



A NOTICE OF A BUSINESS MEETING OF **THE HORNBY ISLAND LOCAL TRUST COMMITTEE**
to be held at 11:30 am on Friday, July 12, 2013
Room to Grow, 2100 Sollans Road, Hornby Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		11:30 am
2.	APPROVAL OF AGENDA		
3.	CLOSED MEETING: The Hornby Island Local Trust Committee closes the next part of the July 12, 2013 business meeting to discuss matters pursuant to Section 90(1)(f) (Bylaw Enforcement) of the <i>Community Charter</i> and that Staff be invited to attend this meeting.		11:35 am
4.	RECALL TO ORDER Rise and Report from Closed Meeting		12:00 pm
5.	MINUTES		
5.1	Local Trust Committee Meeting Minutes of June 7, 2013 – <i>for adoption</i>	1-8	
5.2	Section 26 Resolutions Without Meeting - <i>none</i>		
5.3	Hornby Island Advisory Planning Commission Minutes - <i>none</i>		
6.	BUSINESS ARISING FROM MINUTES		
6.1	Follow-up Action List dated July 4 , 2013 - <i>attached</i>	9-10	
7.	CORRESPONDENCE <i>Correspondence specific to an active development application and/or project will be received by the Hornby Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
8.	TRUSTEES' REPORT		
9.	CHAIR'S REPORT		
10.	DELEGATIONS		
11.	TOWN HALL SESSION		12:20 pm
12.	APPLICATIONS AND PERMITS		
13.	LOCAL TRUST COMMITTEE PROJECTS		
13.1	HO-OCP-2009.1 (Official Community Plan/Land Use Bylaw Review) – <i>update</i> 13.1.1 Communications and Consultation – <i>for discussion</i>		

14.	REPORTS		1:10 pm
14.1	Work Program		
	14.1.1 Top Priorities Report and Projects Report dated July 4, 2013 - <i>attached</i>	11-13	
14.2	Applications Log		
	14.2.1 Report dated July 4, 2013 - <i>attached</i>	14-15	
14.3	Trustee and Local Expenses		
	14.3.1 Expenses posted to May 31, 2013 - <i>attached</i>	16	
	14.3.2 Expenses posted to June 30, 2013 - <i>attached</i>	17	
15.	NEW BUSINESS		
15.1	Proactive Bylaw Enforcement of Illegal Structures on the Foreshore Memorandum dated June 18, 2013 - <i>attached</i>	18-24	1:25 pm
15.2	Summer Meeting for Seasonal Residents – <i>for discussion</i>		
16.	BYLAWS		
17.	ISLANDS TRUST WEBSITE		
17.1	Hornby Pages – <i>for discussion</i>		
18.	NEXT MEETING DATE		
	Friday, September 13, 2013 at 11:30 pm at Room to Grow, 2100 Sollans Road, Hornby Island, BC.		
19.	ADJOURNMENT		1:45 pm

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

DRAFT

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 11:30 A.M., JUNE 7, 2013
AT ROOM TO GROW, 2100 SOLLANS ROAD, HORNBY ISLAND, BC**

Members Present:

David Graham	Chair
Alex Allen	Local Trustee
Tony Law	Local Trustee

Staff Present:

Peter Phillips	Bylaw Enforcement Officer
Rob Milne	Island Planner
Katherine Vogt	Recorder

Media and Others Present:

There were two (2) members of the public in attendance – a.m.
There were seven (7) members of the public in attendance – p.m.

1. CALL TO ORDER

Chair Graham called the meeting to order at 11:30 a.m. He welcomed the public and introduced himself, Local Trustees, Bylaw Enforcement Officer, Island Planner and Recorder.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 15.2: Bylaw Referral Form regarding Bylaw Nos. 27 and 28, dated May 24, 2013
- Add item 15.3: Discussion of transportation issues on Hornby Island
- Add item 15.4: Discussion regarding upcoming Comox Valley Regional District meeting

3. **CLOSED MEETING**

HO-019-2013

It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee closes the next part of the June 7, 2013 business meeting to discuss matters pursuant to Section 90(1)(f) (Bylaw Enforcement) and section 90(1)(a) (Advisory Planning Commission Appointments) of the *Community Charter* and that Staff be invited to attend this meeting.

CARRIED

Trustee Law, declaring a conflict of interest, left the meeting at 11:26 p.m.

4. **RECALL TO ORDER**

By general consent the Committee reconvened in open meeting at 12:13.

Trustee Law returned to the meeting.

5. **MINUTES**

5.1 *Local Trust Committee Adopted Meeting Minutes of April 26, 2013*

The minutes were adopted by consensus.

5.2 *Section 26 Resolutions Without Meeting*

None

5.3 *Hornby Island Advisory Planning Commission Minutes*

None

6. **BUSINESS ARISING FROM MINUTES**

6.1 *Follow-up Action List dated May 30, 2013*

There was some discussion on the current condition of the Hornby Island Advisory Planning Commission.

