



# Hornby Island Local Trust Committee

## Regular Meeting Agenda

Date: March 27, 2015  
Time: 11:30 am  
Location: Room to Grow  
2100 Sollans Road, Hornby Island, BC

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	<b>Pages</b>
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 - none	
5. PUBLIC HEARING - none	
6. MINUTES	11:50 AM - 12:00 PM
6.1 Local Trust Committee Minutes Dated February 13, 2015 for Adoption	4 - 12
6.2 Local Trust Committee Special Meeting Minutes Dated March 6, 2015 for Adoption	13 - 16
6.3 Section 26 Resolutions-without-meeting Report - none	
6.4 Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	12:00 PM - 12:15 PM
7.1 Follow-up Action List Dated March 17, 2015	17 - 18
7.2 LTC Goal Setting Session Report	
7.2.1 <u>Memorandum Dated March 13, 2015</u>	19 - 22
8. DELEGATIONS	
9. CORRESPONDENCE	
Correspondence received concerning current applications or projects is posted to the LTC webpage	
9.1 Email Dated March 7, 2015 from Karen Ross regarding RAR	23 - 23

<b>10.</b>	<b>APPLICATIONS AND REFERRALS</b>	
10.1	<b>HO-SUB-2015.1 (Scott)</b>	
10.1.1	<u>Memorandum dated March 3, 2015 regarding 10% Road Frontage Requirement Waiver</u>	24 - 25
10.1.2	<u>Memorandum dated March 17, 2015 regarding Cost Recovery</u>	26 - 34
<b>11.</b>	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	12:15 PM - 12:45 PM
11.1	<b>Riparian Areas Regulation Implementation</b>	
11.1.1	<u>Staff Report Dated March 16, 2015</u>	35 - 48
<b>12.</b>	<b>REPORTS</b>	12:45 PM - 1:05 PM
12.1	<b>Work Program</b>	
12.1.1	<u>Top Priorities Report Dated March 17, 2015</u>	49 - 49
12.1.2	<u>Projects List Report Dated March 17, 2015</u>	50 - 51
12.2	<b>Applications Report Dated March 17, 2015</b>	52 - 53
12.3	<b>Trustee and Local Expense Report Dated February, 2015</b>	54 - 54
12.4	<b>Adopted Policies and Standing Resolutions</b>	55 - 55
12.5	<b>Local Trust Committee Webpage</b>	
12.6	<b>Chair's Report</b>	
12.7	<b>Trustee Reports</b>	
12.8	<b>Electoral Area Director's Report</b>	
12.9	<b>Trust Fund Board Report - none</b>	
	<u>BREAK</u>	
<b>13.</b>	<b>NEW BUSINESS</b>	1:25 PM - 1:35 PM
13.1	<b>Board of Variance Report</b>	
13.1.1	<u>Staff Report Dated February 2, 2015</u>	56 - 61
<b>14.</b>	<b>UPCOMING MEETINGS</b>	
14.1	<b>Next Regular Meeting Scheduled for May 15, 2015 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC</b>	
<b>15.</b>	<b>TOWNHALL</b>	1:35 PM - 1:45 PM

**16. CLOSED MEETING**

1:45 PM - 1:55 PM

**16.1 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) for the purpose of considering Advisory Planning Commission Appointments and s.90(1)(d) for Adoption of In-Camera Meeting Minutes Dated October 10, 2014 AND that the recorder and staff attend the meeting.

**16.2 Recall to Order**

**16.3 Rise and Report**

**17. ADJOURNMENT**

1:55 PM - 2:00 PM



## Hornby Island Local Trust Committee Minutes of Regular Meeting

**Date:** February 13, 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  
Courtney Simpson, Regional Planning Manager  
Vicky Bockman, Recorder

**Others Present** There was one (1) member of the public in attendance – am  
There were no members of the public in attendance – pm

### 1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:30 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She congratulated Trustees Allen and Law on their election by acclamation and commented that she is pleased to have been appointed Chair of the Hornby Island Local Trust Committee (LTC).

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 10.1.2 Email dated February 10, 2015 from Bruno Streicher regarding HO-DVP-2014.1 (Scott)
- 13.1.3 Email dated February 10, 2015 from Daniel Abour, HICEEC, regarding LTC Work Plan
- 13.5.3 Comox Valley Regional District (CVRD) Meeting Notes of January 28, 2015

**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 November 21, 2015 for Adoption**

The following amendments to the minutes were presented for consideration:

- Page 1, item 3.1, first line: change “committee” to “Committee”
- Page 2, item 5.1 heading, second line: change “Habitata” to “Habitat”

**By general consent** the minutes were adopted as amended.

### **6.2. Section 26 Resolutions-without-meeting Report Dated February 3, 2015**

Planner Milne summarized the resolution from January 20, 2015.

### **6.3. Advisory Planning Commission Minutes**

None.

## **7. BUSINESS ARISING FROM MINUTES**

### **7.1. Follow-up Action List Dated February 3, 2015**

Planner Milne provided a status report on the listed activities.

## **8. DELEGATIONS**

None.

## **9. CORRESPONDENCE**

None.

**By general consent** agenda item 10 was moved to follow item 11.1.1.

## **11. LOCAL TRUST COMMITTEE PROJECTS**

### **11.1. Riparian Areas Regulation Implementation**

#### **11.1.1. Staff Report Dated January 22, 2015**

Planner Milne presented the staff report and summarized the early referral responses. He identified amendments proposed by the Ministry of Agriculture and explained the need to delete item 1.(e) of the “Area” section of the draft Official Community Plan (OCP) bylaw which proposes a five metre Development Permit Area (DPA) for ditches. He discussed

the Riparian Areas Regulation (RAR) Implementation Project Charter timeline and suggested that next steps would include bringing a draft revised Development Approval Information Bylaw to the LTC for consideration and determination of Community Information Meeting (CIM) date, venue and time.

Trustees discussed the referral responses and proposed changes identified in the staff report and the following key points were noted:

- School District No. 68 has been included in the early referrals in error;
- while understanding the rationale for removing item 1.(e), Trustees were of the opinion that an Information Note in the documents to clarify that the DPA does not apply to road allowances, culverts or road access would be useful; and
- Beulah Creek has not been clearly identified on the mapping and will need to be represented on the maps.

Trustees considered an approach to communications, suggesting that necessary advertising be conducted through the Little Tribune publication if possible. They suggested that they might consider disseminating information on RAR implementation through placing relevant links on Facebook or other social media once the Hornby Island LTC website has been updated with this information.

#### **HO-2015-001**

##### **It was MOVED and SECONDED**

that the Hornby Island Local Trust Committee amend the draft Riparian Areas Regulation bylaw that amends the Hornby Island Official Community Plan (OCP) by:

- a. the deletion of item 1.(e);
- b. amending proposed OCP Schedule "E" by the addition of a designation identifying lands within the Agricultural Land Reserve;
- c. the insertion of an Information Note on the proposed Schedule "E" that reads as follows:  
*"Information Note: Farming activities covered under the Farm Practices Protection Act are exempt from the requirements of DPA No. 6; and*
- d. insertion of an Information Note in the text and proposed Schedule "E" with respect to roadside ditches, road allowances, culverts and property access.

**CARRIED**

#### **HO-2015-002**

##### **It was MOVED and SECONDED**

that the Hornby Island Local Trust Committee amend the draft Riparian Areas Regulation bylaw that amends the Hornby Island Land Use Bylaw by the deletion of item (b) in Section 9.6.2 "Exemptions", and the subsequent points renumbered.

**CARRIED**

Trustees discussed possible dates, venue and time for the RAR implementation CIM.

**HO-2015-003**

**It was MOVED and SECONDED**

that the Hornby Island Local Trust Committee schedule a Community Information Meeting to allow for a community review of the draft bylaws for Riparian Areas Regulation Implementation on March 6, 2015 at 1:00 pm at either New Horizons or Room to Grow.

