Does subdivision create non-conformity with Bylaws:	No
Existing non-conforming buildings or structures	None.
Comments:	

14. Environmental Features, Islands Trust Ecosystem Mapping:

Sensitive ecosystems identified:	None
Raptor/Heron Nests identified:	None identified on Tapis
Watercourses:	None identified on Tapis
Riparian Areas Regulation – applicable stream or watershed:	No
Steep Slope Hazard Classification:	No
Comments:	

15. Intrinsic Groundwater Susceptibility Mapping:

Susceptibility:	n/a
Comments:	

16. Cultural Features:

Archaeological Sites Identified:	None
Comments:	

17. Boundary Adjustments Only:

Complies with regulations:	n/a
Comments:	

18. Panhandle Lots Only:



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Complies with regulations:	Yes, proposed remainder lot is compliant with Section 3.19 of LUB, where new lots created by subdivision with a highway frontage of 20 metres or less must be configured to include a panhandle that has a width of not less than 10 metres and not more than 20 metres to provide access from the highway to the developable portion of the lot. Note that remainder lot highway total frontage is greater than 20 m as the lot fronts two highways; however, panhandle portion of lot meets Section 3.19.
Comments:	Remainder lot: panhandle width is 10 m.

19. Split (Hooked) Lots Only:

Complies with regulations:	n/a
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Comments:	
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Name: Marnie Eggen

Title: A/Planner 2

Signature: 

Date July 29, 2013

cc: Rob Milne, Island Planner
Hornby Island Local Trust Committee
Ian W. Zaharko, applicant
John Heinegg & Laura Chalfin, owner

