



Hornby Island Local Trust Committee Regular Meeting Agenda

Date: February 13, 2015
Time: 11:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Pages

- | | | | |
|--------|--|---------------------|---------|
| 1. | CALL TO ORDER | 11:30 AM - 11:35 AM | |
| 2. | APPROVAL OF AGENDA | | |
| 3. | TOWN HALL AND QUESTIONS | 11:35 AM - 11:50 AM | |
| 4. | COMMUNITY INFORMATION MEETING - none | | |
| 5. | PUBLIC HEARING - none | | |
| 6. | MINUTES | 11:50 AM - 12:00 PM | |
| 6.1 | Local Trust Committee Minutes Dated November 21, 2015 for Adoption | | 4 - 8 |
| 6.2 | Section 26 Resolutions-without-meeting Report Dated February 3, 2015 | | 9 - 9 |
| 6.3 | Advisory Planning Commission Minutes - none | | |
| 7. | BUSINESS ARISING FROM MINUTES | 12:00 PM - 12:15 PM | |
| 7.1 | Follow-up Action List Dated February 3, 2015 | | 10 - 11 |
| 8. | DELEGATIONS | | |
| 9. | CORRESPONDENCE | | |
| | Correspondence received concerning current applications or projects is posted to the LTC webpage | | |
| 10. | APPLICATIONS AND REFERRALS | | |
| 10.1 | HO-DVP-2014.1 Jennifer Scott | | |
| 10.1.1 | <u>Staff Report dated January 21, 2015</u> | | 12 - 27 |

11.	LOCAL TRUST COMMITTEE PROJECTS	12:15 PM - 12:30 PM	
11.1	Riparian Areas Regulation Implementation		
11.1.1	<u>Staff Report Dated January 22, 2015</u>		28 - 46
12.	REPORTS	12:30 PM - 12:50 PM	
12.1	Work Program		
12.1.1	<u>Top Priorities Report Dated February 3, 2015</u>		47 - 47
12.1.2	<u>Projects List Report Dated February 3, 2015</u>		48 - 49
12.2	Applications Report Dated February 3, 2015		50 - 51
12.3	Trustee and Local Expense Report for January, 2015		52 - 53
12.4	Adopted Policies and Standing Resolutions		54 - 54
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Reports		
12.8	Electoral Area Director's Report		
12.9	Trust Fund Board Report Dated January 2015		55 - 57
	<u>BREAK</u>		
13.	NEW BUSINESS	1:10 PM - 2:45 PM	
13.1	Hornby Island Local Trust Committee Work Program - 2015		
13.1.1	<u>Staff Report Dated January 22, 2015</u>		58 - 72
13.1.2	<u>Goal Setting Session</u>		
13.2	Advisory Planning Commission Staff Report Dated January 28, 2015		73 - 79
13.3	Appointment for the Denman/Hornby Ferry Advisory Committee		
13.4	Annual Meeting with the Ministry of Transportation and Infrastructure		
13.5	Comox Valley Regional District (CVRD) Water Supply Lots on Anderson Drive		
13.5.1	<u>Letter with Map attachment Dated December 19, 2014 from CVRD to Linda Adams, CAO, Islands Trust</u>		80 - 81
13.5.2	<u>Report Dated January 29, 2015 from Trustee Law</u>		82 - 84

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

15. TOWNHALL

2:45 PM - 2:55 PM

16. CLOSED MEETING - none

17. ADJOURNMENT

3:00 PM - 3:00 PM



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: November 21, 2014
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Members Present David Graham, Chair
Alex Allen, Local Trustee
Tony Law, Local Trustee

Staff Present Rob Milne, Island Planner
Vicky Bockman, Recorder

Others Present There were three (3) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 11:35 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

12.4.1 Updated Policies and Standing Resolutions

13.1 Denman Island Local Trust Area Bylaw Referral Request for Response
Regarding Bylaw Nos. 212 and 213

13.2 Local Trust Committee Meeting Day Discussion

By general consent the agenda was adopted as amended.

3. MINUTES

3.1. Hornby Island Meeting Minutes of October 10, 2014

For Adoption

By general consent the Local Trust committee meeting minutes of October 10, 2014 were adopted.

3.2. Section 26 Resolutions Without Meeting

None

3.3. Advisory Planning Commission Meeting Minutes

None

4. BUSINESS ARISING FROM MINUTES

4.1. Follow-up Action List dated November 12, 2014

Planner Milne summarized the Follow-up Action List and reported on current status of activities.

5. CORRESPONDENCE

(Correspondence received concerning current applications is considered with the application)

5.1. Email dated October 29, 2014 from Jennifer Heron, BC Ministry of Environment regarding Habitata Restoration and Stewardship Actions for Taylor's Checkerspot Butterfly Letter of Support

Trustee Law reported that he attended a presentation on Taylor's Checkerspot Butterfly habitat enhancement and expressed his support for the project and for providing a letter of support as requested in the correspondence.

HO-2014-060

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee Chair be requested to write a letter of support for the Habitat Restoration and Stewardship Actions for the Taylor's Checkerspot butterfly on Hornby Island.

CARRIED

6. TRUSTEES' REPORT

Trustee Allen noted that he and Trustee Law wanted to express their appreciation to the Hornby community for their election to another term by acclamation. He commented that he is looking forward to the next Trust Council meeting and to serving for another term.

Trustee Law reported that he attended the concluding Ferry Advisory Committee (FAC) meeting of this term and noted that BC Ferries will be seeking new members to serve for the next term. He advised that the FAC has been considering the proposal to provide assured loading for some number of Hornby Island traffic on the 8:00 am sailing from Denman West terminal. He commented that in order to inform their consideration of this issue the FAC has asked BC Ferries to report back as to what procedures would be involved to make that happen.

Trustee Law commented on his disappointment that there has been no response from Hornby Island's MLA to the correspondence sent requesting a meeting with Minister Stone regarding ferry issues. He noted that extending the peak season might be one of the options suggested for consideration at such a meeting. He indicated that another attempt may be made with a letter requesting a meeting to be signed by multiple community organizations and elected officials. The Local Trust Committee discussed and supported Trustee Law and Trustee Allen being signatories on such a letter as Trustees of the Local Trust Committee. Trustee Law commented that the FAC work this term has been an experience of collective effort with skilled, knowledgeable and respectful members.

7. CHAIR'S REPORT

Chair Graham commented that this is his last Local Trust Committee meeting as an elected official, noting that he has enjoyed the work that has been done with this committee and getting to know and work with the Hornby community. He concluded by expressing his hope that the Hornby and Denman communities can consider themselves as brothers and sisters as they address difficult issues of common interest.

Trustees Law and Allen thanked outgoing Chair Graham for his contribution to the Local Trust Committee during this term. They also thanked Planner Milne for his assistance in managing projects in an effective manner.

By general consent the meeting was adjourned at 11:59 am and reconvened at 12:30 pm.

During the break Local Trust Committee members expressed their appreciation to members of the Hornby Advisory Planning Commission for their time dedicated to working on the Official Community Plan and Land Use Bylaw Review. Trustees and Planner Milne indicated that the depth of their review, the historical perspective brought to the work, and their community insight provided valuable assistance in consideration of the project.

APPRECIATION FOR HORNBY ADVISORY PLANNING COMMISSION

8. DELEGATIONS

None.

9. TOWN HALL SESSION

None.

10. APPLICATIONS AND PERMITS

None.

11. LOCAL TRUST COMMITTEE PROJECTS

None.

12. REPORTS

12.1. Work Program

12.1.1. Top Priorities Report and Projects Report dated November 12, 2014

Trustees discussed the order of the Top Priorities and the need to consider appointments for the Advisory Planning Commission.

HO-2014-061

It was MOVED and SECONDED

that the Top Priorities for the Hornby Island Local Trust Committee be as follows:

1. Riparian Areas Regulation Mapping and Implementation;
2. Official Community Plan and Land Use Bylaw Review; and
3. Appointments to the Advisory Planning Commission.

CARRIED

12.2. Applications Log

Report dated November 12, 2014

Planner Milne summarized the Applications Log and confirmed that the statuses listed are current and accurate. He provided an update on file number HO-SUP-2011.11 for the Hornby Island Resorts Ltd., advising that the Development Permit that enables that Siting and Use Permit will expire on November 26, 2014 as there has been no substantial commencement on the project.

12.3. Trustee and Local Expenses

Posted to End of October, 2014

Received for information.

12.4. Policies and Standing Resolutions

12.4.1. Updated Policies and Standing Resolutions

Planner Milne advised that the updated Policies and Standing Resolutions includes the amendment of the expiration date of Resolution No. HO-043-2013 to September 30, 2015.

13. NEW BUSINESS

13.1. Denman Island Local Trust Area Bylaw Referral Request for Response regarding Bylaw Nos. 212 and 213

Planner Milne summarized the nature of the bylaws for Trustees' consideration.

HO-2014-062

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee respond to the referral of Denman Island Local Trust Committee Bylaw Nos. 212 and 213 as "Interests Unaffected by Bylaw".

CARRIED

13.2. Local Trust Committee Meeting Day Discussion

Planner Milne explained the need to determine the Trustees preference for an alternate to Fridays as the regularly scheduled Hornby Island Local Trust Committee meeting day for the upcoming term to assist staff in case of scheduling conflicts. Trustee Allen responded that any day other than Friday

would be difficult and he was unable to suggest an alternative at this time. Trustee Law responded that he is flexible and amenable to any suggested alternative day.

14. BYLAWS

None.

15. ISLANDS TRUST WEBSITE

15.1. Hornby Island Pages

The Hornby Island Local Trust Committee Website can be found at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby.aspx>

Planner Milne reported that changes to the website have been completed as requested by the Local Trust Committee. There were no changes, additions or deletions requested by Trustees at this time.

16. NEXT MEETING DATE

To be announced.

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:55 pm.

David Graham, Chair

Certified Correct:

Vicky Bockman, Recorder

RWM From: September 09, 2014 To: February 03, 2015

Hornby Island

Resolution #	Action	Resolution Description	Resolution Date
2015-01	In Favour	"That the Hornby Island Local Trust Committee reschedule its Regular Business Meeting of Friday, February 6, 2015 to Friday, February 13, 2015."	Jan 20, 2015



Follow Up Action Report w/ Target Date

Hornby Island Apr-25-2014

No.	Activity	Responsibility	Target Date	Status
1	HO-2014-020 that the Hornby Island Local Trust Committee direct staff to proceed with the implementation of the Riparian Areas Regulation Implementation project as described in the endorsed Project Charter.	Rob Milne		On Going

Aug-15-2014

No.	Activity	Responsibility	Target Date	Status
1	Staff to respond to K'omoks Chief Councillor Robert Everson's letter of July 10.	Courtney Simpson	Aug-22-2014	Done

Nov-21-2014

No.	Activity	Responsibility	Target Date	Status
1	HO-2014-060 that the Hornby Island Local Trust Committee Chair be requested to write a letter of support for the Habitat Restoration and Stewardship Actions for the Taylor's Checkerspot butterfly on Hornby Island.	Rob Milne		Done
1	HO-2014-061 that the Top Priorities for the Hornby Island Local Trust Committee be as follows: 1. Riparian Areas Regulation Mapping and Implementation; 2. Official Community Plan and Land Use Bylaw Review; and 3. Appointments to the Advisory Planning Commission.	Rob Milne		Done

- 1 **HO-2014-062**
that the Hornby Island Local Trust Committee
respond to the referral of Denman Island Local Trust
Committee Bylaw Nos. 212 and 213 as 'Interests
Unaffected
by Bylaw'.
-

Rob Milne

Done

Date: January 21, 2015

File No.: HO-DVP-2014.1

To: Hornby Island Local Trust Committee
For the meeting of February 13, 2015

From: Teresa Ritemann, Planner 1

CC: Courtney Simpson, Regional Planning Manager
Rob Milne, Island Planner

Re: Development Variance Permit HO-DVP-2014.1 (Scott)
Lot K, Section 16, Hornby Island, Nanaimo District, Plan 30237
PID 001-275-305

Owner: Jennifer Scott

Applicant: Same

Location: 1280 Carmichael Road, Hornby Island, BC

THE PROPOSAL

This is an application to vary subsection 3.12 (Lot Proportions) of the Hornby Island Land Use Bylaw No. 86, which states that:

"No lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line."

in order to create a new lot through subdivision with road access via panhandle.

BACKGROUND:

The applicant is concurrently pursuing an application for a Subdivision under Section 946 of the *Local Government Act* with the Ministry of Transportation and Infrastructure to create a second lot for use as a residence by a relative. Due to the size and shape constraints of the property, and in order to provide access from Carmichael Road, proposed Lot 2 (see Figure 3) will need to be configured as a panhandle lot, whereby the lot frontage is less than one-third of the length of the property.

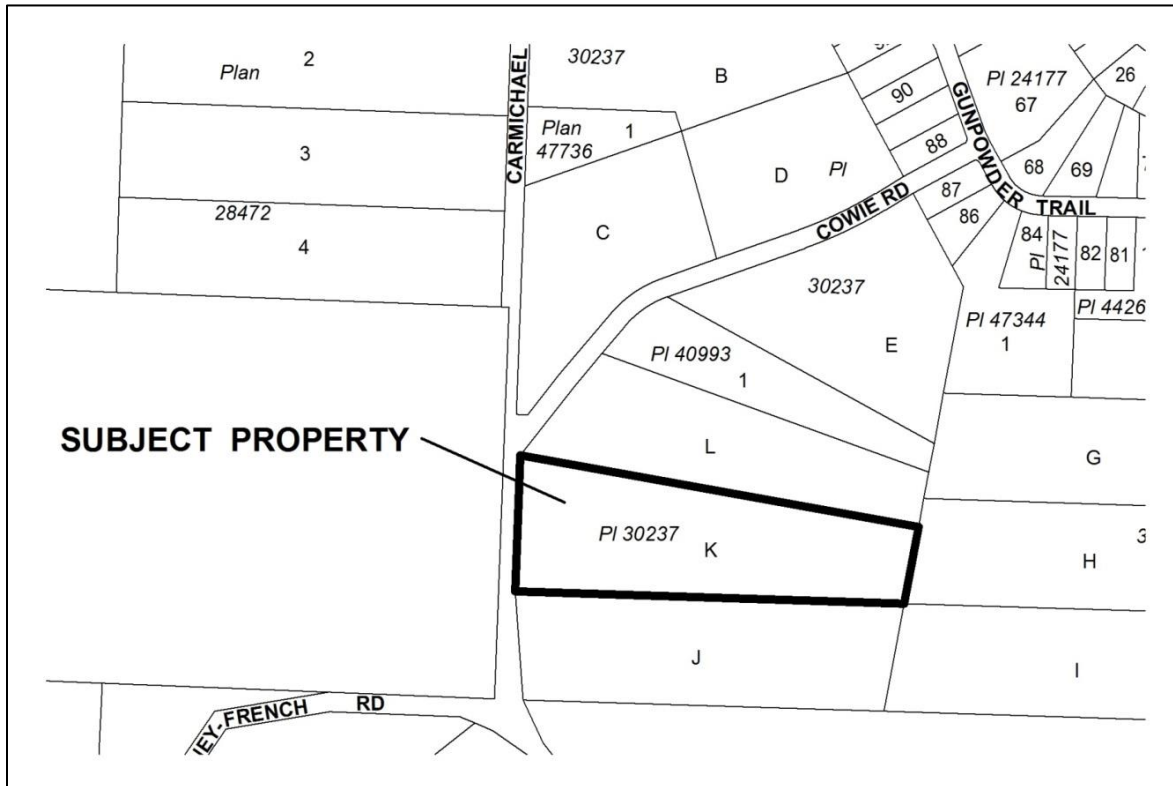
Therefore, the applicant is seeking a Development Variance Permit in order to vary subsection 3.12 (Lot Proportions) of the **Hornby Island Land Use Bylaw No. 86**, which states that:

"No lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line."