**CARRIED**

**10. APPLICATIONS AND REFERRALS**

**10.1. HO-DVP-2014.1 Jennifer Scott**

10.1.1. Staff Report dated January 21, 2015

Planner Milne presented the staff report, explaining that the applicant is pursuing an application for a subdivision under Section 946 of the *Local Government Act* with the Ministry of Transportation and Infrastructure. He noted that the applicant has applied for a Development Variance Permit (DVP) as the proposed subdivision would create a panhandle lot not permitted under the current Land Use Bylaw. A representative for the applicant, Carol Scott, was in attendance to answer questions or provide information as necessary.

Trustees considered the letter from the adjacent land owner in their discussion and it was noted that a Trustee had walked the property to better understand the proposal. Trustees asked if a different placement of the driveway would be possible to address the neighbour's concerns. The applicant responded that this location is the most practical, it is their intention to maintain a good buffer around the driveway, and changing the location of the panhandle would have a financial impact. Trustees acknowledged that an adequate buffer can help to alleviate noise and dust, especially during the summer when traffic might be higher.

**HO-2015-004**

**It was MOVED and SECONDED**

that the Hornby Island Local Trust Committee approve the issuance of Development Variance Permit HO-DVP-2014.1 to Jennifer Scott for Lot K, Section 16, Hornby Island, Plan 30237, PID 001-275-305 and request staff to encourage the applicant to maintain a vegetated buffer along the boundary with Lot L.

**CARRIED**

**HO-2015-005**

**It was MOVED and SECONDED**

that staff be requested to reply to the letter from Bruno Streicher dated February 10, 2015 with respect to HO-DVP-2014.1 to inform him that the Local Trust Committee considered his concerns and requested the applicant to maintain a vegetated buffer along the northern boundary of Lot K.

**CARRIED**

**12. REPORTS**

**12.1. Work Program**

**12.1.1. Top Priorities Report Dated February 3, 2015**

This item was discussed at agenda item 13.1.

**12.1.2. Projects List Report Dated February 3, 2015**

This item was discussed at agenda item 13.1.

**12.2. Applications Report Dated February 3, 2015**

Planner Milne presented the Applications Report and responded to questions that arose. He noted that he will correct the date received on file number HO-SUB-2015.1.

**12.3. Trustee and Local Expense Report for January, 2015**

Trustees reviewed the Expense Report for January, 2015.

**12.4. Adopted Policies and Standing Resolutions**

Trustees received an updated report that included the amendment of the expiration date of Resolution No. HO-043-2013 to September 30, 2015.

**12.5. Local Trust Committee Webpage**

Trustee Allen indicated that he would like to submit a different photo for the Hornby Island banner and the process was discussed.

**12.6. Chair's Report**

Chair Busheikin reported that she has attended two Executive Committee meetings thus far this term and noted that the agenda package is being prepared for next month's Trust Council which will be held on Gabriola Island. She has chaired four Local Trust Committee meetings and commented that she will be attending a Financial Planning Committee meeting where they will be working on the budget. She noted that next week she will be joining other Trustees and Islands Trust staff in a meeting with Ministry of Transportation and Infrastructure representatives to discuss the Gabriola Island bridge feasibility study, advising that as this issue relates to the Trust Policy Statement it is a trust-wide issue.

## 12.7. Trustee Reports

Trustee Allen reported that he attended an orientation meeting at the Islands Trust Northern Office and, along with Trustee Law, attended a meeting with CVRD representatives to discuss water supply from wells on CVRD properties on Hornby Island. He noted that he, Trustee Law and Chair Busheikin are members of the Local Planning Committee and recently attended a meeting by Go ToMeeting software. He stated he is pleased to be returning as a Trustee and is looking forward to working with this LTC for four years.

Trustee Law reported that he attended a meeting with the Hornby Island Fire Chief and representatives from the CVRD to discuss the regional wildfire management plan for Mt. Geoffrey; and was pleased to report that this initiative is moving forward. Trustee Law also reported that he attended a Community Action Solutions Together meeting which acts as a venue for various community organizations to share information and to discuss issues and priorities in common. He reported that cooperative planning around the central area emerged as an issue for discussion.

## 12.8. Electoral Area Director's Report

Chair Busheikin suggested she might provide Director Jolliffe with the LTC meeting schedule and invite him to attend or to provide written comments as an opportunity to address the Hornby Island LTC and community. Trustees agreed with this strategy and indicated they would welcome comments from Director Jolliffe periodically.

## 12.9. Trust Fund Board Report Dated January 2015

Chair Busheikin congratulated Trustee Law on his election as Chair of the Trust Fund Board and thanked him for his service.

Trustee Law provided a brief report of Trust Fund Board matters, including reporting that the eelgrass mapping project has been completed. He suggested that posting the maps and recommendations relevant to the Hornby Island Trust Area on the Hornby web page would be useful and LTC members agreed.

### HO-2015-006

#### It was **MOVED** and **SECONDED**

that staff be requested to work with Islands Trust Fund staff to post maps and recommendations with respect to Hornby Local Trust Area from the eelgrass mapping project on the Hornby Island Local Trust Committee web page.

**CARRIED**

## **BREAK**

**By general consent** the meeting was recessed at 12:40 pm and reconvened at 1:00 pm.

## 13. NEW BUSINESS

### 13.1. Hornby Island Local Trust Committee Work Program - 2015

#### 13.1.1. Staff Report Dated January 22, 2015

Planner Milne presented the staff report providing the LTC with an overview of Top Priorities, Projects and budgets in order to provide background for discussion to confirm or set new priorities for the new term.

#### 13.1.2. Goal Setting Session

Regional Planning Manager Simpson facilitated an open discussion among LTC members to generate ideas as a means toward planning goals and options. She reported that staff will create a document for Trustees to consider based on the Goal Setting Session discussion to reflect thoughts and ideas that were generated in order to inform the discussion of Top Priorities and Projects List during the term.

Trustees recognized that agenda item 13.1.3 is relevant to this discussion.

**By general consent** agenda item 13.1.3 was received by the LTC.

There was no action taken on revising the Top Priorities or Projects List at this time.

#### 13.1.3 Email dated February 10, 2015 from Daniel About, HICEEC, regarding LTC Work Plan

Trustee Law offered to contact the writer with a follow-up description of the session that occurred at this meeting and Trustees concurred with this suggestion.

### 13.2. **Advisory Planning Commission Staff Report Dated January 28, 2015**

Trustees discussed the staff report and status of the current Advisory Planning Commission (APC). They recognized that an APC with the full complement of six members would provide flexibility should some number of current members wish to step down and indicated their preference to advertise for expressions of interest at this time.

#### **HO-2015-007**

#### **It was MOVED and SECONDED**

that the Hornby Island Local Trust Committee request staff to advertise for expressions of interest for two vacant positions on the Hornby Island Advisory Planning Commission.

**CARRIED**

### 13.3. **Appointment for the Denman/Hornby Ferry Advisory Committee**

Trustees discussed the appointment of a Local Trustee representative to the Denman/Hornby Ferry Advisory Committee (FAC).

**By general consent** the LTC appointed Trustee Allen to the Ferry Advisory Committee.

Chair Busheikin thanked Trustee Law for his many years of serving on the FAC and thanked Trustee Allen for offering to serve in this position.

Trustees requested that staff advise Darin Guenette, Manager, Public Affairs for BC Ferries of this appointment.

#### **13.4. Annual Meeting with the Ministry of Transportation and Infrastructure**

Trustees discussed the history and customary participants involved in this meeting. They affirmed its value and will take steps to organize a meeting to include the local Highways Manager and staff from the Ministry of Transportation and Infrastructure.

#### **13.5. Comox Valley Regional District (CVRD) Water Supply Lots on Anderson Drive**

##### **13.5.1. Letter with Map attachment Dated December 19, 2014 from CVRD to Linda Adams, CAO, Islands Trust**

Received.

##### **13.5.2. Report Dated January 29, 2015 from Trustee Law**

Trustees discussed the need to determine options available to the LTC to address the issues involved with respect to the use of wells on CVRD lots including land use zoning and easement covenants to provide for legal access to the wells.