HO-020-2013

It was MOVED and SECONDED,

that staff be directed to initiate a review of the Advisory Planning Commission Bylaw and to direct the staff to invite the members whose terms recently expired to participate in the review of the Land Use Bylaw as ex-official members.

CARRIED

7. CORRESPONDENCE

None.

8. TRUSTEES' REPORT

Trustee Law reported that as a member of the Raven Coal Mine working committee, he had become aware that Compliance Coal Corporation was in some trouble as a company. He commented that the B.C. Ferries service adjustments discussion was in limbo. He spoke on the work of the Islands Trust Fund Board and that a nature reserve had been put in place on Gabriola Island as well as on Galiano Island.

Trustee Allen reported that he would be attending a Trust Council meeting on Mayne Island the following week. He commented favorably on the new website design for the Islands Trust site.

9. CHAIR'S REPORT

Chair Graham spoke on the various issues affecting the different islands in the Islands Trust area. Lasqueti Island was dealing with parking problems, Gambier Island was working on finalizing its Land Use Bylaw, and Gabriola Island was dealing with riparian areas.

10. DELEGATIONS

None.

11. TOWN HALL SESSION

Tony Quin requested that the Hornby Trust Committee and planning staff provide updated written correspondence to groups, organizations, and individuals on Hornby Island in the form of letters that would contain information on the particular bylaws pertinent to the issues they were dealing with.

Planner Milne noted that Islands Trust staff received numerous queries and that written responses would consume considerable staff time.

Trustee Law agreed that written responses to citizen submissions would be helpful.

Carol Quin reiterated the need for written responses to citizen submissions and queries.

Karen Ross asked what the intent of the local Trust Committee was to enforce the new vacation rental bylaw as well as compliance with advertising regulations.

Trustee Law responded that a complaint would be needed to trigger an investigation and that complaints regarding non-permitted buildings would be prioritized.

Dianne Chuoke praised the new Islands Trust website, noting that it allowed for easier access to the minutes of meetings. She expressed the need to allow for detached secondary units and questioned whether separately zoned areas could request special consideration for detached dwellings.

Trustee Law noted that last term's targeted review of the Official Community Bylaw did not attempt to reopen issues around density and that land use bylaws were to some extent out of sync with the Official Community Plan (OCP). Perhaps a resolution would be needed to deal with the density issue because it could not be included in the present OCP review due to time constraints. Trustee Law offered that a temporary use permit could be applied for to accommodate persons in need of housing.

Chair Graham noted that the whole community needed to be involved in the discussion around dwelling densities and detached versus attached units and that such a discussion could take as long as the short-term vacation rentals issue. He expressed the need to finish the OCP and Land Use Bylaw (LUB) projects and then go back and target the density issues. He acknowledged that he had received the Lyle Chambers petition on affordable housing and that this petition spoke directly to the need for community discussion on density.

Brian Kittleson read out a preamble letter in regard to the petition just submitted to the Hornby Island Local Trust Committee (HILTC) from Lyle Chambers (on behalf of concerned citizens) regarding fulltime affordable housing, dated June 3, 2013 and handed to Chair Graham at the start of the HILTC meeting of this day, June 7, 2013 and also submitted electronically.

The preamble letter noted that the petition contained 310 signatures and requested a response by the HILTC by month's end.

The petition itself requests the Hornby Island Local Trust Committee to:

“Adopt a moratorium on the investigation and enforcement of non-conforming situations which provide housing for community residents (unless there is a bona fide impact on health, the environment or neighbors) at least until new provisions have been adopted in our Official Community Plan and Land Use Bylaw that provide real options to keep community members housed in our community.”

Trustee Law noted that the community was actually deciding its own bylaws and that the Hornby Island Trust Committee was not unduly influenced by Victoria.

By general consent the meeting was recessed at 1:04 p.m. and reconvened at 1:09 p.m.

12. APPLICATIONS AND PERMITS

- 12.1 HO-DVP-2013.1 (Mark Was – 5350 Arthurs Rd) Staff Report dated May 15, 2013 (2 submissions attached) – attached.

Planner Milne recommended that the application by Marc Was for a Development Variance Permit to build a power shed and carport 8 feet and 11.5 feet away (respectively) from the exterior side lot line be supported.

Trustee Allan noted that some time and effort had been made by the applicant to site the structures in the least disruptive way.

HO-021-2013

It was MOVED and SECONDED,
that the Hornby Island Trust Committee approve the development variance permit application HO-DVP-2013.1.

CARRIED

By general consent the meeting was recessed at 1:14 p.m. for lunch and reconvened at 1:28 p.m.

13. LOCAL TRUST COMMITTEE PROJECTS

None.