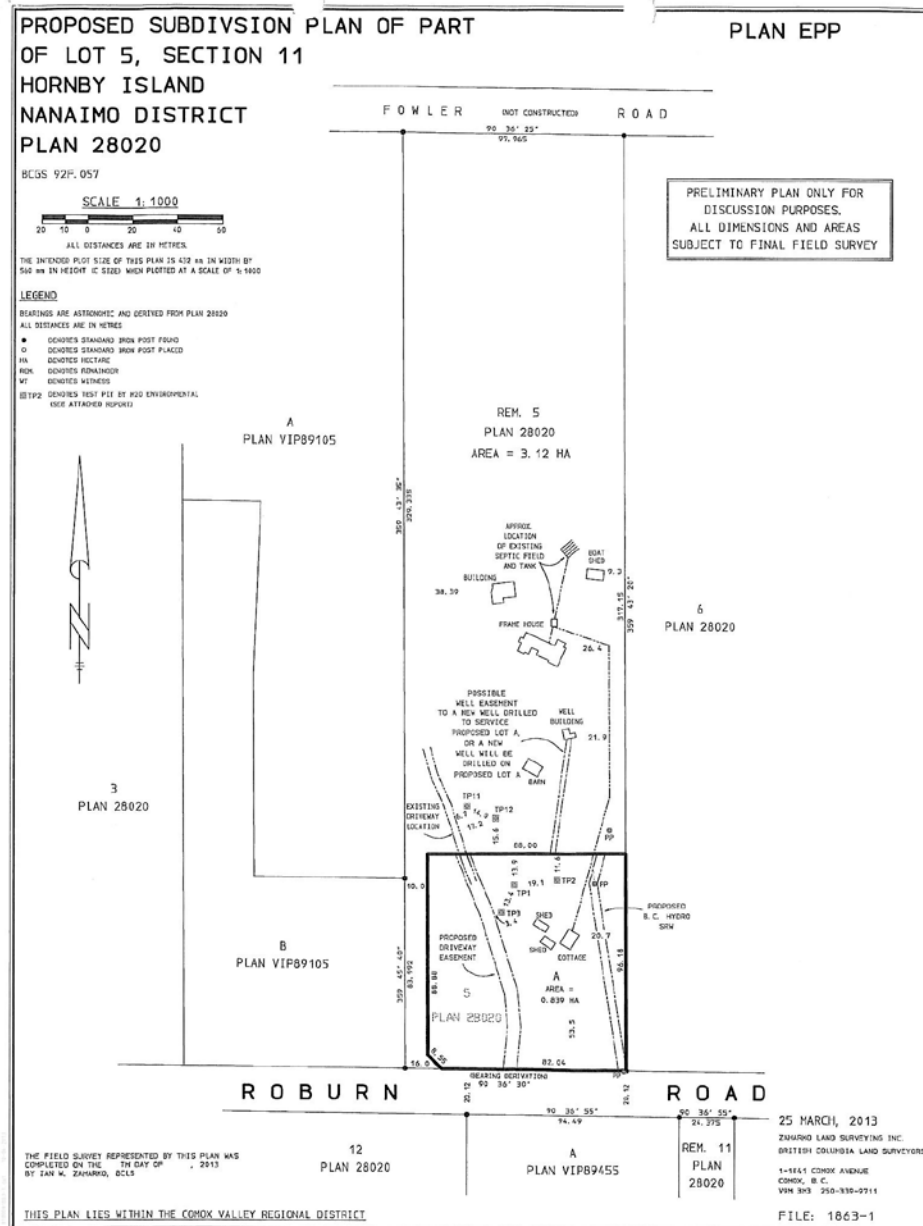


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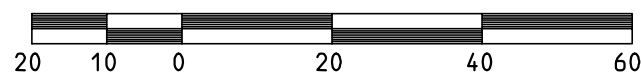
Attachment 1: Subdivision Layout Plan



PLAN EPP

BCGS 92F.057

SCALE 1: 1000



ALL DISTANCES ARE IN METRES.

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN WIDTH BY 560 mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1: 1000

LEGEND

BEARINGS ARE ASTRONOMIC AND DERIVED FROM PLAN 28020

ALL DISTANCES ARE IN METRES

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST PLACED
- HA DENOTES HECTARE
- REM. DENOTES REMAINDER
- WT DENOTES WITNESS
- TP2 DENOTES TEST PIT BY H2O ENVIRONMENTAL
(SEE ATTACHED REPORT)
- DENOTES POWER POLE

A
PLAN VIP89105

REM. 5
PLAN 28020
AREA = 3.12 HA

6
PLAN 28020

3
PLAN 28020

B
PLAN VIP89105

12
PLAN 28020

A
PLAN VIP89455

REM. 11
PLAN
28020

30 JULY, 2014

ZAHARKO LAND SURVEYING INC.
BRITISH COLUMBIA LAND SURVEYORS
1-1841 COMOX AVENUE
COMOX, B. C.
V9M 3M3
T: 250.339.9711

FILE: 1863-6

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
COMPLETED ON THE TH DAY OF , 201_
BY IAN W. ZAHARKO, BCLS

THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT


**PROPOSED SUBDIVISION
PRELIMINARY LAYOUT
APPROVAL**

Your File #: 1863
eDAS File #: 2013-01590
Date: Jun/25/2015

John/Laura Heinegg/Chalfin;
c/o Zaharko Land Surveying Inc.
Ian W Zaharko
1-1841 Comox Avenue
Comox, British Columbia V9M 3M3
Canada

Attention: Ian W Zaharko

**Re: Proposed Subdivision of
Lot 5, Section 11, Hornby Island, Nanaimo District, Plan 28020**

Your proposal for a 2 lot Section 946 subdivision has received preliminary layout approval, subject to the following condition(s):

1. Based on the water quality testing results and need for subsequent treatment for future lot owners, provision of a suitable covenant that appends the Report by Maxxam dated May 4, 2015 is required as a condition of final approval. Alternatively, the applicant has the option to shock the well, re-test and re-submit the information for review.
2. Written confirmation from the Islands Trust stating that all applicable bylaws and regulations have been met.
3. Applicant is to enter into a Restrictive Covenant agreement in favor of the Ministry of Transportation And Infrastructure, pursuant to Section 219 of the Land Title Act, establishing primary and reserve sewage disposal areas on a site plan as per H2O Environmental Ltd. Report dated March 14, 2013. Report by H2O to be appended.
4. The subdivision may be approved pursuant to Section 946 of the Local Government Act. Applicant to submit a Statutory Declaration in accordance with the provisions of Section 946 of the Local Government Act. Provision of signing notation on final plan.