Planner Milne suggested that further research be conducted and consideration be given to the implications of a solution involving the holding of Section 219 Covenants.

##### **13.5.3 Comox Valley Regional District (CVRD) Meeting Notes of January 28, 2015**

Received.

##### **HO-2015-008**

##### **It was MOVED and SECONDED**

that the Hornby Island Local Trust Committee request staff to discuss issues with Comox Valley Regional District staff arising from the January 28, 2015 meeting to address water supply wells on Hornby Island.

**CARRIED**

#### **14. UPCOMING MEETINGS**

##### **14.1. Next Regular Meeting Scheduled for March 27, 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 Hornby Island LTC is scheduled for March 27, 2015 at 11:30 am at the Room to Grow.

15. **TOWNHALL – none**

16. **CLOSED MEETING – none**

17. **ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:25 pm.

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Laura Busheikin, Chair

Certified Correct:

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Vicky Bockman, Recorder



## Hornby Island Local Trust Committee Minutes of Special Meeting

**Date:** March 6, 2015  
**Location:** New Horizons  
1765 Sollans, Hornby Island, BC

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

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

**Others Present** There were nine members of the public in attendance

### 1. OPEN HOUSE

An informal Open House was conducted from 1:00 pm to 1:30 pm. There were maps and information on the proposed bylaws available for the public to peruse as well as sign in and comment sheets for any who wished to provide written comments.

### 2. CALL TO ORDER

Chair Busheikin called the meeting to order at 1:30 pm. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She welcomed the public and introduced the trustees, planner and recorder.

### 3. APPROVAL OF AGENDA

**By general consent** the agenda was approved as presented.

### 4. PRESENTATION BY ROB MILNE, ISLAND PLANNER

Review of Draft Official Community Plan and Land Use Bylaw Changes Related to the Implementation of Riparian Areas Regulation (RAR) in the Hornby Island Local Trust Area.

Planner Milne explained that this Community Information Meeting (CIM) is an opportunity to learn about and discuss the implementation of riparian protection on

Hornby Island. He pointed out the location of the material that is available for review and encouraged feedback from the community.

He conducted a power point presentation on the RAR implementation that explained the process, the watersheds, the regulation, the development permit requirements, and potential scenarios. He provided an overview that included the following key points:

- the RAR is a provincial regulation and must be implemented. The draft bylaws have included exceptions to provide as much flexibility as possible while still meeting the requirements of the regulation;
- the RAR applies to residential, commercial or industrial activities within a Riparian Assessment Area (RAA). A riparian area is generally defined as being within 30 metres of a watercourse;
- the RAR does not apply to agricultural, institutional or commercial uses or to the reconstruction or repair of an existing structure. Any development beyond the 30 metres would be exempt from the RAR requirements;
- with some exceptions the regulation does not apply to ditches within the Ministry of Transportation and Infrastructure (MOTI) right of way. Putting in a culvert and driveway to access your house would not require a development permit;
- development may occur within the 30 metres RAR applicable area provided the prescribed riparian assessment methods have been followed. This requires a Qualified Environmental Professional (QEP) to provide an opinion in an Assessment Report which establishes, on a site-specific basis, which areas within the 30 metre RAA can be developed. Remaining areas that may not be developed are identified as a Streamside Protection and Enhancement Area (SPEA).

He provided an overview of next steps in the process to adoption of the bylaws that includes sending out referrals and conducting a Public Hearing opportunity for comments.

## **5. QUESTIONS AND ANSWERS SESSION**

Karen Ross commented that she is generally supportive of protecting fish-bearing streams, however objects to the ditch on Central Road, installed by the MOTI, being included in the RAR. She feels it should be excluded as there is no water in the ditch.

Planner Milne clarified that a qualified QEP has made the assessment and determination as to RAR applicability and that the Local Trust Committee (LTC) does not have the ability to vary the results of the assessment. He explained the difficulty with a verification process that could require an additional two assessments and considerable costs which would be constrained by a budgetary process and could require significant time.

Karen Ross objected to the property owners' costs for hiring the required QEPs and obtaining necessary development permits which can be significant and would be difficult for some.

Trustee Law responded that while the RAR measure is provincially mandated, the LTC has taken a further step than necessary by assuming the cost of mapping that would otherwise be the responsibility of the property owner. He explained that the LTC does not have the professional authority or the budget available to negate these mapping results, although exemptions have been included in the bylaws in an attempt to ease some of the restrictions for property owners.

Karen Ross noted that two consultant firms completed the mapping work and asked if it had been possible to assess the accuracy of the work provided by both of the biologists. She asked if there had been an overlap in the areas mapped by the two different consultants.

Planner Milne responded that the province determines the qualifications of the QEPs and verified that both consultants had been approved. It was his understanding that the areas mapped did not overlap.

Janet Morgan asked why restrictions on riparian areas have been increased. She observed that logs are constantly changing at sites where fish might enter streams from the ocean and often create an obstruction that would prohibit fish access.

Planner Milne responded that the province has enacted this regulation under the *Fish Protection Act* in response to disappearing fish and fish habitat. He explained that log jams can also create openings for fish in estuary systems and consideration is given as to whether the system is capable of supporting fish if they are able to enter.

Ilze Raudzins asked if the RAR applies to crown land development of trail systems and bridges. She also objected to the consultant's conclusion that fish could enter Ford Creek if conditions were just right, stating that fish cannot enter that creek. She noted that Ford Creek is not identified as a fish creek on the Fisheries' register.

Judith Lawrence commented that there is no possible way a fish could enter Ford Creek from the ocean given the disturbance to the area from a quarry or other development many years ago.

Planner Milne clarified that RAR would apply if crown lands were to be leased to a private group for residential, commercial or industrial use; however uses that are not residential, commercial or industrial are exempted from the RAR. He explained that Fisheries' designation as a fish creek is not necessarily an indication of the RAR applicability.

Trustee Allen requested clarification regarding the need to hire a QEP with the development permit application process when an assessment of the RAA has already been performed.

Planner Milne explained that the QEP required for a development permit is not assessing whether it is a fish-bearing stream, but rather will provide an Assessment Report establishing, on a site specific basis, which areas within the 30 metre RAA can

be developed and may make other recommendations specific to the development proposal.

Karen Ross noted that most properties that would be affected by the Central Road ditch are ten acres which could mean a large area within a RAA. She asked what the estimated cost would be for a QEP Assessment Report on those properties.

Planner Milne suggested that an estimate could be provided by contacting a firm that provides these services.

Karen Ross asked if creating a trail within a RAA would trigger the need for a development permit.

Planner Milne explained that the construction of a private trail with certain conditions is one of the exceptions that have been included in the draft bylaw.

With no other questions forthcoming, Planner Milne thanked everyone for their attendance and comments and directed attention to the hand-out materials and maps for viewing.

## **6. UPCOMING MEETINGS**

Next Regular Meeting Scheduled for Friday, March 27, 2015 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

## **7. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:30 pm.

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Laura Busheikin, Chair

Certified Correct:

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Vicky Bockman, Recorder



**Follow Up Action Report w/ Target Date**

**Hornby Island  
Apr-25-2014**

No.	Activity	Responsibility	Target Date	Status
1	<b>HO-2014-020</b> 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

**Feb-13-2015**

No.	Activity	Responsibility	Target Date	Status
1	The LTC directed staff to amend the draft OCP and LUB Riparian Areas Bylaws to incorporate the changes recommended by staff in the January 22, 2015 staff report.	Rob Milne		On Going
1	The LTC directed staff to schedule a Community Information Meeting to allow for a community review of the draft bylaws for Riparian Areas Regulation Implementation on March 6, 2015 at 1:00pm at either New Horizons or Room to Grow.	Becky McErlean Rob Milne Theresa Warren		Done
1	<b>HO-2015-004</b> that the Hornby Island approve the issuance of Development Variance Permit HO-DVP-2014.1 to Jennifer Scott for Lot K, Section 16, Hornby Island, Plan 30237, PID 001-275-305 and request staff to encourage the applicant to maintain a vegetated buffer along the boundary with Lot L.	Becky McErlean Teresa Rittemann		Done

1 **HO-2015-005**

Teresa Rittemann

Done

that staff be requested to reply to the letter from Bruno Streicher dated February 10, 2015 with respect to HO-DVP-2014.1 to inform him that the Local Trust Committee considered his concerns and requested the applicant to maintain a vegetated buffer along the northern boundary of Lot K.