SITE CONTEXT:

The subject property is located at 1280 Carmichael Road on Hornby Island, as shown in Figure 1 below. The property is approximately 4.55 hectares (11.25 acres) in size, and is adjacent to Carmichael Road to the west which provides access to proposed Lot 1, as well as panhandle access to proposed Lot 2. The property is bordered by adjacent R3, rural residential lots directly to the north, east, and south. The proposed Site Plan is shown as “Schedule A” of the proposed permit (Attachment 2), and an aerial/contour map as Attachment 3. No site visit was conducted.

Figure 1: Map of Subject Property



CURRENT PLANNING STATUS OF SUBJECT LANDS

Islands Trust Policy Statement:

This application does not appear to be at variance with the Islands Trust Policy Statement.

Official Community Plan

This proposal is neither within a Development Permit Area, nor a Hazardous Area on Hornby Island, as shown in the map schedules within the Hornby Island Official Community Plan No. 104.

Land Use Bylaw

As outlined in the Hornby Island Land Use Bylaw No. 86, this property is zoned as R3 – Rural Residential.

Islands Trust Fund:

As per the Islands Trust Fund and Local Planning Services Coordination Policy Manual, this application does not directly affect Islands Trust Fund Board (TFB) interests as it does not directly affect a TFB owned property or conservation covenant, or a property adjacent to a TFB owned property or conservation covenant.

Regional Conservation Plan:

Map 7 of the Islands Trust Fund Regional Conservation Plan indicates that the estimated importance of habitat composition is 'medium' for this property.

Sensitive Ecosystems and Hazard Areas:

No mapped Hazard Areas, Intrinsic Groundwater Susceptibility, or Endangered Species.

Sensitive Ecosystem Inventory (SEI) mapping indicates Second Growth Forest, and the entire property is within the marsh basin of a watershed.

Archaeological Sites:

There are no recorded archaeological sites located on or within less than 50 m¹ of the property.

Covenants:

There are no Trust Fund Board covenants or Local Trust Committee covenants registered on title. There is a Statutory Building Scheme (F31999) registered on title, but this would likely not affect this proposal.

Bylaw Enforcement:

There are neither current nor previous Bylaw Enforcement files associated with this property.

Climate Change Mitigation and Adaptation

There are no anticipated impacts on greenhouse gas emissions that would result from permitting this development variance as proposed.

Shoreline

The property in question is not along the waterfront and does not include a shoreline.

¹ The BC Archaeology Branch requests that local governments consider an archaeological site within 50m of a development proposal to be in "conflict" with the site.

COMMUNITY INFORMATION MEETING(S):

No Community Information Meeting is required or recommended for this application.

RESULTS OF CIRCULATION:

Notification of this variance application will be distributed to neighbouring property owners on January 26, 2015 in accordance with statutory requirements. At the time of writing this report, staff had received no submissions from neighbouring property owners or tenants regarding the application.

STAFF COMMENTS:

The applicant is concurrently pursuing an application for a Subdivision under Section 946 of the *Local Government Act* (subdivision to provide residence for a relative) with the Ministry of Transportation and Infrastructure to create a second lot **for use as a residence by a relative**. Due to the size (**4.55 hectares** / 11.25 acres) and shape constraints of the property, in order to provide access from Carmichael Road, proposed Lot 2 (see Figure 3) will need to be configured as a panhandle lot, whereby the lot frontage is less than one-third of the length of the property.

Therefore, the applicant is seeking a Development Variance Permit in order to vary subsection 3.12 (Lot Proportions) of the **Hornby Island Land Use Bylaw No. 86**, which states that:

“No lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line.”

Thus, in the current Land Use Bylaw (No. 86), panhandle-shaped lots created by subdivision are not permitted. However, in the Subdivision Regulations of **currently proposed Hornby Island Land Use Bylaw No. 150**, subsection 6.6 (2) states that (**emphasis added**):

*(2) No lot in a proposed subdivision may have a depth greater than three times its width, **excluding the width of any panhandle access strip**.*

Furthermore, subsection 6.5 of the Subdivision Regulations in **proposed LUB No. 150** has a specific provision for Section 946 Subdivisions which the proposal would not meet:

(1) No lot having an area **less than 8 hectares** may be subdivided pursuant to the *Local Government Act* to provide a residence for the relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

This is to say that panhandle lots created by subdivision would be permitted under proposed LUB No. 150, but that Section 946 Subdivisions of lots less than 8 hectares would not be. However, since Hornby Island Land Use Bylaw No. 86 is still in effect, this application must be considered under that bylaw which does not specifically limit Section 946 Subdivisions.

Therefore, given the limiting factors of size and shape of the subject property, and seeing as how the “no-panhandle” subdivision regulations are intended to change in the near future and that Section 946 subdivisions are currently allowed, staff recommends that this variance for a panhandle-shaped lot be granted such that the related and concurrent Section 946 subdivision application with the Ministry of Transportation and Infrastructure may be approved.

RECOMMENDATIONS:

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.

Prepared and Submitted by:



Teresa Ritemann
Planner 1

January 21, 2015

Date

Concurred in by:

Courtney Simpson

Courtney Simpson, MCIP, RPP
Regional Planning Manager

January 23, 2015

Date

Attachments:

1. Public Notice
2. Proposed Permit (Including "Schedule A" - Site Plan)
3. Aerial / contour map
4. Original Application Materials

PROPOSED

 Islands Trust	HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT HO-DVP-2014.1 (SCOTT)
--	--

TO: Jennifer Scott

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

PID: 001-275-305

Lot K, Section 16, Hornby Island, Nanaimo District, Plan 30237

2. Pursuant to Section 922 of the *Local Government Act*, Hornby Island Land Use Bylaw No. 86 (1993), subsection 3.12 (Lot Proportions) *"No lot may be created by subdivision whose front lot line is less than one-third the length of its longest side lot line"* is varied to allow:

The creation of Lot 2, which has a front lot line that is less than one-third the length of its longest side lot line, a "panhandle lot" (by subdivision under Section 946 of the *Local Government Act*).

as shown in Schedule "A" attached to and forming part of this permit.

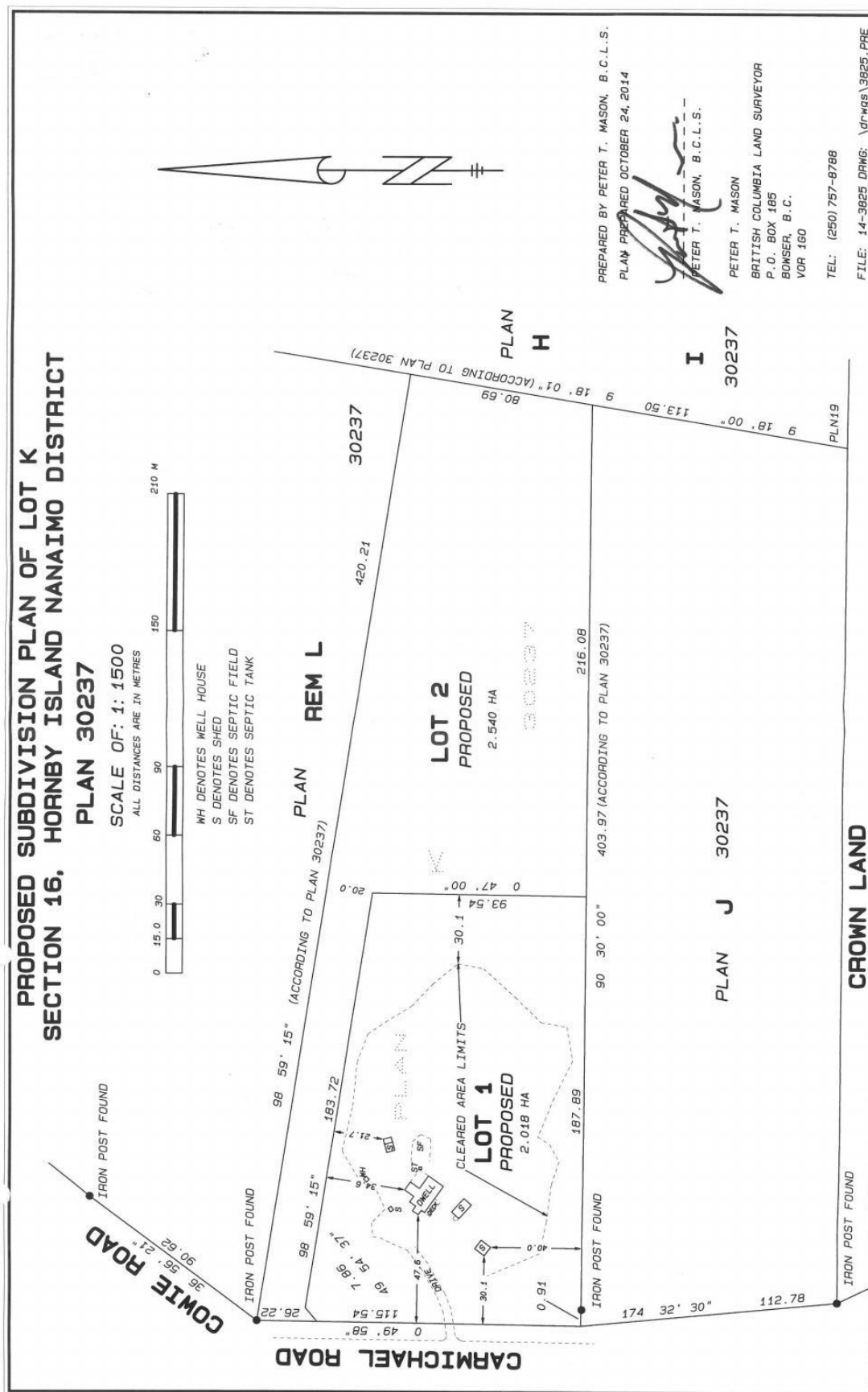
3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Hornby Island Land Use Bylaw No. 86 (1993) and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2015.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT SUBSTANTIALLY COMMENCED BY THE ____ DAY OF _____, 2017 THIS PERMIT AUTOMATICALLY LAPSES.





Islands Trust

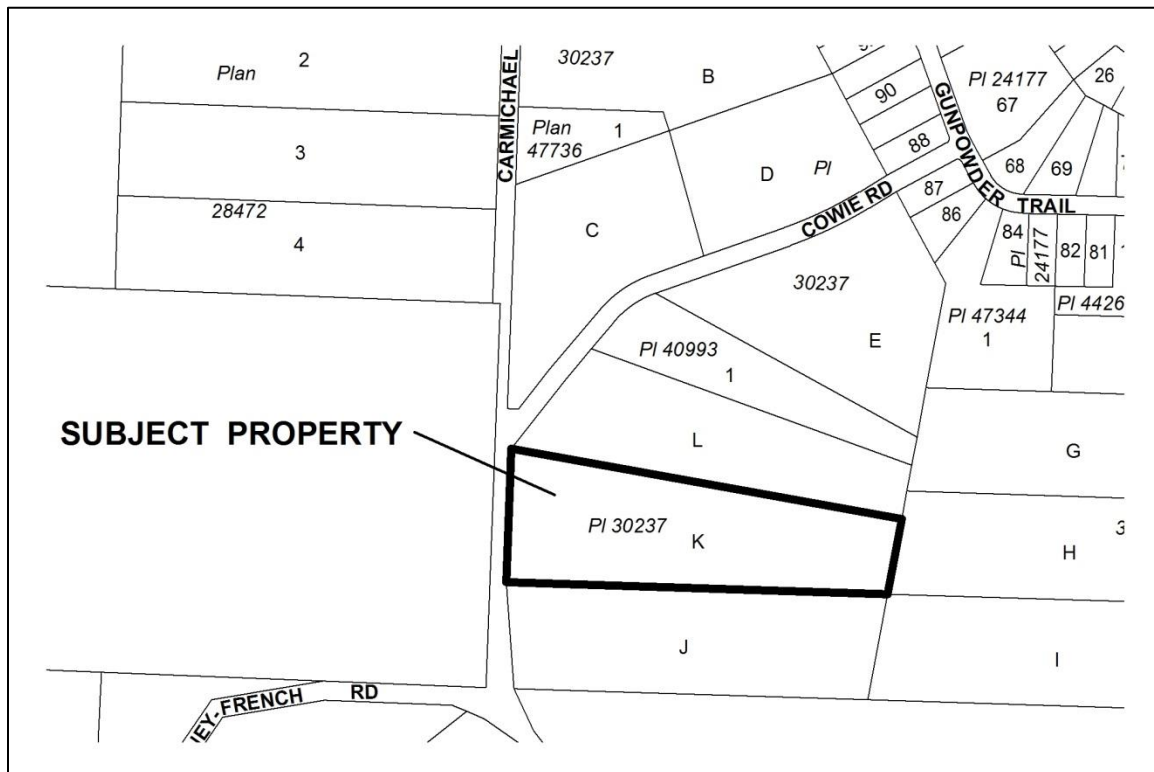
**NOTICE
HO-DVP-2014.1
HORNBY ISLAND LOCAL TRUST COMMITTEE**

Notice is hereby given that the Hornby Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*, varying the Hornby Island Land Use Bylaw No. 86, 1993 as follows:

The purpose of the proposed permit is to vary Subsection 3.12 (Lot Proportions) of the Hornby Island Land Use Bylaw No. 86, to allow for the subdivision of a panhandle-shaped lot (where the front lot line is less than one-third of the length of its longest side lot line), as part of an associated subdivision application under Section 946 of the *Local Government Act* (subdivision to provide residence for a relative).

The subject property is legally described as Lot K, Section 16, Hornby Island, Nanaimo District, Plan 30237 and is shown in the following sketch:

Sketch 1



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, between the hours of 8:30 am to 4:00 pm, Monday to Friday inclusive, excluding statutory holidays, commencing January 26, 2015 and continuing up to and including February 12, 2015.

Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed permit, please submit them before 4:00 pm, February 12, 2015 to:

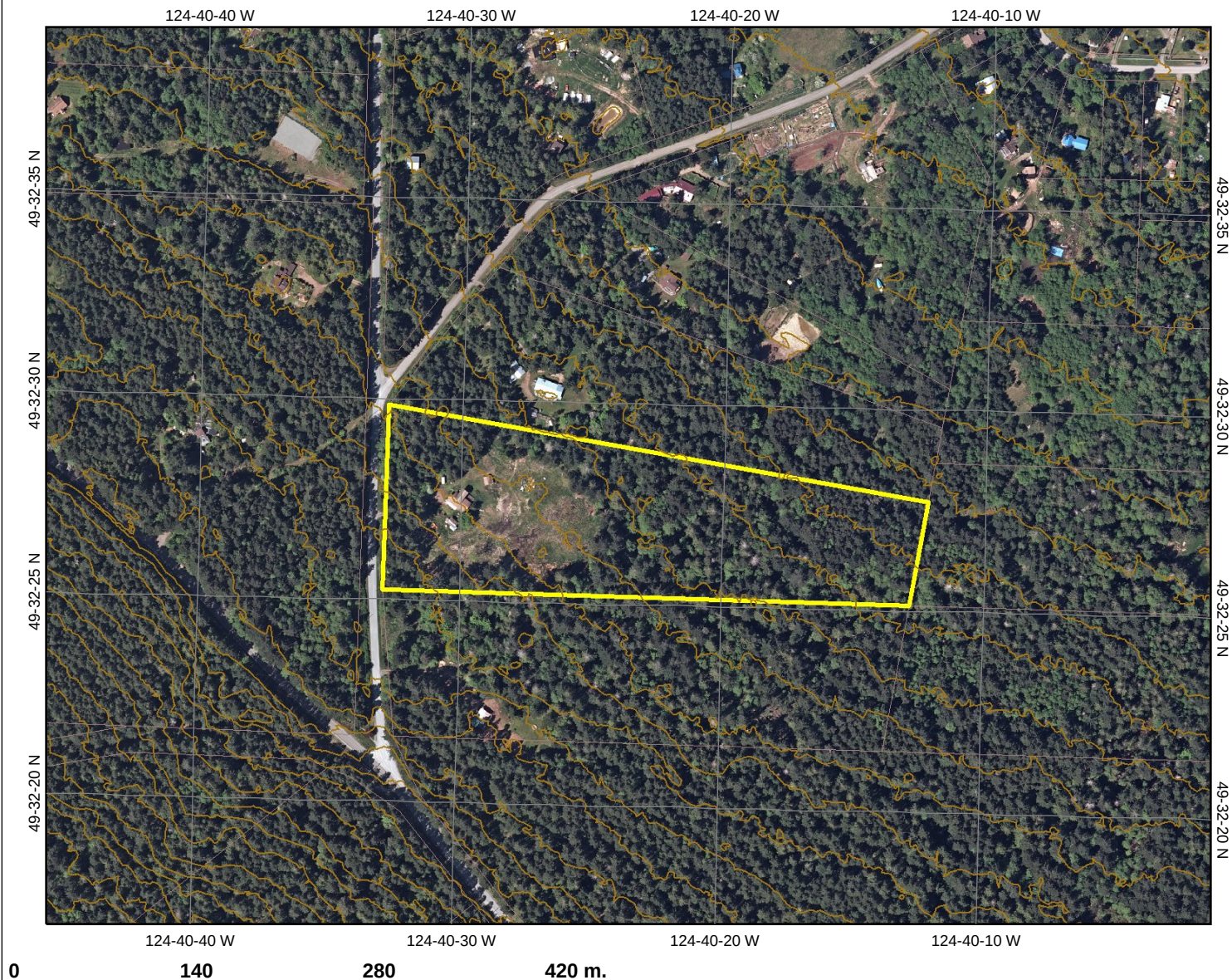
Mail: Islands Trust,
700 North Road,
Gabriola Island, BC,
V0R 1X3
Fax: 250- 247-7514
Email: trittemann@islandstrust.bc.ca
Phone: Teresa Rittemann, Planner 1, at 250-247-2200
Toll-free via Enquiry BC in Vancouver: 604-660-2421; elsewhere in BC: 1-800-663-7867

Following the end of the notice period, the Hornby Island Local Trust Committee may consider issuance of the proposed Permit at its meeting to be held at 11:30 am on Friday, February 13, 2015 at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Lisa Webster-Gibson
Deputy Secretary

Aerial and Contour Map



Legend

- LTA Boundaries
- Major Roads
- Contours 2m Interval
- Lot Boundaries (IT ICF)
- Northern Islands 2011

Scale: 1:4,814

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Islands Trust

Preserving island communities, culture and environment

Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
Telephone: 250.405.5151
Fax: 250.405.5155
information@islandstrust.bc.ca
North Pender, South Pender, Galiano,
Mayne, Saturna, Executive

www.islandstrust.bc.ca

Salt Spring Office
1 - 500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Telephone: 250.537.9144
Fax: 250.537.9116
ssinfo@islandstrust.bc.ca
Salt Spring

Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
Telephone: 250.247.2063
Fax: 250.247.7514
northinfo@islandstrust.bc.ca
Denman, Gabriola, Gambier,
Hornby, Lasqueti, Thetis

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

Development Variance Permit Application Form

Print Form

Office Use Only
Fee Paid: 715.00 Receipt No.: 2721 File No.: HO-DVP-2014-1

SECTION 1: DESCRIPTION OF PROPERTY (AS INDICATED ON STATE OF TITLE CERTIFICATE)

Lot/Parcel Lot K Plan 30237 Block _____ District Lot/Section Nanaimo District Section 16
Range _____ Other Description _____
Street Address or General Location 1280 Carmichael Rd Hornby Island BC.
Jurisdiction and Folio Number 0677108873, 35617 (From Property Assessment/Tax Notice)
Parcel Identifier (PID) 001-275-305 (From State of Title Certificate)

SECTION 2: OWNER INFORMATION (ADD ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

First Owner Information

Name Jennifer Alicia Scott
Name 1280 Carmichael Rd
Street Address
City Hornby Island Region BC
Postal/Zip Code V0R 1Z0
Telephone 250-218-6388
Fax
E-mail jenscott88@yahoo.com

Second Owner Information

Name _____
Street Address _____
City _____ Region _____
Postal/Zip Code _____
Telephone _____
Fax _____
E-mail _____

SECTION 3: APPLICANT INFORMATION (IF DIFFERENT FROM OWNER)

Name See above. Street Address _____
City _____ Region _____ Postal/Zip Code _____
Telephone _____ Fax _____ E-mail _____

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the *Local Government Act* for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form may be available to the public upon request under freedom of information legislation. Please contact a Deputy Secretary at one of the above noted offices if you have any questions

The processing of your application will be delayed if it is incomplete. Please read the guide before you complete the application form. Keep the guide for your reference during the application process. Contact a staff person for assistance.

Mail or deliver the completed application form, fee, plans and supporting material to the Islands Trust Office. The fee is payable to the Islands Trust. Contact Islands Trust staff for the current fee prior to submitting your application as fees may change annually.

SECTION 4: Provide one full-scale, and three (3) reduced (11 x 17) copies of a detailed site plan and other drawings that must include the following:

- ☒ existing and proposed uses on parcel
- ☒ existing bylaw requirements and proposed variance with accurate dimensions
- ☒ uses of existing and proposed buildings
- ☒ dimensions and/or floor areas of existing and any proposed buildings
- ☒ height of existing and proposed buildings/additions
- ☒ setbacks for all existing and proposed buildings to property lines, natural boundary of sea, watercourses and cliffs
- ☐ setback of existing and proposed septic field to natural boundary of the sea and watercourses (where applicable)
- ☐ parking areas including numbered parking stalls, aisle widths, stall dimensions (where applicable)
- ☒ all wetlands, sewage disposal field(s), septic tanks, wells, drainage areas, ponds and topography
- ☐ landscaping showing existing and proposed landscaping. Also, include an estimate of the cost of landscaping, provided by a Landscape Architect or qualified professional. This estimate will be used to determine the amount of any security required.
- ☒ elevation plan

If the space provided below for each section is not sufficient, please attach additional information using a Microsoft Word, Excel, Text or a separate PDF Document.

SECTION 5: Describe the current uses of the land and buildings on the property.

Please find written description attached.

SECTION 6: Describe the proposed uses of the land and buildings, and show on your site plans the location of any proposed buildings or structures. If required, submit an elevation plan showing side views of the proposal.

Please find attached

SECTION 7: Describe the proposed variances to the bylaw requirements that are needed for the proposed development of the property. On your site plan, show the existing bylaw requirement and your proposed variance with accurate dimensions.

Please find attached

SECTION 8: Describe the reasons for the proposed variance and why the current bylaw requirements cannot be met in the proposed development.

Please find attached.

SECTION 9: Describe how the property and the surrounding lands may be affected by the proposed variance, show any of the affected features on your site plan, and describe how you propose to mitigate.

Please find attached.

SECTION 10: Describe any consultation you have undertaken with your neighbours and strata corporation (if applicable).

Please find attached.

SECTION 11: APPLICATION COMPLETION CHECKLIST

- ☒ I have completed all sections of this application form
- ☒ I have included detailed site plans and elevation drawings as required in Section 4 of this application form
- ☒ I have included recent State of Title Certificate (not more than 30 days old)
- ☒ I have included copies of all covenants registered against this title
- ☒ All owners listed on the title have signed the application
- ☒ I have included the correct fee (Contact Islands Trust staff for current fees)

Full-scale plus
3 (11x17) copies
to be sent
by Peter Mason,
Surveyor.

IMPORTANT: Your application will not be considered complete unless it contains all of the information above.

A Note about Obtaining State of Title Certificate and Covenants: State of Title Certificate and covenants may be obtained from the Land Title Office or through your local government agent office for a fee.

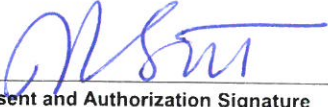
SECTION 12: OWNER'S CONSENT AND AUTHORIZATION

(Signature of all registered owners is required. For additional owners, including Strata Corporations, attach a separate sheet)

In order to assist Islands Trust Planners in the review and evaluation of my application, by signing below, I authorize the Planners assigned to this application to enter onto the land at reasonable times, after making reasonable efforts to arrange to schedule a convenient time for such a visit, to inspect the land. I acknowledge a right, if a convenient time can be scheduled, to accompany the Planner on the site visit.

By signing below, I authorize the Applicant named in Section 3 of this application to represent this application:

First Consent and Authorization



Consent and Authorization Signature

Oct 29. 2014.

Date

Second Consent and Authorization

Consent and Authorization Signature

Date

Contaminated Sites Regulation

Print Form

Please note that pursuant to Section 4(4) of the Contaminated Sites Regulation, B.C.Reg. 375/96, site profile is not required and will not be accepted by the Islands Trust. If you have any questions, please contact the Islands Trust office.

DEVELOPMENT VARIANCE PERMIT APPLICATION

SECTION 5:

-The current use of the land and buildings is as a residential home. There is one house, one wood shed, two storage sheds and a well pump house on the property.

SECTION 6:

-The proposed use is to keep the home and existing sheds for residential use on Lot 1. The second property, Lot 2, would be left as is, forested and untouched. At this time and there is no plan to build or clear on Lot 2.

SECTION 7:

The proposed variance is to the Hornby Island land-use by law Sec. 3.12. The variance is a panhandle located along the north edge of the property that would allow a driveway access from Carmichael Rd to the proposed Lot 2. Currently, due to the long and narrow shape of the property, there is no road frontage that allows access to the back half of the property. In order to create two Lots out of the existing property, a panhandle will have to be in place to allow access to the second Lot which will require a variance to the existing bylaw Sec. 3.12.

SECTION 8:

The reason for the proposed variance is the long and narrow shape of the property and where it is situated in relation to public roads. Because the front line of the property along Carmichael Rd is less than one third the length of the longest line a variance to by-law Sec. 3.12 will be required to allow a panhandle shaped driveway to be created to allow access to the back half of the property and proposed Lot 2. The proposed panhandle variance along the north edge of the property would cause the least disturbance to neighbors, the existing home on the property and the natural flow and environmental integrity of the land.

The current by-law requirements cannot be met in the proposed development due to the long and narrow shape of the property and the restricted access to a public road way. With a variance that would allow the creation a panhandle shaped access way to the back of the property a second lot can be added with minimal impact to neighbors, the existing residence or the environment. The panhandle would interfere with no ecologically significant forest, ditching, waterways, or any other man made infrastructure such as hydro or water lines.

SECTION 9:

There will be minimal impact to the property or the surrounding lands by the proposed variance. A new driveway entrance would exist close to the corner of Carmichael Rd and Cowie Rd. This is not a sharp corner so there will be no restriction on the flow of traffic. A trail exists along the north edge of the property where the proposed panhandle will be and when a driveway is put in a minimal amount of trees will have to be thinned. If a driveway is put in a buffer of trees can be left as to not affect the neighboring property or the view of the existing residence and mitigate any loss to the natural beauty of the area.

SECTION 10:

I have spoken with Roy Slack and Elisa Fortune who are the neighbors directly across Carmichael Rd and they have no issue with the proposed development.

The neighbor that borders the north edge of the property where the variance run along lives in Germany and I have tried to contact him through his tenant and via email but have heard no response.

PROPOSED SUBDIVISION PLAN OF LOT K SECTION 16, HORNBY ISLAND NANAIMO DISTRICT PLAN 30237

SCALE OF: 1:1500

ALL DISTANCES ARE IN METRES



WH DENOTES WELL HOUSE
S DENOTES SHED
SF DENOTES SEPTIC FIELD
ST DENOTES SEPTIC TANK

CROWN LAND

- Main house 89ft = 1660' Height = 24' (residence)
- Wood shed 89ft = 100 Height = 14' (wood)
- Shed # 2 89ft = 280 Height = 16' (storage)
- Shed # 3 89ft = 256 Height = 12' (storage)
- Proposed Variance to be used as driveway.
- Please note there is no significant elevation.

PLAN 19

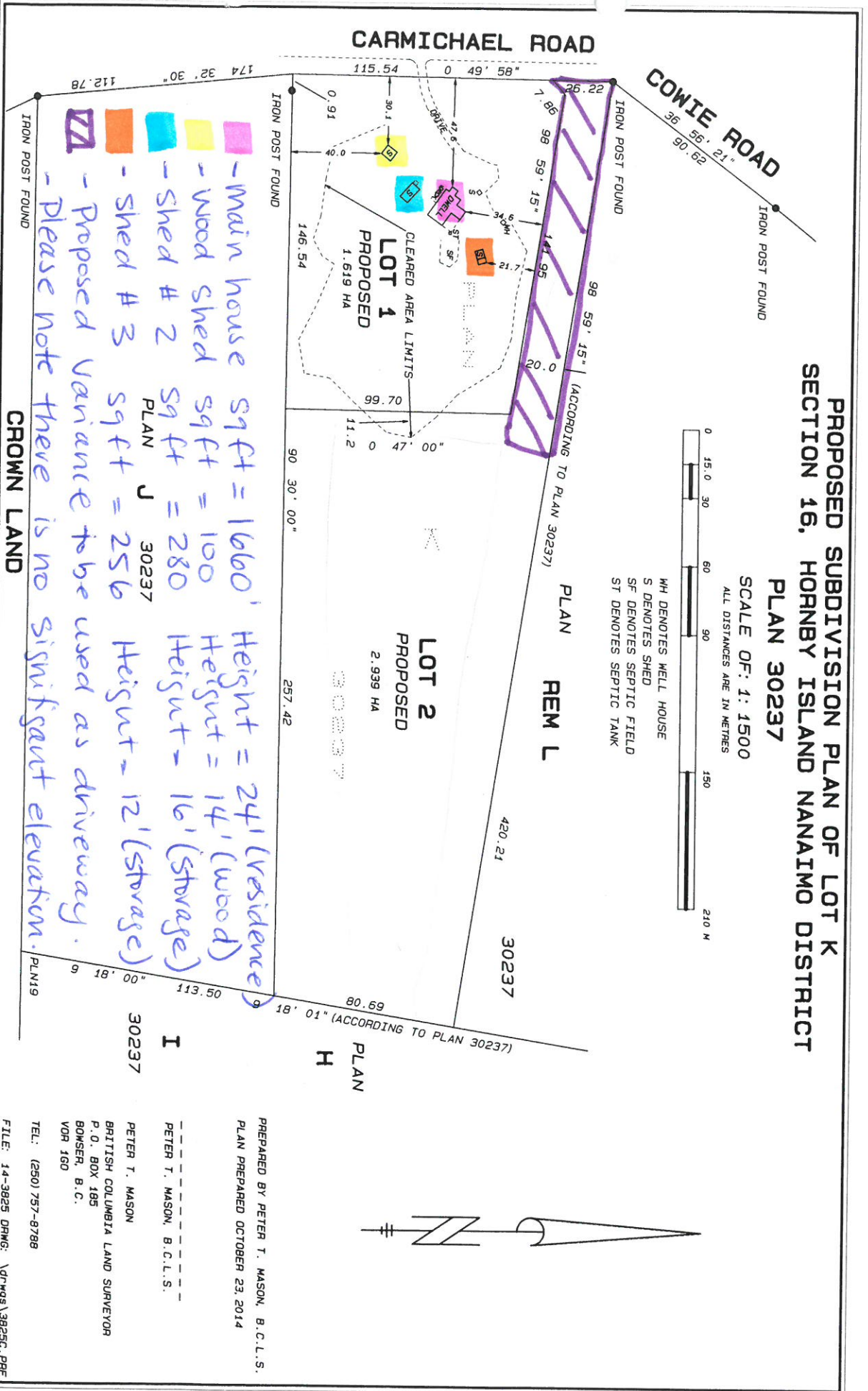
FILE: 14-3823.DWG: Vdrwgs\3823C.PAE

TEL: (250) 757-8786

PETER T. MASON
BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 185
BONNER, B.C.
V0R 1G0

PETER T. MASON, B.C.L.S.