Local District Address
Courtenay Area Office 550 Comox Road Courtenay, British Columbia V9N 3P6 Canada Phone: (250) 334-6951 Fax: (250) 334-1291

Within the covenant document, the Minister shall be identified as Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, Parliament Buildings, Victoria, BC, V8V 1X4.

The approval granted is only for the general layout of the subdivision and is valid for one year from the date of this letter. However, if at any time there is a change in legislation or regulations this preliminary layout approval is subject to review and may be cancelled.

Submission of Final Plans (Survey Plan Certification and Application to Deposit) to be accompanied by a current Tax Certificate (FIN 55), together with a plan examination fee of \$50.00 plus \$100.00 per lot created by the plan (for a Total of \$250.00). If paying by cheque, make payable to the Minister of Finance.

If you have any questions please feel free to call Brendan Kelly at (250) 334-6967.

Please quote file number 2013-01590 when contacting this office.

Signed on behalf of Provincial Approving Officer

A handwritten signature in black ink, appearing to read 'Brendan Kelly', written over a horizontal line.

Brendan Kelly
District Development Technician

Attachments

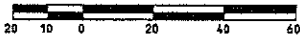
cc: Islands Trust

PROPOSED SUBDIVISION PLAN OF PART
OF LOT 5, SECTION 11
HORNBY ISLAND
NANAIMO DISTRICT
PLAN 28020

PLAN EPP

BCGS 92F.057

SCALE 1:1000



ALL DISTANCES ARE IN METRES.

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN WIDTH BY
560 mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:1000

LEGEND

BEARINGS ARE ASTRONOMIC AND DERIVED FROM PLAN 28020
ALL DISTANCES ARE IN METRES

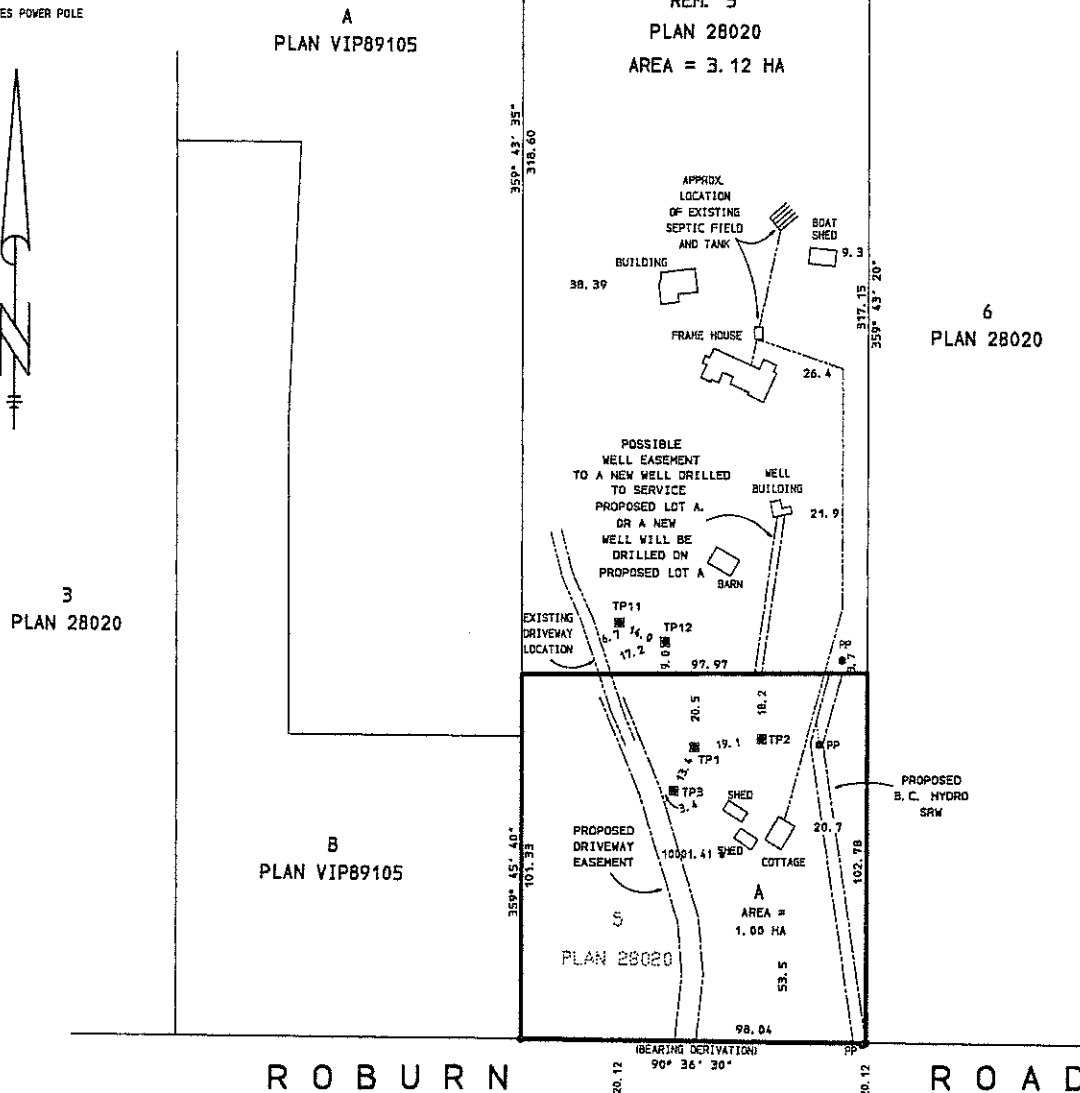
- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST PLACED
- HA DENOTES HECTARE
- REM. DENOTES REMAINDER
- WT DENOTES WITNESS