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1	staff were requested to work with Islands Trust Fund staff to post maps and recommendations with respect to Hornby Local Trust Area from the eelgrass mapping project on the Hornby Island Local Trust Committee web page.	Rob Milne	On Going
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1	<b>HO-2015-007</b> that the Hornby Island Local Trust Committee request staff to advertise for expressions of interest for two vacant positions on the Hornby Island Advisory Planning Commission.	Becky McErlean Lisa Webster-Gibson	Done
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1	Staff to discuss issues with Comox Valley Regional District staff arising from the January 28, 20115 meeting to address water supply wells on Hornby Island.	Rob Milne	On Going
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# Memorandum

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Date March 13, 2015 File Number 6500-02 LTC Top  
Priorities

To Hornby Island Local Trust Committee

From Courtney Simpson  
Regional Planning Manager  
Northern Office

Re Hornby Island Local Trust Committee Strategic Planning Session

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At the February 13, 2015 regular business meeting, the Hornby Island Local Trust Committee held a “strategic planning session” facilitated by planning staff. The attached document is a record of the session.



## 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.

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## SUMMARY NOTES FROM FEBRUARY 27, 2015 SESSION

### Trustee Responses to “Wish List” Brainstorm

- 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
- 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.

**From:** [Karen Ross](#)  
**Sent:** Saturday, March 07, 2015 1:04 PM  
**To:** [Tony Law](#) ; [Alex Allen](#)  
**Subject:** A wart

Hi Tony & Alex,

As a long term supporter of the Island Trust, I believe the RAR bylaw has a wart, that should be dealt with prior to passing that Bylaw.

After attending the meeting yesterday, I called Bernhard to get his info.

He says that Island Trust got 2 consultants, the first did part of the island, and the second did another part. (That agreed with the info. given out at the Public meeting.)

But Bernhard also said that the consultants took different stands on their recommendations as they affected highway's roadside ditches.

Mimulus (sp.?) included roadside ditches, the other consultants did not. Is that true?

Also, in the Q & A. period yesterday, I asked Rob how much QEP's reports cost, and he said a few hundred dollars. Bernhard has hired a QEP for an evaluation on a 2.5 acre parcel, and the bill was \$2000., he believes at current day costs that price would be closer to \$5000. You might want to pass this info. along to Rob in case this question comes up again in public discussions.

As I stated yesterday, I fully understand the validity of protecting our streams, rivers, lakes, etc. and support the Trust's initiative in this regard.

But, I believe a "wart" exists in including the highways ditches, especially in a discriminatory manner.

( Frankly I wonder if this isn't a potential source of pollution, rather than an enhancement, with road salts, silt, garbage, etc. being fed into the streams. Really, shouldn't road ditches be diverted somewhere other than into streams?)

In looking at fair implementation of a RAR bylaw, perhaps it's easiest to picture a few scenarios:

i) a person wants to cut trees and build a fence 20 feet from a fish bearing stream, should that be allowed?

ii) a person wants to build a privacy fence on a property on the main road on Hornby, that has a highway ditch, should that person have to get a report for \$5000. to be "considered" to be "allowed" to do that?

iii) the community wants to build a path, running parallel to the main road, in order for people to more safely walk, cycle and ride horses off the main road.

In the scenario, there is an existing highway's ditch along that road.

The path would be built between the ditch and the private property, at least mostly on the public road right of way. Would the greater good for public safety over-ride the need for a QEP evaluation?

If the trail were constructed, ground would have to be disturbed for construction, and for ongoing vegetative & view line maintenance, of the trail.

In this scenario, the trail is built parallel to the ditch.....do you call that area SPEA? (That area of land that lies closest to the water way)

What would the purpose of imposing a RAR bylaw, on these properties, be?

Your thoughts?

Karen

---

Karen Ross



# Memorandum

700 North Road Gabriola Island, BC BC V0R 1X3

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

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---

Date March 3, 2015 File Number HO-SUB-2015.1 (Scott)  
For Hornby Island Local Trust Committee  
Meeting of March 27, 2015

To Hornby Island Local Trust Committee

From Teresa Ritemann, Planner 1  
Local Planning Services, Northern Office

Re **10% Road Frontage Requirement Waiver Requested for Subdivision Proposal  
Lot K, Section 16, Hornby Island, Nanaimo District, Plan 30237**

---

Attached is a proposed Subdivision Layout Plan for the above noted subdivision. Before final approval of the subdivision may be given by the Ministry of Transportation and Infrastructure, the Islands Trust must forward a letter to the Ministry stating that all Islands Trust requirements have been met. One of these conditions is that the applicant receives written confirmation by the Islands Trust that Section 944 of the *Local Government Act* has been complied with.

Under Section 944 of the *Local Government Act*, any lot being created by subdivision must have a minimum road frontage requirement of either 10% OR the minimum frontage required by a local government bylaw. The current Hornby Island Land Use Bylaw (No. 86) does not stipulate a minimum road frontage requirement; therefore lots created by subdivision must have the minimum 10% road frontage unless the Local Trust Committee waives this requirement by resolution.

For the above subdivision, the road frontage for proposed Lot 2 was calculated as follows:

Perimeter Total = **977.1 metres**; and proposed Road Frontage = **20.22 metres**  
Proposed lot road frontage = **2.07%**; and required Road Frontage unless waived is **97.71 metres (10%)**

*Note:* The Hornby Island Local Trust Committee has issued a Development Variance Permit to approve this panhandle-shaped lot whose front lot line is less than one-third the length of its longest side lot line (refer to file HO-DVP-2014.1 - SCOTT).