PREPARED BY PETER T. MASON, B.C.L.S.
PLAN PREPARED OCTOBER 23, 2014



Date: January 22, 2015

File No.: 6500-20-(RAR)

To: Hornby Island Local Trust Committee
For meeting of February 13, 2015

From: Rob Milne, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: Riparian Areas Regulation Implementation

Interim Report

The purpose of this report is to report on the outcomes of the early referral of the draft bylaws for the Riparian Areas Regulation Implementation project.

Project Objectives

The objective of this project is the implementation of the Riparian Areas Regulation on Hornby Island.

Project Background

The Local Trust Committee (LTC) received a preliminary report on the Riparian Areas Regulation Implementation project at their April 25th, 2014 meeting. Following consideration of the staff report and draft project charter the LTC adopted the following motions:

HO-2014-019

that the Hornby Island Local Trust Committee endorses the draft Riparian Areas Regulation Implementation Project Charter and Workplan Overview as further expanded upon in the Deliverables and Milestones in the Staff Report of April 7, 2014.

HO-2014-020

that the Hornby Island Local Trust Committee direct staff to proceed with the implementation of the Riparian Areas Regulation Implementation project as described in the endorsed Project Charter.

Subsequently at their June 6, 2014 meeting the LTC gave consideration to the scheduling of a series of small venue open houses that were identified in the approved project charter. The LTC accepted the staff suggestion that the meetings be held on July 3, 10, 17 and 25, 2014, to be held from 1:00 – 4:00pm.

At the September 19, 2014 meeting of the LTC staff presented a report summarizing the community consultation Open Houses on Riparian Areas Regulation (RAR) implementation that occurred in July. Subsequent to a discussion of that report the LTC adopted the following motion:

HO-2014-050

that the Hornby Island Local Trust Committee direct staff to draft bylaws to implement the Riparian Areas Regulation.

The LTC gave consideration to those draft bylaws at their October 10, 2014 meeting and adopted the following motion.

HO-2014-057

that staff be requested to conduct early referral of the draft bylaws to implement Riparian Areas Regulation with relevant agencies.

Subsequent to that direction, on November 18, 2014 the draft bylaws were referred out to seven provincial agencies, one school district and sixteen First Nations. As well, the bylaws were referred to the Denman Island Local Trust Committee, Islands Trust bylaw enforcement and the Trust Fund Board.

A summary of the responses received from the early bylaw referral are included below.

SUMMARY OF AGENCY EARLY REFERRAL RESPONSES and PROPOSED ACTIONS			
Agency	Response	Proposed Action	Synthesis of Agency response
Ministry of Community Sport and Cultural Development	The Ministry has no concerns at this time, subject to any provincial interests that may be raised through your broader referral process. See attached email dated December 2, 2014	Ensure a comprehensive referral of bylaws once received suggestions for amendments have been considered for inclusion	<i>No objections pending wider official referral of amended bylaws</i>
Ministry of Agriculture	Suggestions for amendments to both draft RAR bylaws. See attached letter dated December 16, 2014.	1. Inclusion of an "Information Note" in the text of the draft OCP bylaw noting that activities covered by the FPPA are exempt from the requirements of the DPA. 2. Delete item "b)" of section 9.6.2, "Exemptions" as it is overridden by item "o)" of that section. 3. Addition of the ALR to draft OCP schedule 'E'.	<i>Approve subject to consideration of proposed amendments</i>
Ministry of Transportation and Infrastructure	The Ministry of Transportation and Infrastructure has no objections to the proposed amendments.	No action required	<i>No objections</i>
School District No. 68	We do not believe that Hornby Island is in SD68's catchment area	No action required	<i>No objections</i>

Islands Trust Bylaw Enforcement	We have no comment on these bylaws.	No action required	<i>No objections</i>
---------------------------------------	--	--------------------	----------------------

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

The Islands Trust Council Strategic Plan contains the following relevant policy:

- 1.3.6 Adopt new bylaws to implement RAR on all islands where still required (Ballenas/Winchelsea, Denman, Hornby, and Salt Spring)

Islands Trust Policy Statement

The Islands Trust Policy Statement contains the following relevant Directive Policy:

- 3..1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

Analysis

Limited responses were received from the early referral. However, the referral did result in some guidance from the Ministry of Community Sport and Cultural Development that has not before come from the Ministry and which will be helpful in ensuring the formal referral of proposed bylaws fully satisfies Ministry expectations and criteria. As well the early referral was successful in daylighting some concerns from the Ministry of Agriculture which can be addressed prior to the formal referral of the proposed bylaws.

Unfortunately no responses were received from the referral of the documents to First Nations.

In addition to the referral responses from the agencies, comments that were received from an Island resident who has an interest in the RAR implementation process were also reviewed. The resident pointed out that item 1.(e) of the “Area” section of the draft OCP bylaw which proposes a 5 metre development permit area (DPA) for ditches is inconsistent with the requirements of the regulation. This requirement was based upon provisions in the proposed Gabriola RAR bylaw. A review of the history of that bylaw shows that 5 metre DPA to have been based upon a detailed assessment of the ditches in question, a step that has not taken place on Hornby Island. As such item “1. (e)” will need to be deleted in order for the bylaw to be RAR compliant.

Subsequent to the review of that particular item staff from the Ministry of Forests, Lands and Natural Resource Protection (FLNRO) was contacted to confirm the need to for its deletion, which was affirmed. In the course of that conversation staff also discussed the implementation model for the RAR along roadside ditches. FLNRO staff confirmed that the regulation does not require a development permit application for the installation of a culvert or the clearing of vegetation through the DPA for a driveway access. It was further noted that the expected 5 metre SPEA; based upon the bankfull widths of the ditches identified in the watershed assessment; would likely be located fully within the MOTI road allowance and not on adjacent lots. It was noted that a development permit application pursuant to the RAR would only be required if the property owners were proposing to undertake any of the activities identified in

Section 9.6.1 of the draft bylaw for amending the land use bylaw, which is being developed in tandem with the draft bylaw to amend the OCP.

Project Scope and Timeline

A review of the project charter for the implementation of the RAR shows the project to be basically on track. It should be noted though that the scheduling of the first LTC meeting of the year in February will have the initial impact of pushing the Community Information Meeting tentatively scheduled for February into March. However, staff is confident that given this project is in its early stages it should not be a problem to realign with the milestones scheduled for the project.

It should also be noted that the project charter includes amendments to the development approval information provisions of proposed OCP bylaw No. 149 and the adoption of an amended Development Approval Information Bylaw (DAI). Staff proposes to have a draft of a revised DAI bylaw available for the LTC at their March 27th regular meeting. As the LTC will be aware Bylaw No. 149 has not yet been approved by the Ministry of Community Sport and Cultural Development. It should be noted that Bylaw No. 149 must be adopted to allow for changes to its provisions and that the actual DAI bylaw is administrative in nature and does not require a statutory public hearing.

Resources and Roles

It is the view of staff that the financial and staff resources currently allocated for this project are adequate.

Communications

It is the recommendation of staff that once a decision has been made as to the scheduling of a Community Information Meeting (CIM) that an advertisement be placed in the Grapevine and posters placed at appropriate locations on Hornby Island as was done in last year's open houses. The CIM would include a presentation by staff on the Riparian Areas Regulation, the watershed assessments and the draft bylaws under consideration. The purpose of the meeting would be to both inform the Island residents of the current status of the RAR implementation process as well as to seek feedback from the community on the draft bylaws and their implementation.

Project Charter

It is the view of staff that the project charter does not require amendment or revision at this time.

Next Steps

This report with its review of the various agency responses aligns with the December 2014/2015 and January, 2015 milestones listed in the attached project charter. The next milestone identified in the project charter is the hosting of a Community Information Meeting. Given that there was no LTC meeting in January the most appropriate date to hold that meeting would be in March, 2015 rather than February as proposed in the charter. Subsequent to that open house the LTC may wish to make amendments to the bylaws before proceeding with the adoption process. It should be noted that adhering to the project charter schedule will to a degree be dependent upon the Ministerial review of the Bylaw No. 149, the proposed Hornby Island Official Community Plan.

RECOMMENDATIONS:

That the Hornby Island Local Trust Committee:

1. amend the draft Riparian Areas Regulation bylaw that amends the Hornby Island Official Community Plan 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;
 - and
 - c. the insertion of an Information Note on 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.";
2. 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; and
3. schedule a Community Information Meeting to allow for a community review of the draft bylaws for Riparian Areas Regulation Implementation in March, 2015.

Prepared and Submitted by:

Rob Milne

January 22, 2015

Rob Milne, M.A., RPP, MCIP
Island Planner

Date

Concurred in by:

Courtney Simpson

February 3, 2015

Courtney Simpson MCIP, RPP
Regional Planning Manager

Date

Attachments:

1. Project Charter
2. Draft OCP RAR bylaw
3. Draft LUB RAR bylaw
4. Email referral response from Ministry of Community Sport and Cultural Development
5. Referral response from Ministry of Agriculture
6. Email referral response from Ministry of Transportation and Infrastructure
7. Revised draft OCP Schedule 'E'

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
	Total	\$31,322

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

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;~~
- ~~e)b)~~ for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- ~~d)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;
- ~~e)d)~~ repair or replacement of a septic field on the same spot;
- ~~f)e)~~ the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- ~~g)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;

p)o) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;

p)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;

r)q) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared; and

r)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."

Rob Milne

From: Nicholls, Eric CSCD:EX <Eric.Nicholls@gov.bc.ca>
Sent: Tuesday, December 02, 2014 4:47 PM
To: Rob Milne
Subject: RE: Hornby Island Local Trust Committee - Draft Bylaws - Implementation of the Riparian Areas Regulation - Referral

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Rob Milne,

Thank you for referring file No. HO-6500-20 (RAR) with two bylaws to facilitate the implementation of the Provincial Riparian Areas Regulation (RAR) to the Ministry of Community, Sport and Cultural Development (Ministry) for comment. I understand one bylaw will amend the proposed Hornby OCP Bylaw No. 149, 2015 to include language which authorizes the protection of watercourses pursuant to the RAR, and the second bylaw will amend the proposed Hornby Island Land Use Bylaw No. 150, 2015 to include language which identifies the applicability, exemptions and guidelines to be employed for the approval of development permits dealing with watercourses subject to the RAR. Please consider this email as the Ministry's response to your referral.

Please ensure that you have referred this proposed bylaw to the appropriate provincial ministries, First Nations, and other agencies that may be affected by the bylaw. Importantly, given the nature of this bylaw, please ensure you are in contact with the Ecosystems group within the Resource Management Branch (West Coast) at the Ministry of Forests, Land and Natural Resource Operations and that they do not have any concerns. Please also ensure that you keep a detailed record of your referral efforts and any follow up.

The Ministry's *Interim Guide to First Nations Engagement on Local Government Statutory Approvals* (Guide) provides guidance on engaging First Nations. http://www.cscd.gov.bc.ca/lgd/library/First_Nations_Engagement_Guide.pdf To help identify First Nations who may have rights or title on the land base, the provincial Consultative Areas Database (CAD) has a public map service component for use by local government. The CAD Public Map Service is an interactive mapping tool. Please be sure to check the CAD and keep a record of your findings. <http://geobc.gov.bc.ca/applications/index.html#firstnation>

Thank you again for referring this proposed bylaw. The Ministry has no concerns at this time, subject to any provincial interests that may be raised through your broader referral process. As you know, the Ministry has an approval role for Islands Trust bylaws adopting or amending OCPs. Please continue to keep the Ministry informed of any significant issues or concerns. The earlier we are aware of major bylaw developments or agency concerns, the better we are able to be of assistance.

Best regards,

Eric

Eric Nicholls
Senior Planning Analyst
Intergovernmental Relations and Planning Branch
Ministry of Community Sport and Cultural Development
800 Johnson Street, Victoria, BC, V8W 9T2
T: 250-387-4071



December 16, 2014

Rob Milne
Island Planner
Islands Trust – Northern Office
700 North Road, Gabriola Island, B.C. V0R 1X3
Ph: 250.247.2203
rmilne@islandstrust.bc.ca

Dear: Rob Milne:

Re Draft Bylaws - Implementation of the Riparian Areas Regulation (RAR) – Referral

Thank you for the referral on November 19, 2014. Please find attached comments related to the agricultural implications of the proposed.

A bylaw to amend the Hornby Island Official Community Plan, no. 149

1. To honour provincial designations of certain lands as for agricultural purposes

It is important to be clear that certain farming activities are not subject to the Regulation. Most of them are subject to the Farm Practices Protection (Right to Farm) Act or other provincial legislation or guidelines. However, while the Regulation does not apply to some farming activities themselves, it does apply to non-farming activities on lands that may otherwise be used, designated, or zoned for agriculture. Residential development associated with a farm would be an example of an activity covered under RAR.

The map representation of DPA 6: Riparian Areas might be somewhat misleading given the information above. Some areas in the ALR give the impression that very little land on some parcels would be available for farming without a Development Permit which is not necessarily the case. I would recommend providing an outline of the ALR on the map and indicating that farming activities covered under the Farm Practices Protection Act are exempt from requirements under Development Permit Area No. 6: Riparian Areas - a. to e.

A bylaw to amend the Hornby island land use bylaw, no. 150

I don't think B, below, should be included as seasonally flooded agricultural fields is not one of the identified DPA areas and may be confusing in this context. Also o) would over-ride b).as it is applied to all farming activities in the ALR.

9.6.2 Exemptions 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;

o) 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;

I would suggest that you may want to indicate that farm buildings have been included in RAR with the setbacks as described in the linked publication.

http://www.agf.gov.bc.ca/resmgmt/sf/ag_bldgs_riparian_setbacks/

If you have any questions regarding my comments please contact me directly.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jill Hatfield', with a long, sweeping horizontal stroke extending to the right.

Jill Hatfield P.Ag.
Regional Agrologist
BC Ministry of Agriculture

Rob Milne

From: Kelly, Brendan TRAN:EX <Brendan.Kelly@gov.bc.ca>
Sent: Thursday, November 20, 2014 10:12 AM
To: Lisa Webster-Gibson
Cc: Rob Milne
Subject: RE: Hornby Island Local Trust Committee - Draft Bylaws - Implementation of the Riparian Areas Regulation - Referral

The Ministry of Transportation and Infrastructure has no objections to the proposed amendments.

Regards,

Brendan Kelly
Development Technician – Vancouver Island District
Ministry of Transportation & Infrastructure
(250) 334-6967

From: Lisa Webster-Gibson [<mailto:lwebstergibson@islandstrust.bc.ca>]
Sent: Wednesday, November 19, 2014 12:14 PM
To: Kelly, Brendan TRAN:EX
Subject: Hornby Island Local Trust Committee - Draft Bylaws - Implementation of the Riparian Areas Regulation - Referral

Attention: Kelly Brendan, Ministry of Transportation and Infrastructure

Please find attached a bylaw referral package from the Hornby Island Local Trust Committee regarding draft Bylaws respecting the implementation of the Riparian Areas Regulation with the Hornby Island Local Trust Area.

Please review the draft bylaws and indicate how your interests in the draft bylaws are affected. A referral response form is included for your convenience and we would appreciate your comments by December 18, 2014.

Although, a copy of the draft Bylaws have been attached, a copy of the proposed base Bylaws that they amend can be found here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/gambier/bylaws.aspx>.

For more information on the proposed bylaw please contact Rob Milne, Island Planner, rmilne@islandstrust.bc.ca or 250-247-2203. Additional contact information is contained in the referral package.