TP2 DENOTES TEST PIT BY H2O ENVIRONMENTAL
(SEE ATTACHED REPORT)

- DENOTES POWER POLE

PRELIMINARY PLAN ONLY FOR
DISCUSSION PURPOSES.
ALL DIMENSIONS AND AREAS
SUBJECT TO FINAL FIELD SURVEY

WITH RESPECT TO REM. LOT 5
WIDTH OF LOT 97.97 METRES
LENGTH OF LONGEST SIDE LINE 318.6 METRES
 $97.97 / 318.67 = 30.75\%$ RATIO
OF SIDE LOT LINE TO LENGTH OF LOT.
ISLAND TRUST REQUIRES 33.3 %
THUS, A DEVELOPMENT VARIANCE PERMIT WILL
BE REQUIRED.



THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
COMPLETED ON THE 17TH DAY OF JULY, 2011
BY IAN W. ZAHARKO, BCLS

THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT

30 JULY, 2014

ZAHARKO LAND SURVEYING INC.
BRITISH COLUMBIA LAND SURVEYORS
1-1841 COMOX AVENUE
COMOX, B. C.
V9M 3M2
T: 250.339.9711

FILE: 1863-6

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



Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Riparian Areas Regulation mapping and implementation. To include Development Approval Information bylaw as per approved Project Charter	Project charter revised at April 25, 2014 LTC meeting. Draft DAI bylaw to be presented at May, 15/2015 LTC meeting	Feb-03-2012	Rob Milne	Dec-31-2012	On Going
2	Official Community Plan and Land Use Bylaw Review.	Targeted review and update of the OCP and LUB. OCP bylaw awaiting Ministerial approval.	Feb-03-2012	Rob Milne		On Going
3	Communication Strategy for Revised Official Community Plan and Land Use Bylaw		Nov-14-2014	Rob Milne		On Going



Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Review of home occupation regulations to allow the rental of accessory building space to a non-resident of the property for commercial use.			On Going
1	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.		Feb-01-2013	On Going
1	Review and update 'Building on Hornby Island' brochure and include HPO information.		Feb-01-2013	On Going
1	Review of environmentally sensitive areas OCP map schedule (D2) as a stand alone mapping project or addition to the community profile.		Apr-26-2013	On Going
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.		Jun-07-2013	On Going
1	Inventory and assessment of beach access and other unopened road allowances		Jul-12-2013	On Going
1	Information and education with respect to the marine environment and shoreline protection		Feb-07-2014	On Going
1	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.			On Going