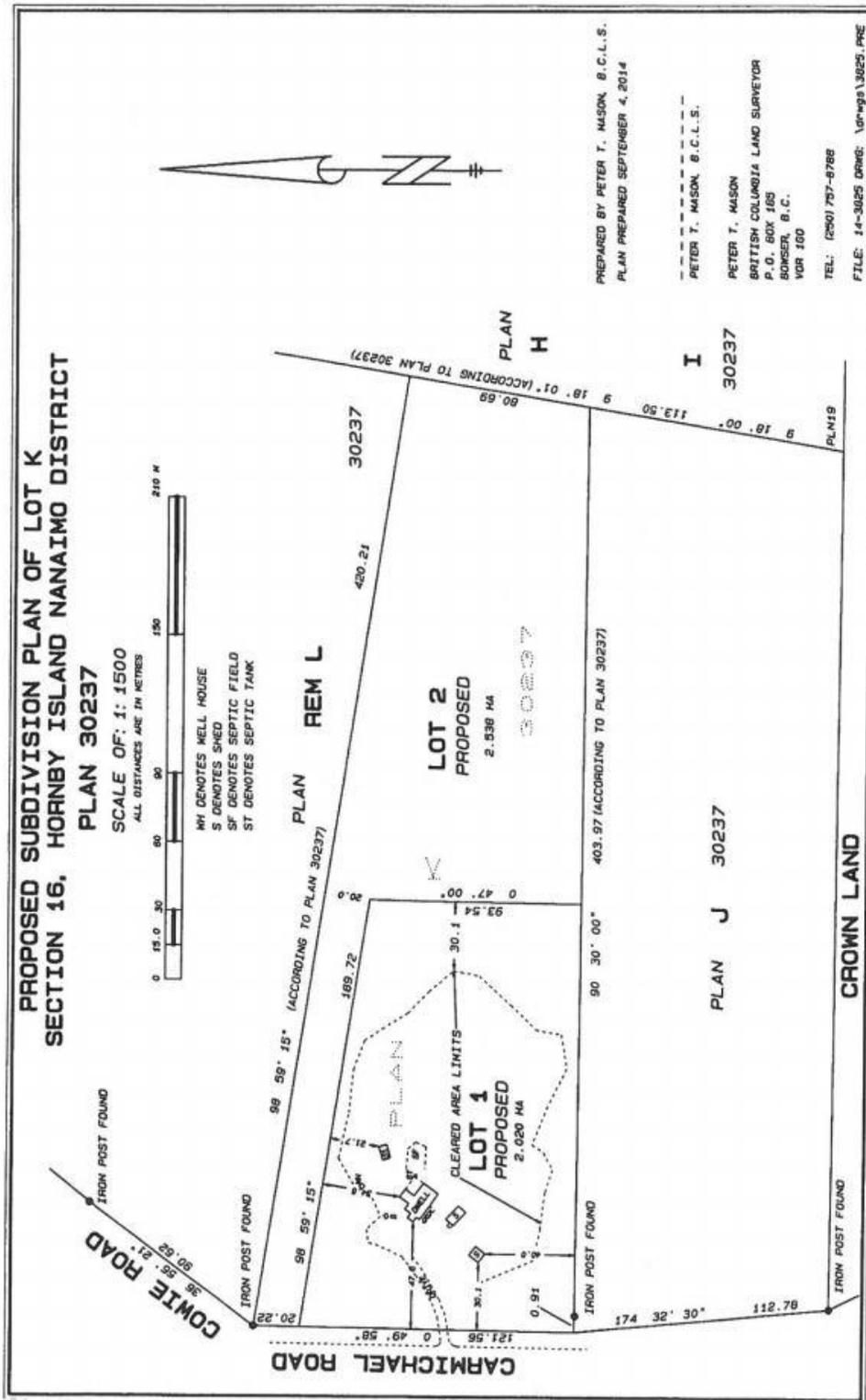
## RECOMMENDATION

THAT the Hornby Island Local Trust Committee waive the 10% road frontage requirement for proposed Lot 2, on current Lot K, Section 16, Hornby Island, Nanaimo District, Plan 30237 for subdivision file HO-SUB-2015.1.

Attachment: Proposed Subdivision Layout Plan (proposed Lots 1 and 2)

pc Jennifer Scott – Applicant

**Attachment 1: Proposed Subdivision Layout Plan (proposed Lots 1 and 2)**





# Memorandum

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---

Date March 17, 2015 File Number HO-SUB-2015.1 (SCOTT)

To Hornby Island Local Trust Committee  
For meeting of March 27, 2015

From Teresa Rittemann, Planner 1  
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 K, Section 16, Hornby Island, Nanaimo District, Plan 30237; PID 001-275-305.

---

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 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.

A copy of the subdivision referral report is attached for your information.

## 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-2015.1 (SCOTT).

pc Rob Milne, Island Planner

## Attachments:

1. Subdivision Referral Review Report



# SUBDIVISION REFERRAL REPORT

700 North Road  
Gabriola Island, B. C., V0R 1X3  
Phone: (250) 247-2063  
Fax: (250) 247-7514  
E-mail: northinfo@islandstrust.bc.ca  
Website: www.islandstrust.bc.ca

## Islands Trust

---

### SENT VIA EMAIL

Date: March 10, 2015

To: **Brendan Kelly**  
District Development Technician

**MOTI File #: 2014-05755**  
**IT File #: HO-SUB-2015.1 (SCOTT)**

**MOTI District Office: Courtenay Area Office**

**From: Teresa Rittemann, Planner 1**

**Re:** Proposed Section 946 Subdivision Application for:  
Lot K, Section 16, Hornby Island, Nanaimo District, Plan 30237  
PID: 001-275-305  
1280 Carmichael 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. 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. 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; and
3. *Local Government Act* requirements:

Pursuant to Section 944 of the *Local Government Act*, the highway frontage of any lot in a proposed subdivision must be at least 10% percent of its perimeter unless waived by the Hornby Island Local Trust Committee.

**The proposed subdivision currently does not comply with this section (i.e. lot frontage of proposed Lot 2 is only 2.07%), and a resolution of the Hornby Island Local Trust Committee to waive the frontage requirement will be necessary (their next regular business meeting will be on March 27, 2015).**

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

- a) The applicant must provide a written statement indicating that the purpose of a separate residence is for the owner, or for a parent of the owner or of the owner's spouse, the owner's child, or the owner's grandchild;



Islands Trust

# SUBDIVISION REFERRAL REPORT

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- 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 (7) 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 (Attachment 1). Details of the application's compliance or non-compliance with specific bylaw regulations are provided on the following pages.



# SUBDIVISION REFERRAL REPORT

## 1. General Information:

Applicant:	Jennifer Scott
Land Owner:	Same as above.
Legal Description:	Lot K, Section 16, Hornby Island, Nanaimo District, Plan 30237 1280 Carmichael Road, Hornby Island PID: 001-275-305
Area:	4.55 hectares (11.25 acres)
Details of Proposal:	2 lot subdivision under S.946 of the Local Government Act, to provide for the residence of a relative:  Proposed Lot 1 = 2.020 hectares Proposed Lot 2 = 2.538 hectares

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

Legal Notations:	None.
Comments:	There is only a Statutory Building Scheme (F31999) and Mortgage on title.  <b>Ok. Subdivision is not affected.</b>

## 3. OCP Information:

OCP Designation:	Rural Residential (RR)
Development Permit Area:	No
Development Permit Required:	No
Comments:	<b>None.</b>

## 4. Zoning Information:

Zone Classification:	Rural Residential (R3)
Average lot area:	4 ha (9.8 ac); Proposed = 4.55 ha / 2 lots = 2.275 ha
Minimum lot area:	1 ha (2.5 ac). Proposed = 2.020 ha and 2.538 ha
Comments:	<b>S.946 allows for subdivisions to be exempt from the minimum parcel size requirement.</b>  <b>See comments in Section 6 below.</b>



# SUBDIVISION REFERRAL REPORT

## 5. Lot Sizes and Density:

Proposed lot areas:	Proposed Lot 1 = 2.020 hectares Proposed Lot 2 = 2.538 hectares
Compliance with lot area:	<b>No, but see comments in Section 6 below.</b>
Compliance with lot density:	Yes
Covenant required:	<b>Yes.</b>
Comments:	<b>A covenant is required under Section 946(8) of the <i>Local Government Act</i> (See Referral Response Summary above)</b>

## 6. Section 946, Subdivision for a Relative:

<i>Local Government Act</i> requirements:	The proposed lot sizes are exempt from minimum parcel size, under Section 946 [Subdivision to provide residence for a relative] of the <i>Local Government Act</i>
Comments:	<b>OK. S.946 allows for a different minimum site size; the Hornby Island Land Use Bylaw does not currently specify a minimum site size for S.946 subdivisions.</b>

## 7. Depth/Width Ratio:

Depth/width ratios of new lots:	LUB 3.12 No lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line.
Comments:	<b>OK. The Hornby Island Local Trust Committee has issued a Development Variance Permit on this property to allow for a panhandle shaped lot to be created by subdivision (variance to Section 3.12). Related file: HO-DVP-2014.1 (SCOTT).</b>

## 8. Park Dedication:

Park dedication required:	No.
If Yes, Amount required:	n/a
Comments:	This subdivision is exempt from park dedication under subsection 941(5) of the <i>Local Government Act</i> . <b>(a) a subdivision by which fewer than 3 additional lots would be created, except as provided in subsection (5.1); and</b> <b>(b) a subdivision by which the smallest lot being created is larger than 2 hectares</b>



# SUBDIVISION REFERRAL REPORT

## 9. Ten Percent Waiver:

Lots Requiring Exemption:

Proposed Lot 2 will require an exemption.

Comments:

Under Section 944 of the *Local Government Act*, newly created lots must have at least 10% of the lot perimeter dedicated as road frontage.

### ***Parcel frontage on highway***

944 (1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of:

(a) 10% of the perimeter of the lot that fronts on the highway, and

(b) the minimum frontage that the local government may, by bylaw, provide.

(2) A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).