Yours

Lisa

Lisa Webster-Gibson, BES, Hons.
Legislative Clerk
Islands Trust – Northern Office
700 North Road, Gabriola Island, B.C. V0R 1X3
Ph: 250.247.2204 or toll free 1.800.663.7867
Fx: 250.247.7514
www.islandstrust.bc.ca

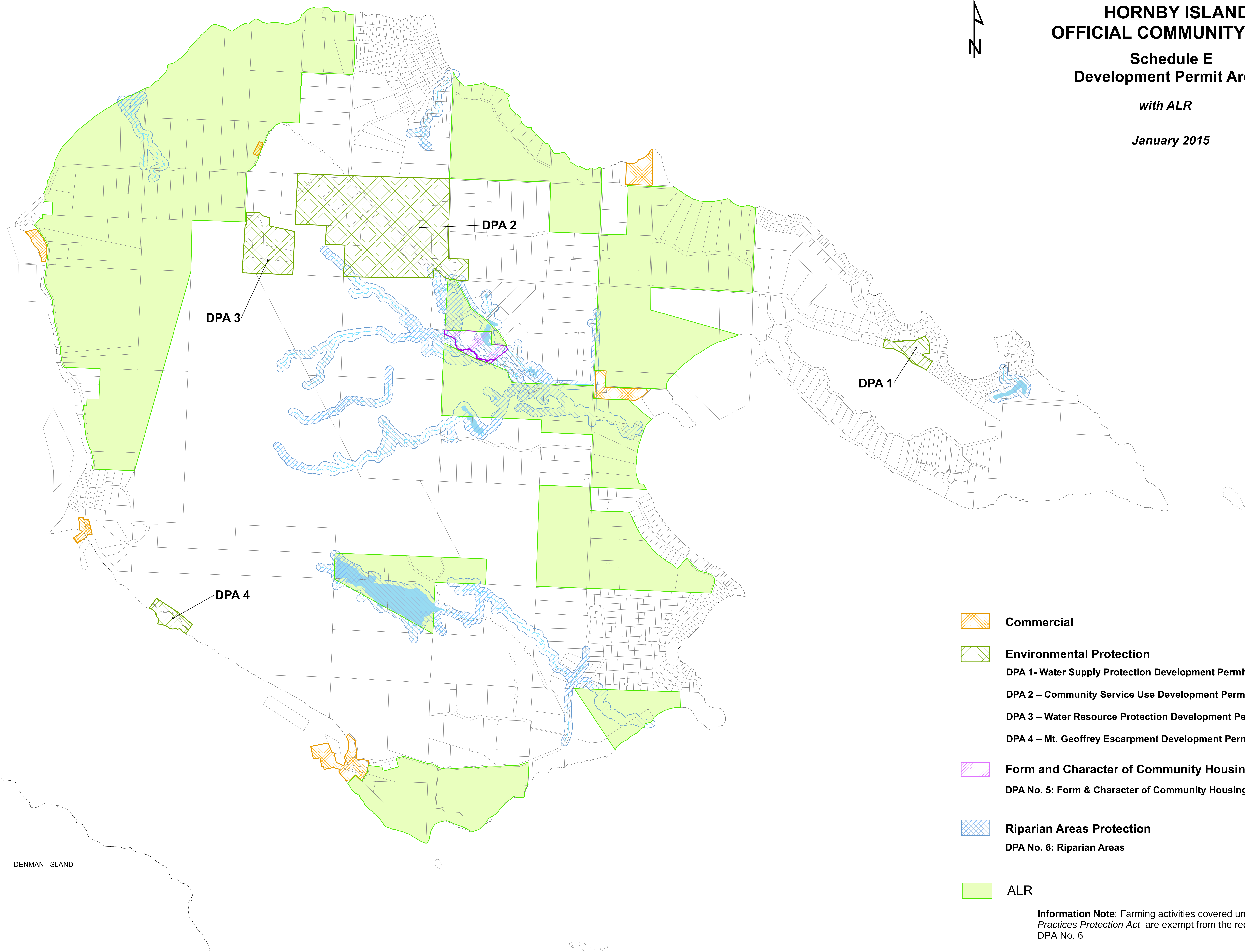
Preserving Island communities, culture and environment

HORNBY ISLAND OFFICIAL COMMUNITY PLAN

Schedule E Development Permit Areas

with ALR

January 2015



Commercial



Environmental Protection

DPA 1- Water Supply Protection Development Permit Area

DPA 2 – Community Service Use Development Permit Area

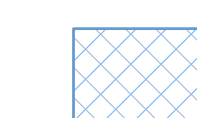
DPA 3 – Water Resource Protection Development Permit Area

DPA 4 – Mt. Geoffrey Escarpment Development Permit Area



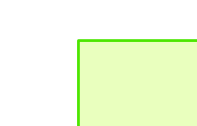
Form and Character of Community Housing

DPA No. 5: Form & Character of Community Housing



Riparian Areas Protection

DPA No. 6: Riparian Areas



ALR

Information Note: Farming activities covered under the *Farm Practices Protection Act* are exempt from the requirements of DPA No. 6



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	Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.	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. Planner: 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

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2014.1	Jennifer Scott Planner: Teresa Rittemann	Nov-06-2014	Variance to front lot line to allow panhandle shaped driveway.

Planning Status

Status Date: Feb-03-2015

Application and Staff Report ready to be presented at the Feb. 13, 2015 Hornby Island Local Trust Committee meeting.

Status Date: Jan-27-2015

Notice mailed out to applicant and surrounding property owners

Status Date: Jan-21-2015

Staff Report completed by Planner TR and approved by RPM CS on Jan. 23, 2015.

Subdivision

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

Planning Status

Status Date: 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 Planner: Teresa Rittemann	Jul-02-2014	To create 2 parcels under sec. 946

Planning 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.

Status Date: Sep-23-2014

Subdivision Referral Report sent to MOTI. Copied Hornby LTC and the agent/applicant

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

Planning Status

Status Date: Feb-03-2015

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

Status Date: Jan-12-2015

Application and payment received. File assigned to Planner TR.

Islands Trust

LTC EXP SUMMARY REPORT F2015

Invoices posted to Month ending January 2015

635 Hornby	Invoices posted to Month ending January 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	700.00	649.85	50.15
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,500.00	1,806.86	693.14
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>3,695.24</u>	<u>604.76</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>

02	AP	26/05/2014	HORNBY-DENMAN ISLAND GRAPEVINE7658	151.48
03	AP	28/06/2014	HORNBY-DENMAN ISLAND GRAPEVINE7757	302.98
04	AP	01/07/2014	THE FIRST EDITION MAY 2014	80.00
06	AP	02/09/2014	HORNBY-DENMAN ISLAND GRAPEVINE7890	378.10
				1,087.78

Hornby Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	November 22, 2013	HO-O43-2013.	Enforcement Actions related to rentals of Accessory buildings by non-residents	It was MOVED and SECONDED, 1. that whereas the Land Use Bylaw and Official Community Plan for the Hornby Island Local Trust area are currently undergoing a community review process which amongst other items includes a review of home occupation AND THAT whereas neither document addresses the rental of accessory buildings for non-commercial use it is resolved that enforcement actions related to the rental of accessory buildings shall be considered to be a low priority; 2. that nothing in this enforcement policy should be interpreted as giving permission to any party to violate the Land Use Bylaw and the Hornby Island Trust Committee may change this policy at any time and may give direction to commence enforcement activities without notice; and 3. that unless the Hornby Island Local Trust Committee extends the effective period on this enforcement policy it expires on September 30, 2014 or when the Land Use Bylaw and Official Community Plan review is complete, whichever is the sooner.

Trust Fund Board Report to Local Trust Committees and BIM

– January 2015

Chair and FPC representative

At its first meeting of the term, the Trust Fund Board (TFB) re-elected Tony Law as chair and appointed Dereck Atha as TFB's representative on the Financial Planning Committee.

Regional Conservation Plan extended

The Board voted to extend our 2011-15 Regional Conservation Plan (RCP) to 2017. The RCP contains strategic goals and objectives which guide our work. Rather than preparing a new plan, the extension will allow us to focus resources on other priorities, including completing some outstanding actions in the RCP. The Board also felt that it would be more efficient and effective to develop a revised RCP alongside preparing our 2017-22 Five Year Plan, which is required by legislation.

Conservation Strategy for Coastal Douglas-fir and Associated Ecosystems

Islands Trust Fund (ITF) staff are participating in the multi-agency Coastal Douglas-fir and Associated Ecosystem Conservation Partnership (CDFCP) which is in the process of developing a Conservation Strategy. TFB has asked staff to look at integrating the completed strategy into our Regional Conservation Plan and report back to the board.

Eelgrass Mapping Complete

We are excited that our Eelgrass Mapping Project –covering the whole Trust Area – is now complete. This addresses one of the goals in our Regional Conservation Plan: to work with partners to conserve marine environments and habitat. Eelgrass is a critical near-shore habitat for numerous birds, mammals, invertebrates and commercial and non-commercial fish. Eelgrass beds are also an important carbon sink.

The mapping of eelgrass beds will help local trust committees, the Trust Fund Board and others to make science-based decisions around land use and conservation to prevent further habitat loss. We understand that the Ministry of Forests, Lands and Natural Resource Operations is welcoming this mapping as a tool to help assess dock and other shoreline applications. The report accompanying the mapping includes recommendations for restoring eelgrass habitat. The full report is available on ITF's website. The mapped data is also available on *MapIT [Shorelines](#)*. If your local trust committee would like to post the maps and recommendations relevant to your local trust area on your web page, please direct your planner to do so.

Eelgrass mapping was done by boat with the aid of a towed underwater camera. The Islands Trust area was mapped over three years through a partnership with SeaChange Marine Conservation Society. The Islands Trust contributed just over half of the total budget of this project with the remainder of the funds being secured by our project partner.

Conservation Planning and Official Community Plans

One of our Regional Conservation Plan goals is to work with the Islands Trust Council, local trust committees and island municipalities to implement conservation goals in Official Community Plans (OCPs). As your local trust committee strategizes your priorities for the term, you may want to consider how to advance conservation provisions in your OCPs, including using sensitive and nearshore

ecosystem mapping. One focus of attention might be Council's policy to establish protected area networks.

From the Policy Statement:

3.1.2 It is Trust Council's policy to work towards the establishment of a network of protected areas that preserves representative ecosystems in their natural state and in sufficient size and distribution to sustain their ecological¹⁴ integrity

3.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

3.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.

Updates Specific to Local Trust Areas

Hornby

ITF's Ecosystem Protection Specialist, Kate Emmings, continues to work with Hornby Island property owner Karin Fischer and Conservancy Hornby Island to establish a conservation covenant to protect Garry oak and Douglas-fir ecosystems on her property.

Denman

ITF's manager, Jennifer Eliason, is contacting Ministry of Environment staff to pursue an inter-agency meeting to address the disposition of Crown land with conservation values on Denman Island. ITF's Property Management Specialist, Nuala Murphy, is working with Denman Conservancy Association to address management issues on Denman's nature reserves, including rerouting of a trail at Morrison Marsh Nature Reserve in coordination communication with BC Parks , and planning a restoration project at Lindsay Dickson Nature Reserve.

Gabriola

ITF's Property Management Specialist, Nuala Murphy, is reviewing workable options to address safety issues on the Coats Millstone Nature Reserve.

Lasqueti

TFB has signed a covenant with Lasqueti Island Nature Conservancy and Nanaimo and Area Land Trust Society to ensure the continued protection of ecological values on the John Osland Nature Reserve.

TFB received a request to consider placement of a 911 relay installation on Mount Trematon. The Board has noted that such a request cannot be considered under existing land use regulations. TFB would also need to consult with the donors, and seek the approval of the covenant holders and Environment Canada because of their roles in protecting the values of this nature reserve.

Gambier

The board formally established the Gambier Island Acquisition Fund, created with funds from a significant bequest received in 2011. Restoration continues at Long Bay Wetlands Nature Reserve with work to protect naturally regenerating conifers by caging them from browsing deer.

Staff are currently working to develop a new nature reserve on Keats island, after the TFB approved a conservation proposal from the Convention of Baptist Churches in November.

Thetis

A special Thetis Island Acquisition Fund has been established following a significant donation provided to support land acquisition on Thetis Island.

Salt Spring

In November 2014, TFB approved a conservation proposal on Salt Spring Island and has directed staff to negotiate a conservation covenant on private land in the Reginald Hill area.

North Pender

Staff continue to work on two conservation covenants on North Pender Island, one for Wallace Point and one for the Clam Bay Farm property.

South Pender

ITF's Ecosystem Specialist, Kate Emmings, continues to work with partners to secure a new covenant over Brooks Point Regional Park, to include the recent acquisition. The covenant will be co-held with Habitat Acquisition Trust.

Mayne

A revised management plan for Horton Bayviary has begun which will involve public consultation for the property.

Galiano

TFB approved a new conservation covenant on Galiano Island and directed staff to negotiate a conservation covenant. ITF had provided a contribution from the "Opportunity Fund" to assist the Galiano Conservancy Association with appraisal costs associated with the acquisition of this property and approved funds to cover some necessary survey costs. Staff have also indicated a willingness to accept a conservation covenant for the Crystal Mountain property should the local trust committee choose to proceed with the Crystal Mountain rezoning application.

Bowen

Bowen Island Municipal Council have renewed discussions about the expansion of the NAPTEP program onto Bowen Island. Staff are providing information as requested to support decision making.

Ongoing property management activities, carried out in partnership with the Bowen Island Conservancy, include installing additional signage at the David Otter Nature Reserve, upgrading trails, removing invasive plant species, and planting and caging trees to protect them from browsing at Singing Woods Nature Reserve and continuing to monitor and work with the Ministry of Forests, Lands and Natural Resource Operations to address off-road vehicle use at Fairy Fen Nature Reserve.

STAFF REPORT

Date: January 22, 2015

File No.: 6500-20-Hornby LTC
Work Program

To: Hornby Island Local Trust Committee
For the meeting of February 13, 2015

From: Rob Milne, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: Local Trust Committee Work Program 2014-2018 term

The purpose of this report is to provide the Local Trust Committee (LTC) with an overview of top priorities, projects, and budgets at the start of this new term of office. This report is intended to provide background for LTC discussion about confirming existing, or setting new priorities for this new term.

The report also gives a regional overview of the anticipated workload for the Northern Team for 2015 in order to assist the LTC with its program planning.

The LTC is also requested to review the budget requests for the 2015/16 fiscal year submitted by the LTC to Financial Planning Committee in September, 2014 and confirm or amend the budget request

LTC WORK PROGRAM

LTC initiated work is managed through the Work Programs, as per Islands Trust Policy 6.7.i. There are two components of the Work Program: The Top Priorities and the Projects Lists. The top priority work program accounts for approximately one-third of planning staff resource time, and the Project List is a record that lists potential projects the LTC may wish to undertake in the future.

Top priority planning projects can be significant and long-term, such as an official community plan review, or may be relatively minor, such as an amendment to a specific section in a land use bylaw. Top priority projects, unless very minor, must have an approved budget before any significant work can begin. A LTC can have up to three top priorities at any given time.

Within Local Planning Services, staff develops a “project charter” for each top priority project to communicate the scope, timeline, budget and deliverables of a project in a short, concise document to be endorsed by the LTC.

Current LTC Top Priorities

The Top Priorities List indicates the focus of LTC initiated planning work. It can be changed by resolution of the LTC throughout the term if priorities change, or to remove a completed project. Below is the current Top Priorities List for the LTC. This list is a version of the standard report that appears on all LTC regular meeting agendas, but with added status and comments for the purpose of this report.

Table 1: Hornby Island Local Trust Committee Top Priorities List

Description	Activity	Staff Comments
1. Official Community Plan and Land Use Bylaw Review	Targeted review and update of the OCP and LUB	Bylaw No. 149 is currently waiting for Ministerial approval. Once that has been received Bylaw Nos. 149 and 150 can be finally adopted by the LTC, completing the project.
2. Riparian Areas Regulation mapping and implementation	Mapping RAR applicable streams and adoption of DPA	Draft bylaws are currently being circulated to agencies and stakeholders for comment Project charter revised at April 25, 2014 LTC meeting
3. Appointments to the Advisory Planning Commission		This priority is administrative in nature and can be quickly addressed at the beginning of the current term.

Priorities of the 2011-2014 Term

To aid the discussion of priorities for the coming term, it may be helpful to reflect on recently completed work of the LTC. The table below lists projects that were completed during the 2011-14 term.