1	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.		On Going
1	Conduct a consultative process for the Ford Cove area		On Going
1	Relationship building with K'omoks First Nation including considering content of Official Community Plan as it relates to K'omoks First Nation interests.	Aug-15-2014	On Going
1	Support collaborative planning process for Public Use area.	Mar-27-2015	On Going
1	Development Procedures Bylaw	<i>Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications.</i>	Feb-03-2012 On Going
3	GHG Emissions Reduction	<i>Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.</i>	Feb-03-2012 On Going
3	Review of vacation home rental regulations by 2017	Sep-13-2013	On Going
5	Review community profile by adding further information on environmentally sensitive areas and important habitat and including information in Schedule D2 of OCP.	Nov-23-2012	On Going

Applications w/ Status - Hornby Island Status: Open

Applications

Subdivision

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

Planning Status

Status Date: Jun-29-2015

PLA issued by MOTI

Status Date: Feb-03-2015

no change

Status Date: Jul-29-2013

Referral report emailed to MOTI; requires variance and 946 covenant

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

Planning Status

Status Date: Sep-16-2015

No change in status.

Status Date: Feb-03-2015

File remains on Hold. No change in status.

Status Date: Oct-15-2014

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.

Islands Trust
 LTC EXP SUMMARY REPORT F2016
 Invoices posted to Month ending August 2015

635 Hornby	Invoices posted to Month ending August 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,500.00	1,089.93	1,410.07
65210-635	LTC - Local Exp - APC Meeting Expenses	750.00	157.54	592.46
65220-635	LTC - Local Exp - Communications	300.00	240.00	60.00
65230-635	LTC - Local Exp - Special Projects	750.00	1,087.02	-337.02
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>2,574.49</u>	<u>1,725.51</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: 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.

Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality August 2015

Wallace Point Covenant signed – North Pender Island

A covenant has been signed to protect over 50% of a property at Wallace Point, the southernmost point of North Pender Island at the mouth of Bedwell Harbour. The 1.63 hectare covenanted area encompasses several distinct ecosystems and includes two wildlife trees, one of which has an active Bald Eagle nest. Dense bull kelp beds grow near the shoreline and there is a Rockfish Conservation Area offshore north and east of this property.

Meeting with Qualicum First Nation - Lasqueti Crown Land acquisition

Trust Fund Board representatives enjoyed a cordial lunch with the chief and councillors of the Qualicum First Nation followed by initial discussions about the possible acquisition of Crown land on Lasqueti for protection. The Trust Fund Board plans to host Qualicum representatives in the fall for a visit to Lasqueti to look at the land and other areas of significance to the Qualicum people.

Fairyslipper Forest Nature Reserve – Thetis Island land acquisition project

Islands Trust Fund is continuing to support its partners, Thetis Island Nature Conservancy and Cowichan Community Land Trust, as the project to protect Fairyslipper Forest moves into a new phase. So far, \$180K has been raised – over one third of the \$560k required to acquire a property on Lower Burchell Hill as Thetis Island's first nature reserve. Visit the Islands Trust Fund website to watch the video that has been created to encourage donations. www.IslandsTrustFund.bc.ca/Fairyslipper

Realtor Outreach – Pender Islands

Islands Trust Fund staff, in collaboration with the Pender Islands Conservancy Association (PICA), organized a land conservation outreach event for real estate and other professionals involved with selling properties on North and South Pender Islands. The event was well received by participants who commented that they felt much more knowledgeable about conservation covenants. Similar events will be considered for other islands. Local trustees will be contacted early in the planning process.

Grace Islet – Salt Spring Island

Islands Trust Fund is in touch with the Nature Conservancy of Canada with respect to a possible role in the ongoing protection and stewardship of Grace Islet.

Trespass at Mount Trematon Nature Reserve– Lasqueti Island

Islands Trust Fund has acted quickly to address a trespass at Mount Trematon Nature Reserve on Lasqueti Island. We are fortunate that such incidents are a rare occurrence but we are prepared to take appropriate action when they do happen.

Coastal Douglas-fir Conservation Strategy – Islands Trust Fund as an example

The Islands Trust Fund is providing a local government scenario for pursuing the Conservation Strategy of the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP). Islands Trust Fund is an active member of this partnership which includes provincial agencies, NGOs, academics, and local governments. More information about the CDFCP Conservation Strategy will be included in September's Trust Council package.