**This application will require an exemption from the Hornby Island Local Trust Committee. The next regular business meeting of the LTC is on March 27, 2015. See Referral Response Summary above for more detail.**

## 10. Agricultural Land Reserve:

Proposed Lots within ALR:

No, but adjacent to (more than 100.0 m south of the property).

Comments:

**OK**



# SUBDIVISION REFERRAL REPORT

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Website: www.islandstrust.bc.ca

## Islands Trust

### 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: **See Referral Response Summary above for more detail.**

### 12. Road Standards:

Roads to be Constructed:

None.

Road Classification:

n/a

Heritage Designated Road in vicinity:

n/a

Comments:

**None.**

### 13. Buildings and Structures:

Does subdivision create non-conformity with Bylaws:

No.

Existing non-conforming buildings or structures

None.

Comments:

**See Referral Response Summary above for more detail.**

### 14. Environmental Features, Islands Trust Ecosystem Mapping:

Sensitive ecosystems identified:

Sensitive Ecosystem Inventory (SEI) mapping indicates Second Growth Forest, and the entire property is within the marsh basin of a watershed. Ok. Proposed subdivision not affected.

Raptor/Heron Nests identified:

None mapped.

Watercourses:

None mapped.

Riparian Areas Regulation – applicable stream or watershed:

No.

Steep Slope Hazard Classification:

None mapped.

Comments:

**None.**



# SUBDIVISION REFERRAL REPORT

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## Islands Trust

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### 15. Intrinsic Groundwater Susceptibility Mapping:

Susceptibility: | None mapped.  
Comments: | **None.**

### 16. Cultural Features:

Archaeological Sites Identified: | None mapped on or within 50.0 m of the property.  
Comments: | **None.**

### 17. Boundary Adjustments Only:

Complies with regulations: | n/a  
Comments: | **n/a**

### 18. Panhandle Lots Only:

Complies with regulations: | Exempt from minimum size. Will also require an exemption for the frontage requirement.  
Comments: | **See Referral Response Summary above for more detail.**

### 19. Split (Hooked) Lots Only:

Complies with regulations: | n/a  
Comments: | **n/a**

---

Name: Teresa Ritemann  
Title: Planner 1

Signature:   
Date: March 10, 2015

Attachment 1: Subdivision Layout Plan

cc: Hornby Island Local Trust Committee  
Jennifer Scott (owner/applicant)



**Date:** March 16, 2015

**File No.:** 6500-20-(RAR)

**To:** Hornby Island Local Trust Committee  
For the meeting of March 27, 2015

**From:** Rob Milne, Island Planner

**CC:** Courtney Simpson, Regional Planning Manager

---

**Re: Riparian Areas Regulation Implementation**

## REPORT ON MARCH 6, 2015 COMMUNITY INFORMATION MEETING

At the February 13, 2015 meeting of the Local Trust Committee (LTC) consideration was given to draft bylaws to implement the Riparian Areas Regulations (RAR) which had been referred to various agencies and First Nations for early review and comment. Subsequent to that consideration the LTC directed staff to conduct a Community Information Meeting (CIM), to be held on March 6, 2015, to inform the community on the RAR implementation process and to seek community feedback on the process and the draft bylaws, in accordance with the adopted project charter (Attachment 5). The purpose of this report is to provide an update of that meeting and a review of the submissions received.

## STAFF COMMENTS

As noted in the minutes of the CIM, which are attached to the meeting agenda, the CIM was conducted on March 6, 2015 at the New Horizons Hall and was attended by nine members of the public. Two written submissions were received (Attachments 1 and 2). Subsequent to the meeting one email submission was provided to the Trustees and is attached as a correspondence item to the agenda for this meeting.

The submission included as Attachment 1 provides three suggestions for amendments to the draft bylaws. The submission included as Attachment 2 poses a question about fish access to Beulah Creek. The email attached to the agenda as a correspondence item expresses support for the protection of streams but also concerns about including roadside ditches as RAR applicable streams.

## SUMMARY

The fact that the Riparian Areas Regulation is a provincial regulation based upon the *Fish Protection Act* limits the ability of the Islands Trust and the Local Trust Committee to address some of the concerns which were expressed. One such concern provided in Attachment 1 was the requirement for a RAR development permit application in the case of lot line adjustments.

The term "subdivision" is defined by provincial government legislation and the RAR expressly identifies that a subdivision is RAR applicable. Further, in some cases a lot line adjustment could have the potential to affect riparian values by making areas of a lot more developable

through the redistribution of lot areas. A general exemption would not be recommended and would likely not be supported by the Ministry.

With respect to the concerns expressed in the email correspondence regarding roadside ditches the RAR makes it clear that roadside ditches are RAR applicable if they meet the criteria provided within the regulation. The applicability of such ditches on Hornby Island within the subject watersheds has been evaluated by Qualified Environmental Professionals (QEPs) approved by the province to make those assessments. Providing relief from the requirements of the RAR as they apply to watercourses and ditches assessed as being RAR applicable is beyond the authority of the LTC. However, it is possible that the Streamside Protection and Enhancement Area (SPEA) associated with a roadside ditch, which is not a channelized stream, could be reduced by having a “detailed” assessment completed by a QEP.

With regard to the scenarios provided within that email correspondence it should be noted that items 9.6.2(o) and 9.6.2(p) of Section 9.6.2, “Exemptions” of the draft land use bylaw specifically provide exemptions for the construction of a fence and a private trail, respectively. As such, the suggested activities would not be subject to the RAR should the bylaws be adopted. It should also be noted that a community trail does not fall within the residential, commercial or industrial use categories which trigger the RAR. As such they are exempted from the provisions of the regulation.

## **PROJECT CHARTER**

As may be seen from the attached project charter this project is on track with the project schedule laid out in that document.

## **NEXT STEPS**

The project charter proposes that the draft RAR bylaws, which would ultimately amend proposed Bylaws 149 (OCP) and 150 (LUB), be considered for first reading and formal referral, at the March 27<sup>th</sup> meeting of the LTC, and be scheduled for a statutory public hearing in May, 2015.

## **SUMMARY OF PLANNING RECOMMENDATIONS**

Staff has reviewed the minutes and submissions from the March 6<sup>th</sup> CIM and supports the suggestion of noting the exemptions identified in Section 9.6.2 in Section 9.6 of the draft Land Use Bylaw. Staff does not feel that other amendments are necessary at this time.

## **RECOMMENDATIONS:**

That the Hornby Island Local Trust Committee amends the Draft Land Use Bylaw by:

1. The addition of the following text to the end of the existing paragraph in Section 9.6, “Development Permit Area No.6: Riparian Areas – Guidelines” of the draft Land Use :  
“unless the proposed activity is otherwise exempted by Section 9.6.2.”
2. The insertion of an Information Note following Section 9.6.1 which reads as follows:  
“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.

And Further That the Hornby Island Local Trust Committee consider giving the draft bylaws first reading and direct staff to formally refer the bylaws to the relevant agencies, including the Agricultural Land Commission, and First Nations.

Prepared and Submitted by:

Rob Milne

March 16, 2015

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Rob Milne, RPP, MCIP  
Island Planner

---

Date

Concurred in by:

*Courtney Simpson*

March 16, 2015

---

Courtney Simpson, RPP, MCIP  
Regional Planning Manager

---

Date

Attachments:

1. Public submission 1
2. Public submission 2
3. Draft OCP Bylaw
4. Draft LUB Bylaw
5. Project Charter



Islands Trust

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Hornby Island Local Trust Area - RAR Community Information Meeting  
Hornby Island Community Hall

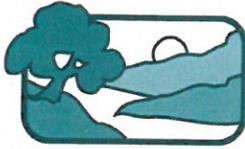
March 6, 2015

## Comments

NAME (Optional)

Jan Bevan 250-335-2570

- ① The introductory section 9.6 should include the phrase "Subject to the exemptions of section 9.6.2," (to prevent over-reaction from people on first reading).
- ② <sup>9.6.1</sup> The province uses the term "subdivision" for boundary realignments that do not create new parcels. These should be exempted.
- ③ ~~Proof reader - delete quotation marks~~
- ③ OCP - Purpose should also include "bird" in species listed.