Table 2: Hornby Island Local Trust Committee Priorities in 2011 – 2014 term

<u>Description</u>	<u>Comments</u>
Short Term Vacation Rentals Regulation Review (STVR)	Completed June, 2012. Regulations for the implementation of STVRs successfully adopted.
Official Community Plan and Land Use Bylaw Review	Bylaw Nos. 149 and 150 are awaiting Ministerial approval but all public consultation has been completed and once approved by the Minister the bylaw may be adopted by the LTC.

Previous Term Work Summary

The following summary is for information purposes, to illustrate LTC activity over the past three years.

<i>Meetings and Resolutions</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
<i>Regular business meetings</i>	8	7	8
<i>Special business meetings</i>	1	3	1
<i>Community information meetings</i>	0	2	4
<i>Closed Meetings</i>	0	5	2
<i>Public hearings</i>	0	0	2
<i>Resolutions</i>	56	60	62

Projects List

The purpose of the projects list is to keep a record of topics raised for future work by the LTC. Before any work beyond basic scoping or preliminary discussion with other agencies begins, the item should be moved to the Top Priorities list to ensure that staff resources are not being taken away from other top priorities. A LTC can have any number of projects on a project list, however staff recommends this list be reviewed at each LTC regular business meeting to ensure the projects can be feasibly initiated in the term. The following project list was endorsed by the LTC in the previous term:

Table 3: Hornby Island Local Trust Committee Projects List

Description	Comments
Review of home occupation regulations to allow the rental of accessory building space to a non-resident of the property for commercial use.	
Review of 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	Updating of bylaw to recognize the use of secondary suites and dwellings once proposed bylaw Nos. 149 and 150 are adopted.
Review and update "Building on Hornby island" brochure and include HPO information.	General update of the public information handouts
Develop and implement a Development Approval Information Bylaw	To provide direction on what studies or other support information are required for the various permit types.
Review of environmentally sensitive areas OCP map schedule (D2) as a stand alone mapping project or addition to the community profile	
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.	
Inventory and assessment of beach access and other unopened road allowances	
Development Procedures Bylaw	Consider options prepared by staff for amending the development approval procedures bylaw to include requirements for posting of signs on property with respect to significant applications.

Information and education with respect to the marine environment and shoreline protection.	
Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation.	
Develop and implement a project to support accessible opportunities for small-scale farming involving consultation with relevant agencies and review of applicable policies and regulations.	
Conduct a consultative process for the Ford Cove area	Intended to consider existing commercial uses in the Ford Cove area which do not align with the OCP land use designations
Relationship building with K'omoks First Nation including considering content of Official Community Plan as it relates to K'omoks First Nation interests.	
GHG Emissions Reduction	Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.
Review of vacation home rental regulations by 2017	
Communications strategy for revised OCP and LUB	Intended to familiarize residents and visitors with recent changes resulting from the targeted review of the OCP and LUB
Review community profile by adding further information on environmentally sensitive areas and important habitat and including information in Schedule D2 of OCP.	

LTC Work Program Budget

The following table lists project budgets for the current fiscal year and their balance. The comments section describes planned expenditures to the end of the fiscal year on March 31, 2015.

Table 4: 2014/15 Hornby Island Local Trust Committee Work Program Budget

Project	Budget	Spent	Balance	Comments
OCP and LUB review	3,000	1087,78	1912.22	Proposed bylaw Nos. 149 and 150 are awaiting Ministerial Approval. Once received the bylaws can receive final readings. Depending upon the Ministerial review of First Nations consultation requirements additional expenditures may be incurred.

Table 5 lists the project budget requests that the LTC submitted to Financial Planning Committee in the fall of 2014. In an election year, the outgoing LTC must make budget requests prior to the election in order to keep within the Island Trust annual budgeting schedule. These requests should be considered as their recommendation to the new LTC on what budgets should be requested, and the new LTC has the opportunity to confirm or amend the request for consideration at the February Financial Planning Committee meeting. The budget will be adopted at the March Trust Council meeting.

The budget requests were made based on staff advice to each LTC in a memorandum dated August 18, 2014 which is attached to this report. Keep in mind that in the first year of term, when new projects are getting started, often little budget is required as much of the initial scoping and background work is done internally by Island Trust planning staff, which does not require a project budget.

Table 5: 2015/16 Hornby Island Local Trust Committee Work Program Budget request

Project	Budget	Comments
RAR (completion)	\$2,500	1 public hearing (\$2000) stand-alone, communications material (\$500).

REVISING THE LTC WORK PROGRAM FOR 2015

Table 1 shows the current Top Priorities List, and Table 5 shows the 2015/16 budget request for this LTC's projects. Together, these lists indicate new or continuing projects that the previous LTC recommends this LTC prioritize. Not all Top Priority projects require a budget request; the LTC Local Expense Account Special Projects budget is meant to be used for lower budget projects as they come up instead of requiring a specific budget for that project.

Reviewing the current Top Priorities List and 2015/16 budget request, the LTC is asked to confirm or amend the Top Priorities List in consideration of the following:

- Current projects that are not yet complete should remain on the Top Priorities list;
- Changes to the Top Priorities List should take into account the regional workload for the Northern Planning Team;
- Projects that are intended to fulfill a legal requirement, such as compliance with the provincial Riparian Areas Regulation, should be prioritized.

Northern Region Planning Priorities

The Northern Office staff is responsible for seven LTC's. As a result, the Northern Region has 13 sets of bylaws to implement, advise upon, and at times review. In order to best serve all the LTCs and bylaws, a work balance is sought through a coordinated Northern approach to work program planning.

A review of anticipated regional priorities was detailed in the memorandum from the Regional Planning Manager dated August 18, 2014, attached to this report. The Regional Planning Manager made recommendations for large-scale work projects (major bylaw reviews) in regards to how they would relate to staff resources regionally.

Staff recommended that two new OCP/LUB reviews begin in the Northern Region in 2015; DeCourcy Island in the Gabriola Local Trust Area and Gambier Island in the Gambier Island Local Trust Area. Both of those LTCs agreed to request budgets for these projects in the 2015/16 fiscal year, and through that action, have recommended to the current LTC's that these projects be prioritized in the current term. Based on staff resources and other ongoing and recommended projects, this is realistically the maximum number of complete OCP/LUB review projects that can be undertaken by Northern Staff at this time. Targeted amendments can be considered for additional OCPs and LUBs.

STRATEGIC PLANNING FOR THE 2014-2018 TERM

As the new term begins, the Northern Planning staff wishes to work with trustees to set out some long-range goals for the term. These goals would be developed into projects to be placed on the Projects List. The rationale of undertaking such an activity is three-fold:

- To establish the objectives of the local trustees and how they envision their work program over the term.
- To present to trustees any overall planning priorities.
- To enable the Northern Team to set out a long-term schedule that balances large priority projects across the seven Northern LTCs.

STAFF ANALYSIS

As may be seen in Table 1 of this report the Hornby Island Local Trust Committee (LTC) currently has three top priorities identified on their work program. Two of these priorities, the OCP and LUB review and the Riparian Areas Regulation (RAR) implementation are bylaw based. The third, appointments to the Advisory Planning Commission (APC), is administrative in nature and does not require public consultation and the approval of a bylaw.

Proposed OCP Bylaw No. 149 is currently awaiting approval from the Minister of Community Sport and Cultural Development. It is anticipated that this approval will be received by spring 2015. Once that approval has been received both Bylaw No. 149 and proposed Bylaw No. 150 can be given final readings and adopted. Once that has occurred, this item can be removed from the top priorities list.

Two draft bylaws for the implementation of the Riparian Areas Regulation (RAR) have been the subject of a robust public consultation process and referred out to external agencies and stakeholders for early comment. At such time as proposed Bylaws No. 149 and 150 have been adopted by the LTC, and the submissions from the draft bylaws referral considered, the LTC will be in a position to move these bylaws forward. This would include amending the draft bylaws as considered necessary to address the content of the early referral submissions and conducting a community information meeting (CIM) prior to giving first and second readings to

the bylaws and the subsequent formal referral of the documents to the appropriate agencies. At such time as this has been done the bylaws could be scheduled for the necessary statutory public hearing. Depending upon the community reception to the bylaws prior to first and second reading the LTC could also consider conducting a CIM immediately preceding the public hearing.

Although proceeding with these bylaws is dependent upon the approval of Bylaw Nos. 149 and 150 it is hoped that the adoption process for the RAR bylaws would be completed by the end of summer. Once that has occurred this item could also be removed from the top priorities list.

The third current top priority, the appointment of members to the Hornby Island APC is, as mentioned, largely an administrative process. This can be addressed by identifying persons interested in serving on that body either by posting or advertising the positions and appointing suitable member by means of resolution in compliance with the provisions of Hornby Island Advisory Planning Commission Bylaw No. 89. This could be addressed very early in 2015.

As may be seen, it is entirely possible that the HOLTC could be in a position where they are able to identify three new top priorities in 2015. The question is, which should they be? A review of Table 2 in this report shows there to be 17 potential candidates for elevation to the priority list.

It would seem to be a logical follow-on to the adoption of Bylaw Nos. 149 and 150 to move the "Communications strategy for revised OCP and LUB" project into a priority position, but there is still the possibility of having to choose two additional items from a long list. One possible approach is to give the community a rest from community consultation processes for at least the first year of the new four year mandate and to focus more on administrative tools which underpin community planning. Candidate projects for this approach include:

- Develop and Implement a Development Approval Information Bylaw
- Development Procedures Bylaw

The adoption/review of these two bylaws will update and provide clarity to the development approval review process and ensure that the LTC members and Island residents have the information and data necessary to make informed decisions on applications for development approvals on Hornby Island.

If it is proposed to focus on communications the following projects may be worth considering:

- Review and update "Building on Hornby Island" brochure and include HPO information
- Information and education with respect to the marine environment and shoreline protection; and
- Review community profile by adding further information on environmentally sensitive areas and important habitat and including information in Schedule D2 of the OCP

One other topic which would likely be ongoing in nature but which is becoming more important in its nature is:

- Relationship building with K'omoks First Nation including consideration content of Official Community Plan as it relates to K'omoks First Nation Interests.

As the LTC will be aware OCP bylaw No. 149, which is before the Minister for approval, was specifically amended at a second public hearing held to address concerns raised by the K'omoks First Nation. This could be considered a first step in addressing this potential priority.

Whichever projects are eventually chosen as future top priorities it should be recognized that adequate resources and funding will be required for their eventual implementation, completion and success.

RECOMMENDATION:

THAT the Hornby Island Local Trust Committee:

1. Review the current Hornby Island Local Trust Area work program;
2. Amend the Top Priorities and Project List as deemed necessary; and
3. Confirm or amend the 2015/16 Budget Request and direct staff to forward any amendments to Financial Planning Committee.

Prepared and Submitted by:

Rob Milne

January 22, 2015

Rob Milne, MCIP, RPP
Island Planner

Date

Concurred in by:

Courtney Simpson

January 26, 2015

Courtney Simpson, MCIP, RPP
Regional Planning Manager

Date

Attachments:

1. Budget Memo from RPM to LTC 2014



Memorandum

700 North Road Gabriola Island BC V0R 1X3

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

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

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

Date August 18, 2014 File Number 6500-01

To Denman Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Ballenas – Winchelsea Islands Local Trust Committee (Executive Committee)
Gabriola Island Local Trust Committee
Gambier Island Local Trust Committee
Thetis Island Local Trust Committee

From Courtney Simpson
Regional Planning Manager, Local Planning Services

Re **2015-16 Budget Submissions**

Local trust committees are asked to submit budget requests for the next fiscal year (2015-16).

Local Trust Committee Expense Budgets:

Local Trust Committee Expense budgets include the following:

- LTC meeting expenses
- APC meeting expenses
- Communications
- Special Projects
- Miscellaneous

A budget for Local Expense Account has been developed based on the historical spending, and is shown in Attachment 1. Local trust committees may make changes to this allocation; however, consideration should be given to the historical spending and a rationale provided for making the change.

LTC meeting expenses:

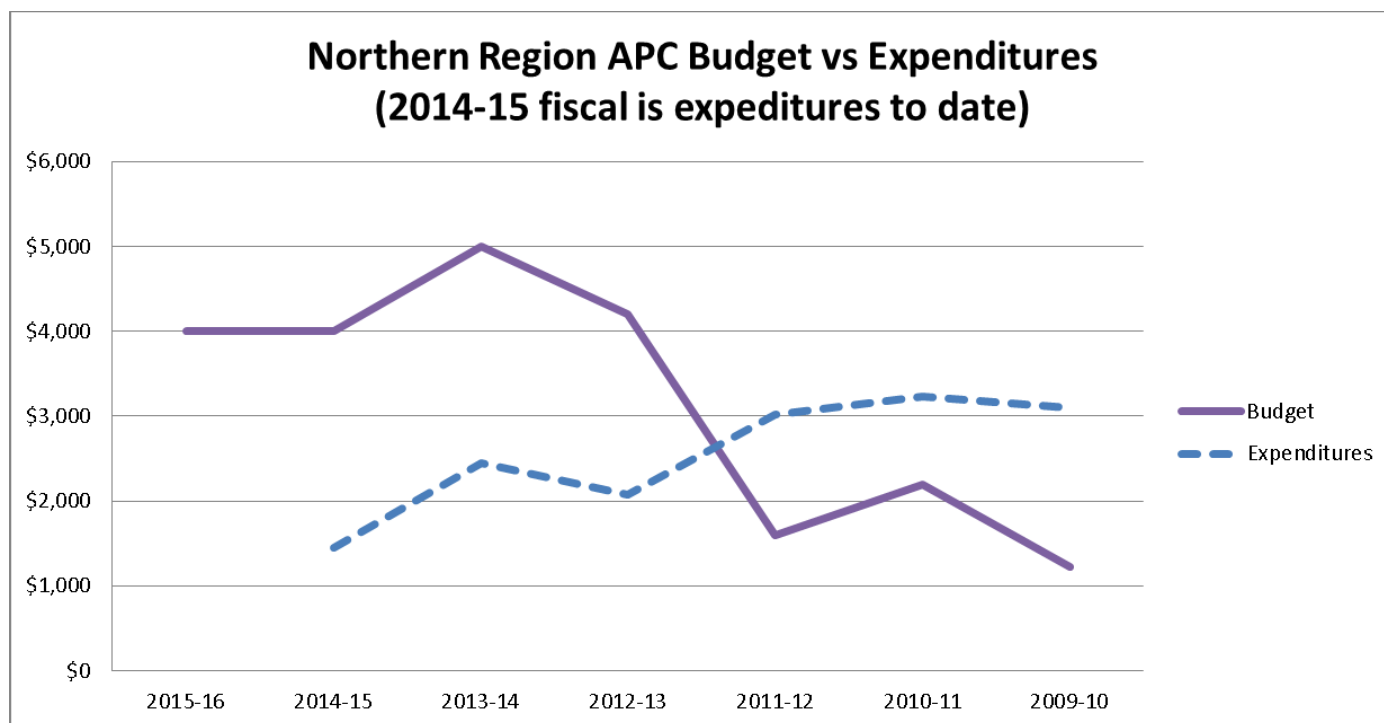
No changes are recommended for the LTC meeting expense account budgets as presented in Attachment 1.

Advisory Planning Commission Budgets:

Consideration was given to recommending increased budget requests for LTCs that staff is recommending take on a major project that is likely to have a higher than average number of APC referrals. Attachment 1 shows a proposed \$750 Advisory Planning Commission (APC) budget for all Northern LTCs excepting Thetis and Lasqueti with a \$500 budget.

In the Northern Region, contract minute takers are only hired for an APC meeting at the direction of the LTC on a case by case basis, at times upon recommendation of staff. In the Southern and Salt Spring regions all APC meeting minutes are taken by a contract minute taker. Staff has found that having a contract minute taker for APC meetings can be a resource for meeting procedures when no other staff is present, reduces staff time

after the meeting to reformat minutes, and typically results in a more useful record of the meeting and as such will be recommending to LTCs that all APC minutes are taken by a contract minute taker. Staff analyzed the APC budgets and expenditures over the past five fiscal years to determine if an increase to the APC budget would be recommended to allow all APC minutes to be taken by a contract minute-taker.