Islands Trust

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Hornby Island Local Trust Area - RAR Community Information Meeting  
Hornby Island Community Hall

March 6, 2015

## Comments

NAME (Optional)

Janet Morgan 4960 Reicken  
335 - 0076

How about the logging debris  
- eye at little Tribune beach -  
does not this interfere with  
getting access to Beaulieu Creek  
from the ocean?

# DRAFT

---

## Hornby Island Local Trust Committee

### BYLAW NO. XXX

\*\*\*\*\*

#### 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, 2014"

READ A FIRST TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

---

**SECRETARY**

---

**CHAIRPERSON**

## Hornby Island Local Trust Committee

### Bylaw No. XXX

#### 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;
- e) ~~for a ditch, a 5 metre strip on both sides of the ditch measured from the high water mark.~~

and Schedule -- 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 *Farm Practices Protection Act* 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 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

# DRAFT

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**Hornby Island Local Trust Committee**

**BYLAW NO. XXX**

\*\*\*\*\*

**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, 2014”

READ A FIRST TIME THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

---

**SECRETARY**

---

**CHAIRPERSON**

## Hornby Island Local Trust Committee

### Bylaw No. XXX

#### 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.

##### **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.

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) agricultural activities within a seasonally flooded agricultural field that is in the Agricultural Land Reserve as long as it can be determined by site inspection and/or by current orthophoto interpretation that it has been previously modified for agriculture. If it is not possible to make the determination by these means, other historical evidence that agricultural activities have occurred in the subject area within the last 50 years from the date of the application may be acceptable;~~
- ~~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;

h)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)h) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;

h)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;

k)j) ecological restoration or enhancement projects undertaken or authorized by a public body;

k)k) changes in or about a stream authorized under Section 9 of the Water Act;

m)l) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;

m)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)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)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;

o)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;

o)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

o)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

*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."

# Attachment 1

## Riparian Areas Regulation Implementation - Charter v1

Hornby Island Local Trust Committee

Date: April 15, 2014

**Purpose** *This project will improve the protection of fish and fish habitat on Hornby Island by improving stream mapping accuracy and amending the Official Community Plan and Land Use Bylaw to come into compliance with the Riparian Areas Regulation (RAR) of the provincial Fish Protection Act.*

**Background** *This project has been initiated by the Hornby Island Local Trust Committee (LTC) pursuant to the Islands Trust Council 2008-2011 Strategic Plan objective 1.1 "to identify and protect riparian areas". There are 5 watersheds on Hornby Island containing streams that meet the definition of RAR; Ford Creek, Beulah Creek, and 3 unnamed streams. Stream mapping was conducted to a high degree of accuracy between 2012 and 2014 in two separate contracts by qualified environmental professionals.*

### Objectives

- Effectively communicate the process and outcome to the community
- Engage the community and solicit feedback
- Improve the protection of riparian habitat on Hornby Island
- Become compliant with the RAR

### Scope & Deliverables

- Four small venue community information and mapping review meetings
- One formal community information meeting after draft bylaw preparation
- New Development Permit Area for riparian areas
- Amendments to the development approval information provisions of the OCP
- Hornby Island Development Approval Information bylaw (adopted by Trust Council)

### Workplan Overview

Deliverable/Milestone	Date
Small venue community information and mapping review meetings (4)	June-August, 2014
Report to LTC on consultation and recommendation to draft bylaws	September, 2014
LTC review of draft bylaws (OCP and LUB & DAI) and early First Nations referral	December, 2014 / January 2015
Community Information Meeting	February, 2014
First Reading of OCP and LUB amending bylaws and referrals	March, 2014
Public Hearing	May, 2015
Bylaw adoption	September, 2015

### Project Team

Rob Milne, Island Planner	Project Manager
Marnie Eggen, Planner	RAR Advisor
Barb Dashwood, GIS Technician	Mapping support
Penny Hawley, Office Admin Asst.	Meeting arrangement
Lisa Webster-Gibson	Referrals and PH

#### RPM Approval:

Courtney Simpson

Date: April 15, 2014

#### LTC Endorsement:

Resolution #:

Date:

### Budget

Budget Source: Mapping-RAR project; communications-LTC local expenses; PH-program

Fiscal	Item	Cost
12/13	Stream Mapping (Mimulus)	\$15,000
13/14	Stream Mapping (Madrone)	\$14,122
14/15	Communications	\$500
15/16	Public Hearing	\$1,500
	<b>Total</b>	<b>\$31,422</b>



## Top Priorities

### Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Riparian Areas Regulation mapping and implementation.	Project charter revised at April 25, 2014 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	Appointments to the Advisory Planning Commission.		Nov-21-2014	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 within a dwelling 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	Develop and implement a Development Approval Information Bylaw.		Mar-15-2013	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	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
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 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
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
4	Communications strategy for revised OCP and LUB		Feb-03-2012	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

#### Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2013.2	Zaharko Land Surveying Inc. <b>Planner:</b> Marnie Eggen	Sep-17-2013	to vary Lot 5 front lot line

#### Planning Status

**Status Date:** Feb-03-2015

Applicant confirming septic capability before moving forward with DVP.

**Status Date:** Nov-19-2013

Applicant revising subdivision plan; DVP put on hold

**Status Date:** Nov-05-2013

Mailout sent Nov 5, 2013 / Hand Delivery Nov 8 - Statutory Notice Period Nov 8 - 21, 2013

#### Subdivision

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

#### Planning Status

**Status Date:** Feb-03-2015

no change

**Status Date:** Jul-29-2013

Referral report emailed to MOTI; requires variance and 946 covenant

**Status Date:** Jun-25-2013

Planner reviewing

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

### Planning Status

**Status Date:** Mar-11-2015

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.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2015.1	Jennifer Scott <b>Planner:</b> Teresa Rittemann	Dec-24-1900	S.946 Subdivision (2 lot subdivision)

### Planning Status

**Status Date:** Mar-10-2015

Subdivision Referral Report sent to MOTI, HILTC, and applicant. One condition is that the LTC waive the frontage requirement. Memorandum set to be on agenda for regular HILTC meeting on March 27, 2015

**Status Date:** Feb-17-2015

LTC meeting from 13-Feb resolved to issue HO-DVP-2014.1, so Planner TR will continue with the review of this Subdivision file.

**Status Date:** Feb-03-2015

File on hold. Waiting for LTC decision on HO-DVP-2014.1 before proceeding.

### Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2015.3	DALE GAMBLE <b>Planner:</b> Marnie Eggen	Mar-06-2015	Addition to existing Cabin and new Accessory Building, Sewerage treatment plant and dispersal field

### Planning Status

**Status Date:** Mar-11-2015

Planner reviewing

# Islands Trust

LTC EXP SUMMARY REPORT F2015  
Invoices posted to Month ending February 2015

635 Hornby	Invoices posted to Month ending February 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	700.00	892.58	-192.58
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,500.00	2,201.60	298.40
65210-635	LTC - Local Exp - APC Meeting Expenses	750.00	1,100.56	-350.56
65220-635	LTC - Local Exp - Communications	300.00	400.00	-100.00
65230-635	LTC - Local Exp - Special Projects	750.00	387.82	362.18
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>4,089.98</u>	<u>210.02</u>
Projects				
73001-635-2004	Hornby OCP/LUB	<u>3,000.00</u>	<u>1,087.78</u>	<u>1,912.22</u>
TOTAL Project Expenses		<u>3,000.00</u>	<u>1,087.78</u>	<u>1,912.22</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	<p><b>It was MOVED and SECONDED,</b></p> <p>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;</p> <p>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</p> <p>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.</p>
2.	September 19, 2014	HO-IC-2014-001	Amend Expiration date of Resolution No. HO-043-2013	<p><b>During Rise and Report in the regular business meeting Chair Graham reported the following resolution:</b></p> <p><b>It was MOVED and SECONDED,</b></p> <p>that the Hornby Island Local Trust Committee amend the expiration date of Resolution No. HO-043-2013 to September 30, 2015.</p>

**Date:** February 2, 2015

**File No.:** 3060-01

**To:** Executive Committee acting as a Local Trust Committee (*Ballenas – Winchelsea Islands*)

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

**From:** Lisa Webster-Gibson, Legislative Clerk

**CC:** Courtney Simpson, Regional Planning Manager

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**Re: Board of Variance**

## Preliminary Report

The purpose of this report is to present background information related to appointments to the Board of Variance (BOV) for Local Trust Committees (LTC) in the Northern Region, including appointments to a joint BOV, and what might be required of LTCs in relation to this initiative.