For the Northern Region overall, APC budgets have increased since the 2009-10 fiscal year in response to expenditures exceeding budget in the earlier years shown on the chart above. The number of APC meetings in the region peaked in the 2010-11 fiscal which coincides with the peak in expenses. Although LTC's that undertake major OCP/LUB review projects in the next fiscal are expected to exceed their \$750 budget for APC meetings, APC expenses for the Northern Region are not expected to exceed the budget. Staff considered recommending some LTC's reduce their APC meeting budget request and other LTC's increase theirs to keep the total for the region the same but bring the budgets more in line with expected expenses, but has decided not to make this recommendation. It is difficult to predict projects and APC referrals in an election year, and given historical records of expenditures in this category back to 2009-10, the overall APC budget for the region is not expected to be exceeded. Staff believes contract minute takers can be hired for all APC meetings and still stay within the budget for the region.

Communications Budgets:

No changes are recommended to the communications budgets as presented in Attachment 2. Communications for project work is included in the budget requests for those projects.

Special Projects Budgets:

A small amount of funding is included in the Special Projects line item in the Local Trust Committee Expense Account. This funding is intended to support local planning initiatives at the discretion of the local trust committee (a local trust committee resolution is required to use these funds).

LTC Projects Budgets:

Local trust committees should make a funding request to support project work, including OCP and LUB work that cannot be undertaken with the money available in the Expense Account Special Projects line. Given the upcoming election, consider what the current LTC would recommend as projects for the incoming LTC in 2015/16 fiscal year. The new LTC will have an opportunity to amend these requests after being sworn-in in December and prior to the Financial Planning Committee meeting in February 2015. Recommended projects budgets are presented in Attachment 2.

For the Northern Region, staff recommends that two new OCP/LUB reviews are undertaken; DeCourcy Island (Gabriola Local Trust Area) and Gambier Island. Based on staff resources and other ongoing and recommended projects, this is the maximum number of complete OCP/LUB review projects that can be undertaken. In order to decide which bylaws to recommend for review, the table in Attachment 3 was developed, that lists all Northern Region base bylaws and their adoption dates.

The projections for major OCP/LUB reviews in Attachment 3 has OCP/LUB's that are being adopted this term waiting in excess of 25 years before another review, if the schedule remains at two major reviews per term. The Northern Region has 13 sets of bylaws compared to 6 in the Southern Region and 4 in the Salt Spring Local Trust Area, and comparable staff resources between the three offices.

A need to address the number of OCP/LUB's in the Northern Region has been identified, with the goal of reducing the years between reviews. One option is to start a new OCP/LUB review in the third or fourth year of a term with the goal of completing it in the following term, thus condensing the review schedule. Another option is to join base bylaws as they are reviewed to reduce the number of base bylaws in a single local trust area. These options can be further explored in the future. Undertaking more major reviews concurrently is not a feasible option with current budget and staffing levels.

Riparian Areas Regulation:

Local trust committees should discuss their requirements for RAR funding next fiscal to assist the Regional Planning Manager and Director in developing a budget for RAR.

Special Consideration:

When considering new work items for the 2015/16 fiscal year, LTCs are asked to consider the following:

- A new local trust committee will be sworn-in in December 2014, therefore, priorities could potentially change after the new LTC sets its priorities. Current LTCs are responsible for ensuring that the incoming LTC has sufficient funds to undertake work program items.
- Projects planned for the current fiscal (2014/15) which are not completed should be considered as a new project for the 2015/16 fiscal year with resources allocated to support that work.

Budget Request Timeline:

August 2013 Regional Planning Managers develop budget estimates for consideration by LTCs

Aug to Sept LTCs review and approve budget requests at LTC meetings

Sept 23, 2014 All budget requests forwarded to Director of Local Planning Services

Sept 29, 2014 All budget requests forwarded to Director of Administrative Services

Oct 29, 2014 FPC reviews and discusses first draft of budget

Nov 12, 2014 FPC approves the draft budget

Dec 3, 2014 Trust Council reviews draft budget

LTC Budget Requests

Attachment 2 is a Table with all draft project submissions recommended to Northern LTCs. LTCs should review the attached worksheet of its specific requests. The preliminary project requests have been drafted based on all Top Priority work program items which are currently anticipated to commence in, or to carry, into the next fiscal year. Items from the Projects List which the planners anticipate commencing in the coming year are also included. The LTC should identify any other projects it is currently considering and add them to the

budget request (and the work program if necessary) and identify any additional expenses associated with the identified projects.

Resolution Wording

1. THAT the ____ Island Local Trust Committee approve and forward the draft 2015-16 LTC Project Budget submission to Financial Planning Committee as presented; or
2. THAT the ____ Island Local Trust Committee revise the draft 2015-16 LTC Project Budget submission and forward to Financial Planning Committee as revised.

Attachments:

1. Table of Local Trust Committee Expense Budgets
2. Summary table of Northern LTC project budget requests
3. Northern Official Community Plan and Land Use Bylaws Review Schedule

pc Island Planners and Planner 2

Attachment 1: Local Trust Committee Expense Budgets

2015/16 LTC EXPENSE BUDGET															Total 2015/16
	615-Denman	620-Gabriola	625-Galiano	630-Gambier	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pender	655-Salt Spring	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	LPC	
population	1095	4050	1258	313	1074	359	1112	1996	9780	359	236	372			22004
	5%	18%	6%	1%	5%	2%	5%	9%	44%	2%	1%	2%			
LTC EXPENSES **															
LTC Meeting Expenses	2,500	4,250	2,500	2,500	2,500	500	1,500	2,750	8,000	1,000	1,000	1,000			30,000
APC Meeting Expenses	750	750	500	750	750	500	750	750	2,000	500	500	500			9,000
Communications	300	750	300	300	300	300	300	300	1,250	300	300	300			5,000
Special Projects	750	2,250	750	750	750	750	750	750	4,500	750	750	750	750		15,000
Miscellaneous															0
SUB-TOTAL EXPENSES	4,300	8,000	4,050	4,300	4,300	2,050	3,300	4,550	15,750	2,550	2,550	2,550	750		59,000
Program	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4,300	8,000	4,050	4,300	4,300	2,050	3,300	4,550	15,750	2,550	2,550	2,550	750	0	59,000
	7%	14%	7%	7%	7%	3%	6%	8%	27%	4%	4%	4%			

Attachment 2:

Draft Northern LTC Program Budget Requests 2015/16 Fiscal				
LTC	Project Request	Cost (\$)	Description	Notes
Denman	RAR (completion)	\$ 2,500.00	Mapping completed in 2013-14, draft bylaws July 2014, consultation to begin in Sept 2014	1 public hearing (\$2000) stand-alone, communications material (\$500) Tentative. May be completed in current fiscal
	Protocol Agreement with K'omoks First Nation	\$ 2,000.00	K'omoks has invited discussion on a protocol agreement with a focus on aquaculture	Meetings and some consultant support
Hornby	RAR (completion)	\$ 2,500.00	Mapping completed in 2013-14, consultation summer 2014, draft bylaws Sept 2014	1 public hearing (\$2000) stand-alone, communications material (\$500) Tentative. May be completed in current fiscal
Lasqueti	Targeted OCP/LUB Review	\$ 2,000.00	Marine policies, food security	Consultation and communications
Gabriola	Gabriola OCP/LUB Targeted Review (continuation)	\$ 3,500.00	Village core, density transfer, and implementing First Nations archaeological protection policies	1 public hearing (\$2,500) combined, communications materials (\$500), FN meeting expenses (\$500)
	DeCourcy OCP/LUB Review	\$ 2,500.00	Launch of OCP/LUB review for this associated island	Communications, community profile
Gambier	RAR (continuation)	\$10,000.00	Developing RFP for 2014/15 fiscal, need QEP expertise to determine budget request for next fiscal	Contract with QEP and communications
	OCP/LUB Review Gambier Island	\$ 7,000.00	Launch of major OCP/LUB project. Includes continuation of shoreline protection project.	Communications, community profile, studies
Thetis	RAR (completion)	\$ 1,500.00	Mapping completed, project needs to come to top priority to be completed. Affects one strata property, working with owner-developer	1 public hearing (\$1500) stand-alone
	Shoreline protection (continuation)	\$ 5,000.00	Continuation of Greenhorns pilot. \$5,000 to match contributions of other municipalities for the 2015/16 continuation of the pilot with Stewardship Centre	
Ballenas-Winchelsea	None	\$ -		
TOTAL		\$38,500.00		

Attachment 3: Northern Official Community Plan and Land Use Bylaws Review Schedule Projection

<u>LTA</u>	<u>Bylaw area</u>	<u>OCP adopt'n</u>	<u>LUB adopt'n</u>	<u>Years since OCP</u>	<u>Years since LUB</u>	<u>Projected terms for major review</u>						
						<u>2014-18</u>	<u>2018-22</u>	<u>2022-26</u>	<u>2026-30</u>	<u>2030-34</u>	<u>2034-38</u>	<u>2038-2042</u>
Gabriola	DeCourcy	1981	1987	34	28	☒						
Thetis	Valdes	1996		19			☒					
Gabriola	Gabriola	1997	1999	18	16		☒					
Gambier	Gambier	2001	2004	14	11	☒						
Gambier	Keats	2002	2002	13	13			☒				
Lasqueti	Lasqueti	2005	2005	10	10			☒				
Gabriola	Mudge	2007	2007	8	8				☒			
Denman	Denman	2008	2008	7	7				☒			
Gambier	Gambier Assoc Isl	2009	2013	6	2					☒		
Thetis	Thetis	2011	2011	4	4					☒		
Ballenas-Winchelsea	Ballenas-Winchelsea	2013	2013	2	2						☒	
Hornby	Hornby	2014	2014	1	1						☒	
Thetis	Thetis Assoc Isl	2014	2014	1	1							☒

STAFF REPORT

Date: January 28, 2015

File No.: 3050-01

To: Hornby Island Local Trust Committee
For meeting of February 6, 2015

From: Lisa Webster-Gibson
Legislative Clerk

CC: Rob Milne, Island Planner

Re: Hornby Island Advisory Planning Commission

The Hornby Island Local Trust Committee (LTC) has an advisory planning commission established under its Advisory Planning Commission (APC) bylaw. At the start of this new term of the LTC, the purpose of this memo is to provide a status update of APC appointments.

Bylaw No. 89 (attachment # 1) establishes the Hornby Island Advisory Planning Commission (APC).

BACKGROUND:

Local Government Act, Section 898, enables a Local Trust Committee (LTC) to establish, by bylaw, advisory planning commissions to advise them on “all matters respecting land use, community planning or proposed bylaw and permits” upon referral from the LTC.

Pursuant to Bylaw No. 89, the Hornby APC consists of not more than six (6) members. The LTC may, by resolution, appoint members to three-year terms beginning on the date of appointment.

The Hornby Island APC has four (4) members appointed. The members are:

Name	Position	Term Start	Term End
• Rudy Rogalsky	Chair	November 22, 2013	to November 22, 2016
• Carol Quin	Vice-Chair	November 22, 2013	to November 22, 2016
• Greg Moys	Member	January 1, 2014	to January 1, 2017
• Ross Muirhead	Member	January 1, 2014	to January 1, 2017

STAFF COMMENTS

No terms of Hornby Island APC members have expired or are close to expiry; however, the APC could accommodate two further appointments should the LTC wish to appoint additional members. Appointments can be made at this time for new three year terms, however, the LTC may wish to consider advertising at a time that would facilitate coordination of all appointments to begin on the same date as much as possible. Advertising for volunteers in September could enable the LTC to have all but, two appointments starting at the same time.

RECOMMENDATIONS:

THAT the Hornby Island Local Trust Committee direct staff to return in September with recommendations related to the advertisement for expressions of interest for expiring or vacant positions on the Hornby Island Advisory Planning.

Respectfully submitted by:

Lisa Webster-Gibson

January 28, 2015

Lisa Webster-Gibson
Legislative Clerk

Date

Courtney Simpson

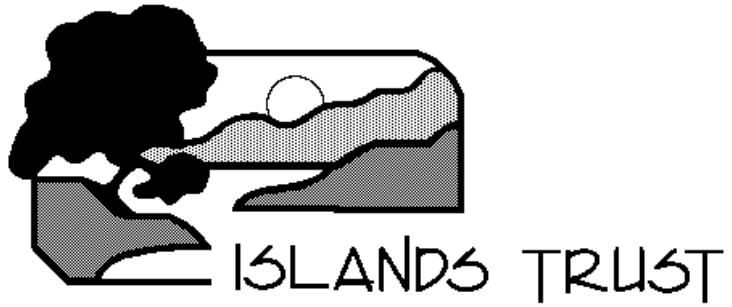
January 29, 2015

Courtney Simpson, RPP, MCIP
Regional Planning Manager

Date

Attachments:

1. Hornby Island Advisory Planning Commission Bylaw No. 89



HORNBY ISLAND

ADVISORY PLANNING COMMISSION BYLAW NO. 89

AS AMENDED BYLAW HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAWS NO. 99 and 146

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Consolidated: November 2013

HORNBY ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 89

BL99

A BYLAW TO ESTABLISH AN ADVISORY PLANNING COMMISSION FOR THE HORNBY ISLAND LOCAL TRUST AREA PURSUANT TO THE *MUNICIPAL ACT* AND THE *ISLANDS TRUST ACT*

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. **Establishment**

BL99

There is established an Advisory Planning Commission (APC) for the Hornby Island Local Trust Area to advise the Local Trust Committee on all matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Municipal Act* that are referred to it by the Local Trust Committee.

2. **Appointment of Members**

(a) The Advisory Planning Commission (APC) consists of not more than six members. Every member must be an elector of the Trust Committee, as defined in Section 1 of the *Municipal Act*, and at least two thirds (2/3) of the members must be residents of the Local Trust Area.

BL146

(b) The Local Trust Committee may, by resolution, appoint members to three-year terms beginning on the date of appointment.

(c) The Local Trust Committee may, by resolution, remove a member at any time.

(d) Where a member resigns or an appointment is otherwise terminated, the Local Trust Committee may appoint a member to serve the balance of the term of the appointment.

(e) The members must, during the first meeting of a calendar year, from among the members, elect a Chairperson, and a Deputy Chairperson to act in the place of the Chairperson in the absence of the Chairperson.

(f) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).

(g) In the event that the Chairperson resigns or the Chairperson position is otherwise terminated, the Advisory Planning Commission shall write the Hornby Island Trust Committee to advise them and the Islands Trust shall appoint an interim Chairperson who shall serve until a Chairperson is elected in accordance with Section 2(e).

3. **Roles**

BL99

(a) **Secretary**

- (1) The Local Trust Committee must appoint a Secretary to the Advisory Planning Commission.
- (2) The Secretary is to:
 - i) assist the Chairperson, as required, in arranging meetings of the APC;
 - ii) ensure that proper notification of meetings is given in compliance with this Bylaw;
 - iii) keep legible minutes of all meetings;
 - iv) provide copies of all minutes and recommendations of the APC to the Local Trustees and the Secretary of the Trust;
 - v) maintain financial records and conduct financial transactions with the Islands Trust; and
 - vi) maintain an annual record book of approved minutes to be available to the public upon request and shall provide a copy of minutes when requested upon receipt of a sum of money sufficient to pay the cost of copying those minutes.

BL99

(b) **Chairperson**

- (1) The Chairperson is to:
 - i) receive referrals from the Local Trust Committee and, in response, decide when and where meetings shall be held;
 - ii) ensure proper conduct of all meetings in accordance with the requirements of this Bylaw and the principles of procedural fairness;
 - iii) rule on the existence of a conflict or potential conflict of interest of an APC member when requested to do so; and
 - iv) sign the minutes certifying that they are true and correct after they have been approved by the APC.

4. **Referrals to the Commission**

BL99

- (a) The Trust Committee may by resolution, refer an application for an amendment to the community plan, a bylaw, or a permit, pursuant to the *Municipal Act*, or may refer a proposed bylaw or permit to the Chairperson of the APC with a request for a recommendation.
- (b) The APC must meet, when there is a need to consider a referral, at a duly constituted meeting as defined under this Bylaw and as called by the Chairperson.
- (c) At its first meeting, the Advisory Planning Commission shall select a regular monthly meeting day to consider referrals.

- (d) In the event that no referral is received by the Secretary at least 7 calendar days prior to the date of the next regular meeting, then no meeting need be held.
- (e) A meeting of the APC on any particular referral must be held not more than 30 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- (f) The Hornby Island Trust Committee may refer a plan or bylaw amendment or permit that has been partially processed and seen at the application stage by the Advisory Planning Commission for additional recommendations if it feels changes to the application warrant the review. In these cases the Advisory Planning Commission may be asked to respond in a briefer than normal time period.
- (g) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members of the Advisory Planning Commission to deal with any matter for which a quick response is requested.
- (h) Although the recommendations of the APC must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- (a) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each APC member at least 5 calendar days prior to the regularly scheduled meeting.
- (b) The Secretary must confirm by telephone or note, the date and time of any extraordinary meetings with each member of the APC.
- (c) The Secretary must ensure an applicant is notified of the date, time and place of the APC meeting at which his or her application or proposal will be discussed at least five calendar days prior to the meeting.
- (d) The Secretary must ensure the Local Trustees are notified of each APC meeting at least five days prior to the day of the meeting.
- (e) Where a matter upon which a recommendation has been made is referred back to the Advisory Planning Commission for further comment within a limited time period, the Secretary must notify the Local Trust Committee of an extraordinary meeting. The Secretary may invite the applicant if further information is required at least 2 days prior to the meeting unless the applicant agrees to a lesser notice.

6. Conduct of Meeting

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

BL99

- (d) An applicant must be afforded the first opportunity to present his or her proposal and to answer any questions asked by the APC.
- (e) If the applicant or his agent fails to appear and was duly notified as required by this Bylaw, the APC may proceed to reach its recommendation in his absence.
- (f) At the request of any member of the APC, the Chairperson must invite any elected official staff or resource person present at the meeting to comment on the matters before the APC.
- (g) The APC must not receive development proposals and other applications directly from applicants.
- (h) The APC must not consult directly with other government agencies.

7. **Notice of Recommendation**

- (a) If the Local Trustees did not attend an APC meeting, they may require a verbal report from the Chairperson.
- (b) The Secretary must ensure minutes of each meeting of the APC be recorded and approved by the APC at its subsequent meeting.
- (c) The Secretary must ensure a completed referral form recording the response of the APC and a copy of the draft minutes are submitted to the Local Trust Committee and Islands Trust office within seven calendar days of the meeting.
- (d) A recommendation of the APC may be in the form of recorded commentary, in the form of minutes or in the form of a resolution, provided that, where requested, all dissenting opinions are also recorded.

8. **Transition**

- (a) Hornby Island Trust Committee Bylaw No. 76 cited for all purposes as the "Hornby Island Trust Committee Advisory Planning Commission Bylaw, 1987", is repealed.

9. This Bylaw may be cited as the "Hornby Island Trust Committee Advisory Planning Commission Bylaw, 1994".

READ A FIRST TIME THIS 19th DAY OF June , 1995

READ A SECOND TIME THIS 19th DAY OF June , 1995

READ A THIRD TIME THIS 19th DAY OF June , 1995

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS 25th DAY OF
October , 1995

RECONSIDERATION AND FINALLY ADOPTED THIS 8th DAY OF February , 1996

Gordon McIntosh

Graeme Dinsdale

SECRETARY

CHAIRPERSON

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 890-20/HI

December 19, 2014

Sent via: ladams@islandstrust.bc.ca

Linda Adams
Chief Administrative Officer
Islands Trust
1627 Fort Street
Victoria, BC V8R 1H8

Dear Islands Trust:

RE: Water supply from wells on CVRD properties on Hornby Island

The Comox Valley Regional District (CVRD) has been working in 2014 to complete an assessment of the water supply connectivity to CVRD wells in the Anderson Road subdivision area.

The objective of the assessment was to confirm the utilization of wells located on CVRD property by residents of adjacent properties, to ensure adequate user protection, and establish legal agreements for the use of the wells. The CVRD wants to ensure that water supply currently in use remains accessible to residents, and does not wish to disturb supply or access.

A meeting is scheduled for January 28, 2015 from 1:00 p.m. to 3:00 p.m. in the CVRD boardroom to discuss the outcome of the work completed. Confirmed CVRD water well user property owners have been notified directly of this meeting.

As an interested party you are welcome to attend this meeting however, as stated, the targeted audience will be the property owners that are using these wells.

If you plan to attend this meeting please RSVP to Teresa Warnes, executive assistant, at 250.334.6008 or via email at twarnes@comoxvalleyrd.ca.

We thank you for your patience and interest as worked through this project.

Sincerely,

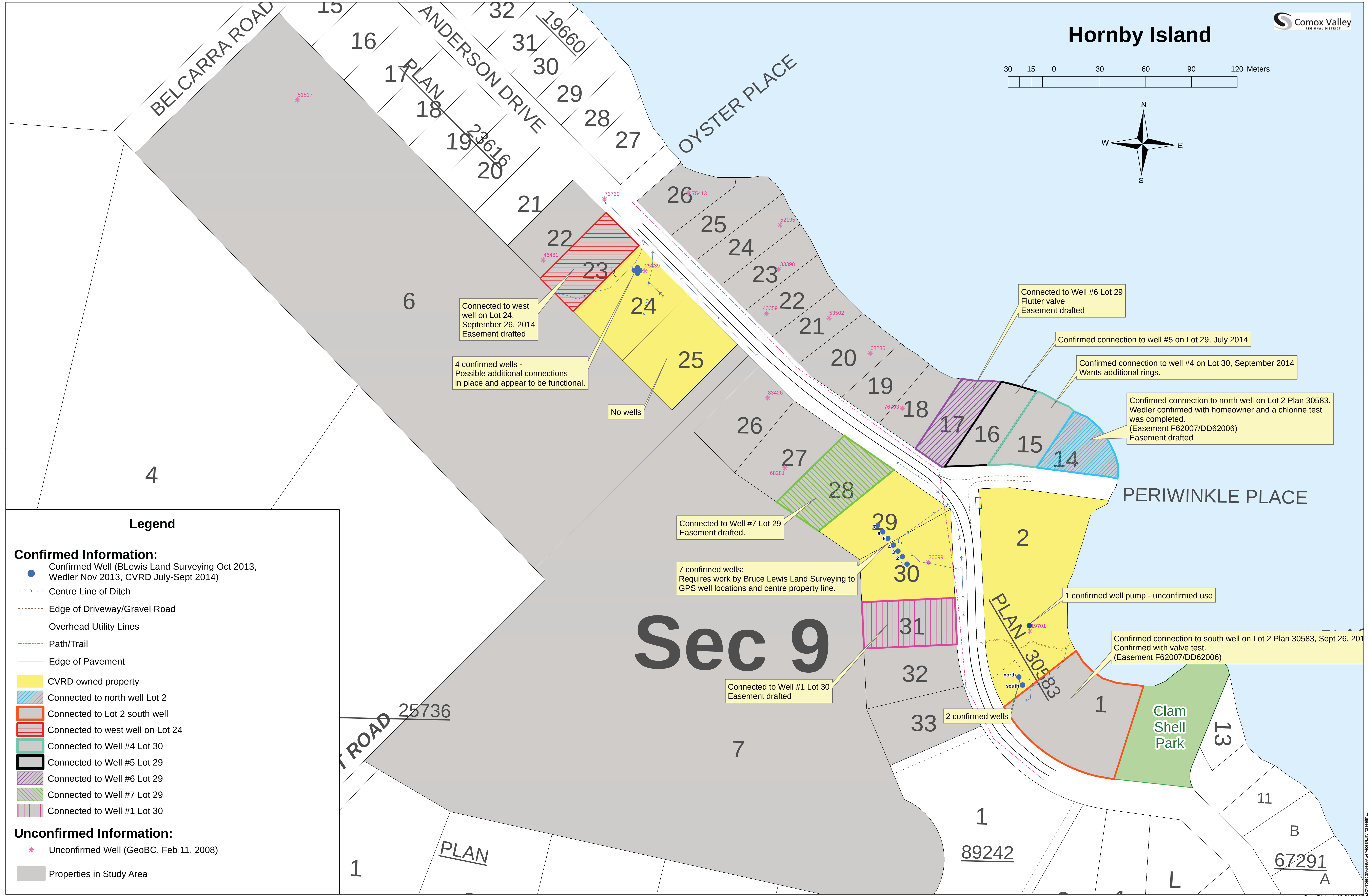
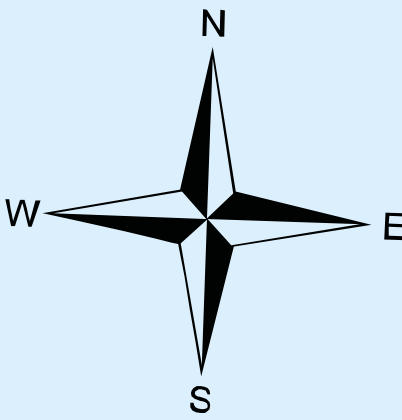
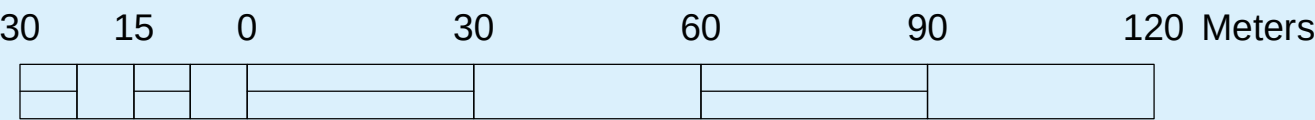
A handwritten signature in black ink, appearing to read 'Debra Oakman'.

Debra Oakman, CMA
Chief Administrative Officer

Enclosure: Hornby Island Wells Map – Anderson Drive

cc: Doug DeMarzo, manager of parks
Northern Team, Islands Trust Director B. Jolliffe, Baynes Sound – Denman/Hornby Island (Area A)
Trustee A. Allen, Hornby Island
Trustee T. Law, Hornby Island

Hornby Island



Legend

Confirmed Information:

- Confirmed Well (BLewis Land Surveying Oct 2013, Wedler Nov 2013, CVRD July-Sept 2014)
- Centre Line of Ditch
- Edge of Driveway/Gravel Road
- Overhead Utility Lines
- Path/Trail
- Edge of Pavement

- CVRD owned property
- Connected to north well Lot 2
- Connected to Lot 2 south well
- Connected to west well on Lot 24
- Connected to Well #4 Lot 30
- Connected to Well #5 Lot 29
- Connected to Well #6 Lot 29
- Connected to Well #7 Lot 29
- Connected to Well #1 Lot 30

Unconfirmed Information:

- Unconfirmed Well (GeoBC, Feb 11, 2008)
- Properties in Study Area

To: Hornby Island Local Trust Committee
Rob Milne, Island Planner

From: Trustee Tony Law

29 January 2015

Re: Water Supply Lots Owned by CVRD on Anderson Drive, Hornby Island

On 28 January, Trustees Allen and Law attended a meeting held by the Comox Valley Regional District to discuss with relevant property owners on Anderson Drive possible arrangements with respect to the use of wells on CVRD lots. Some property owners have water lines from wells on CVRD lots to provide water for residential use on their neighbouring residential properties. There have been no legal arrangements in place.

A process has been proceeding for some time to explore and discuss the issues involved; there have been previous meetings between CVRD and the property owners. The main purpose of this meeting was to discuss a draft easement that would be registered on title to provide for legal access to the wells and spelling out the responsibilities of each party. A number of issues were raised which will be addressed in a subsequent draft.

Two issues arose that are of relevance to the Hornby Island Local Trust Committee. These are to do with the interests of the landowners to ensure that the use of the CVRD lots on which the wells are located will be focused on protecting their purpose for providing water supply.

It was suggested that this could be done in two ways:

1) Through land use zoning

Provided below is a table showing land use designations and zoning for the lots involved (see CVRD map accompanying this document) in both the current and proposed OCP and LUB. As you will see, there are some inconsistencies, particularly with respect to proposed Bylaw 150:

- the lots in question (24,25,29,30,2) are zoned **P2** and not **WS**;
- Lot 12, which is not included in the CVRD map, is zoned WS
- Clamshell Par, which is a Community Park, is zoned **WS** and not **P2**

2) Through a Section 219 Covenant to be held by the Hornby Island Local Trust Committee

Proposed Bylaw 149 includes relevant policy 5.2.2 (below)

Possible action

At the next Local Trust Committee, I suggest that the Local Trust Committee consider adding this issue to the Work Program with respect to:

- requesting staff to discuss issues arising with the CVRD;

- exploring the possibility of covenants on the “water supply” lots;
- drafting amendments to the Land Use Bylaw;

Land Use Designation & Zoning of CVRD Lots on Anderson Drive, Hornby Island

CVRD Lots	Land Use Designation		Zoning	
	Current OCP	Proposed OCP	Current LUB	Proposed LUB
Lot 24	PU	WSPA	PR2	P2
Lot 25	PU	WSPA	PR2	P2
Lot 29	WSPA	WSPA	PR2	P2
Lot 30	WSPA	WSPA	PR2	P2
Lot 2	WSPA	WSPA	PR2	P2
Lot 12*	WSPA	WSPA	R1	WS
Clamshell Park**	P	P	PR2	WS

* Lot 12 is not included in the recent CVRD map of lots owned by CVRD containing wells

** Clamshell Park is a road allowance / beach access managed by CVRD as a Community Park under a licence of occupation

From Proposed OCP (Bylaw 149)

5.2 Water Supply Protection Areas

Background

The Whaling Station Bay Improvement District owns and operates a water collection system that provides water to about 35 property owners in the Whaling Station Bay area. There are public wells (some of them now disused) located on public land at Grassy Point, Sollans Road, Anderson Drive (two) and Jerow Road. There is also a public well within Tribune Bay Provincial Park that is now capped.

Area

All areas identified as a Water Supply Protection Area (WSPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to protect the Whaling Station Bay water collection system and other existing public wells as present or future sources of community water supply.

Policies:

5.2.1 Lot A Plan 19879 Section 9, owned by Whaling Station Bay Improvement District is designated as a Water Supply Protection Area to ensure its protection as a site specific water supply zone and land uses on this lot should be restricted by regulation.

5.2.2 Land uses on properties within the catchment area of this water supply system may be restricted by regulation or covenant to protect the water resource on the basis of a professional hydrological study.

5.2.3 Land uses on or near parcels containing public wells should be regulated to ensure protection of the water source.

5.2.4 Where indicated by a professional hydrological study, land uses on adjacent properties may be restricted by regulations or covenant to protect the water source.

5.2.5 The establishment of additional public wells in appropriate inland locations should be considered; parcels containing new public wells should be added to this designation.

Advocacy Policy

5.2.6 Public wells are subject to requirements of the Water Act and other provincial legislation such as the BC Drinking Water Protection Act and regulations. Designated purveyors or other agencies responsible for such wells must comply with provincial regulations and should protect the well head, ensure regular maintenance and testing of the well, post the test results and monitor draw down and water availability, or enter into an agreement with a community organization to carry out this work.

5.2.7 Agencies with jurisdiction over land parcels containing wells are encouraged to seal wells that are no longer being used or maintained.

From Proposed LUB (Bylaw 150)

8.18 Water Supply Protection Area (WS) Zone

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this Section and Part 3, and all other uses are prohibited:

(a) water collection, storage and distribution.

Permitted Buildings, Structures and Density

(2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:

(a) accessory buildings and structures.

Siting and Size

(3) Buildings and structures must be set back 6.0 metres from all lot lines.

(4) The total floor area of accessory buildings on a lot must not exceed 30m².

Subdivision Lot Area Requirements

(5) The minimum lot area is 1.0 hectares.

Tony Law