## Project Objectives

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The objective of this project is to ensure that each LTC has a current Board of Variance (BOV) in place as per the requirements of the Local Government Act (LGA), Islands Trust Act and other relevant legislation and policy.

## Project Background

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Under sec. 899 of the LGA, a local government that has adopted a zoning bylaw must, by bylaw, establish a BOV. A person may apply to the BOV for a minor variance if they feel compliance with the bylaw would cause them a hardship. For example, if a big rock in their yard made it a hardship to site the house in conformity with the normal setbacks, then that person could apply for a minor variance. The BOV may grant a variance if they have considered the following factors and are of the opinion that the variance does not result in inappropriate development of the site; adversely affect the natural environment; substantially affect the use and enjoyment of the adjacent land; or vary the permitted uses and densities or defeat the intent of the bylaw.

The BOV focuses primarily on hardship relating to matters such as siting, dimensions and size of buildings. A BOV order cannot conflict with other matters such as Land Title Act covenants, permits or land use contracts or floodplain bylaw specifications.

Of seven LTCs within the Northern Region of the Islands Trust, six LTCs (Denman, Gabriola, Gambier, Hornby, Lasqueti and Thetis) have adopted "*Board of Variance Establishment and Procedure Bylaws*" that are identical and allow for either the establishment of a BOV for each individual LTC or for a joint Board. The Executive Committee Acting as a Local Trust Committee (Ballenas – Winchelsea Islands) (EC as LTC (B-W)) has a much older bylaw and it is not consistent with the other bylaws. This bylaw does not allow for a joint BOV.

In the recent past a BOV was established for each of the Northern Local Trust Areas (LTA), with several of the appointments consisting of the same individuals to several Islands' BOVs. All member terms have expired. Under the LGA, sec 899(6), an appointment to a board is for the later of a) 3 years or b) if no successor has been appointed at the end of the 3 year period, until the time that a successor is appointed. However, some individuals are no longer available, nor interested in serving on the BOV. See attached table.

The seventh LTC, the EC as LTC (B-W) will need to establish a new bylaw as the current bylaws are outdated. A draft was proposed in 2010 but not adopted.

During the period 1993 until 2007, the Northern Region, received 17 applications to BOVs. These applications are broken down as follows: Denman Island – 4; Gabriola Island – 9; Gambier Island – 3; Hornby Island – 2 and Thetis Island – 1. From 2007 until 2014, no further applications to any BOV have been received.

Although there are very few applications to any of the BOVs, establishment of a BOV is a mandatory requirement of the LGA, as noted above.

As per the requirements of Section 899 of the LGA and the relevant "*Board of Variance Establishment and Procedure Bylaws*" a BOV must consist of three members and appointees must not be members of advisory planning commissions for the LTA and must not be an officer or employee of the Islands Trust. The LTC has a duty to appoint a new board under s. 899(5.1) of the LGA. Should any LTCs receive an application to their BOV at this time, a significant delay, at minimum, three months, would be experienced by the applicant as a result of an outdated BOV. This delay is anticipated based on the length of time required to advertise or recruit for Board members, evaluate applicants, and train those applicants selected. The LGA recognizes the burden this duty places on local governments and also indicates that a LTC could establish a joint BOV with any municipality, regional district, or with another LTC. In the past, the Islands Trust has established three BOV's – Northern, Southern, and Salt Spring Island.

## **Relevant Policy and Land Use Considerations**

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### Trust Council Strategic Plan

N/A

### Islands Trust Policy Statement

All administrative procedure bylaws are considered to be in compliance with the policy statement and the object of the Islands Trust.

## Official Community Plan

N/A

## Land Use Bylaw

A BOV is a mandatory requirement of any local government who has a zoning bylaw.

## Islands Trust Fund

N/A

## Bylaw Enforcement

N/A

## Climate Change Mitigation and Adaptation

N/A

## **Analysis**

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LTCs are requested to discuss and decide whether they wish to pursue a joint BOV or to pursue an independent BOV for their LTA.

It can be quite a job to recruit and appoint members and manage BOVs for each island, especially those with a very small population. Finding three interested people and maintaining their interest when applications may be few is a challenge.

An issue that has arisen with the BOV system where each LTC has its own BOV is that there are an insufficient number of applications on most islands to permit board members to become familiar with the bylaws, the issues and the process. Establishing a joint board would allow members to become more experienced and effective. At the same time, a joint board can provide a degree of greater independence and objectivity in comparison to five separate boards appointed for each local trust area by each LTC.

The main challenge with establishing a joint board is in achieving consensus in appointments among the five LTCs.

## **Project Scope and Timeline**

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The scope of the project is as defined in the attached Project Charter. The timeline of the project is dependent on staff resources and requirement to adopt any potential bylaws or bylaw amendments that may be required. The proposed timeline is attached in the Project Charter; however, it is anticipated that members to a BOV could be appointed as soon as May / June 2015.

## **Resources and Roles**

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This initiative will be led by the Northern Office Legislative Clerk in conjunction with the Regional Planning Manager and Island Planners.

Outside of staff time, the only resources that may be required would fund advertisements intended to recruit new appointees.

## **Communications**

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Past members of each BOV will be contacted to thank them for their past service and to canvas them for interest in re-appointment.

Should advertisements be required they will be placed in relevant newspapers and posted at the Islands Trust notice locations on the Islands.

## **Project Charter**

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A Project Charter has been attached for endorsement.

## **Next Steps**

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Upon endorsement of the Project Charter, Staff will action the completion of this Staff Report, and the attached Project Charter.

## **Summary of Staff Recommendations**

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LTCs are requested to discuss and decide whether they wish to pursue a joint BOV or to pursue an independent BOV for their LTA. Staff recommends that LTC's agree to pursue a joint BOV in order to realize:

- efficiency of staff time in recruiting and monitoring membership;
- greater success in filling positions on the BOV; and
- greater effectiveness of the BOV as it will receive more applications as a joint board and will develop experience.

## **RECOMMENDATIONS:**

That the \_\_\_\_\_ Local Trust Committee direct staff to advertise for membership in a Board of Variance appointed jointly with other local trust committees in the Northern Region.

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Prepared and Submitted by:

Lisa Webster-Gibson

February 17, 2015

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Lisa Webster-Gibson, Legislative  
Clerk

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Date

Concurred in by:

*Courtney Simpson*

February 17, 2015

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Courtney Simpson, RPP MCIP,  
Regional Planning Manager

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Date

Attachments:

1. Board of Variance Membership Northern Region

## Northern Region Board of Variance Membership

Report dated February 17, 2015

<b>Local Trust Area</b>	<b>Member Name</b>	<b>Home Address</b>	<b>Member Term</b>
Denman, Hornby & Lasqueti	George Buyyer	Hornby Island	2005-2008
	Leagh Farrell	Hornby Island	2005-2008
	Gillian Rambold	Victoria	2005-2008
Gabriola	George Buyyer	Hornby Island	2006-2009
	Gail Lund	Gabriola Island	2006-2009
	Barbara Williamson	Gabriola Island	2006-2009
Gambier	Ken White	Gibsons	2008-2011
	Wolf Wiedermann	Gambier Island	2008-2011
	Glen Young	Vancouver	2008-2011
Thetis	Roland Cook	Salt Spring Island	2006-2009
	Steve Frankel	Thetis Island	2006-2009
	Jack Woodward	Salt Spring Island	2006-2009