14. REPORTS

14.1 Work Program

- 14.1.1 Top Priorities Report and Projects Report dated May 30, 2013 – attached*

HO-022-201

It was MOVED and SECONDED,
that the Top Priorities list be changed so that the Official Community Plan and Land Use Bylaw Review be maintained as number one priority; that the Review of the Advisory Planning Commission Bylaw be added as second priority; that the Riparian Areas Regulation Mapping and Implementation be given third priority; and that the Vacation Home Rentals Regulations Review be removed from the Top Priorities List.

CARRIED

HO-023-2013

It was MOVED and SECONDED,

that the following be added to the Projects List: Establish a community process to review residential density to address community housing needs following the completion of the Official Community Plan-Land Use Bylaw review.

CARRIED

14.2 Applications Log

14.2.1 Report dated May 30, 2013 – attached.

It was noted that residents had two years to implement their plans from the date a permit by the Islands Trust was issued.

14.3 Trustee and Local Expenses

14.3.1 Expenses posted to March 31, 2013 (Fiscal – Yearend) – attached

None.

15. NEW BUSINESS

15.1 Eelgrass Mapping Memorandum dated April 23, 2013 – attached

HO-024-2013

It was MOVED and SECONDED,

that the Hornby Island Trust Committee commit \$ 1,000 from the Local Trust Committee's 2013-2014 budget to eelgrass mapping in the Hornby Island Local Trust Area, a collaborative initiative of the Islands Trust, Islands Trust Fund, and Seagrass Conservation Working Group.

CARRIED

15.2 Bylaw Referral Form regarding Bylaw Nos. 27 and 28 dated May 24, 2013

HO-025-2013

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee respond to Bylaw Referral 27 and 28 by indicating Interest Unaffected by Bylaw

CARRIED

15.3 Transportation Issues on Hornby Island

Trustee Law reported that the Hornby Island Local Trust Committee would soon

be meeting with the Ministry of Transportation to discuss transportation issues affecting Hornby Island.

15.4 Upcoming Meeting with Comox Valley Regional District

Planner Milne provided information on the categories being offered for discussion by the Comox Valley Regional District's Executive Secretary James Warren:

- Hornby Island Anderson water update
- Denman Island water update
- Hornby island Waste-Management Centre update
- Hornby and Denman Islands Fire Agreements
- Hornby Island Fire Hall update
- Hornby Island Parks and Beach Accesses update
- Denman Island Parks update
- Denman Island Ferry-to-Ferry Trail update
- Community Hall Improvements
- House Numbering updates

Trustee Law commented on the existence of several water supply lots located on Anderson Road that had been specially zoned by the Comox Valley Regional District (CVRD) and requested that Planner Milne search for an older report on these lots in case the CVRD wanted to change the zoning on these lots in the future.

16. BYLAWS

None

17. ISLANDS TRUST WEBSITE

17.1 Hornby Page – attached

Trustee Law commented that the flyers that were handed out on Hornby Island by the Hornby Island Local Trust Committee could be added to the website under Trustees' Corner.

18. NEXT MEETING DATE

The next meeting of the Hornby Island Local Trust Committee will take place on Friday, June 7, 2013 at 11:30 a.m. at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

19. ADJOURNMENT

Chair Graham adjourned the meeting at 2:00 p.m.

Recorder

Chair



Islands Trust

Follow Up Action Report w/ Target Date

Hornby Island Nov-23-2012

No.	Activity	Responsibility	Target Date	Status
1	RESOLUTION: bylaw enforcement staff be requested to prepare a draft enforcement policy that would make the use of an accessory building for rental as a studio/office/workshop to a person who is not a resident of the lot as a low priority for enforcement while the LTC is considering this issue.	Miles Drew Stephanie Somers	Dec-07-2012	On Going

Apr-26-2013

No.	Activity	Responsibility	Target Date	Status
1	Update Hornby website with most recent OCP/LUB report and revised drafts. Renumber work program; correct spelling of 'community' in climate action section; delete all references to december draft OCP.	Rob Milne		On Going
1	Contact HOLTC advisory planning commission members to determine if they are willing to be re-appointed for a 12 month term in order to complete the OCP/LUB review. Send April 2013 draft LUB to returning members for referral, with comments to be submitted back to the HOLTC for July LTC meeting.	Becky McErlean Rob Milne	May-10-2013	On Going
1	HOLTC resolution that their interests are unaffected by Denman LTC proposed bylaws 204, 205 and 206.	Courtney Simpson	Jun-04-2013	Done
1	Trustee Law to draft communications for the Vacation Home Rental regulations; OCP/LUB review suitable for a public flyer insert and webpage notice. To be reviewed by RPM prior to distribution.	Tony Law Courtney Simpson	Jun-07-2013	Done

1 Chair Graham to prepare a response to Frances Millan correspondence regarding vacation home rental regulations.

David Graham

Jun-07-2013

On Going



Islands Trust

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Official Community Plan and Land Use Bylaw Review	Targeted review and update of the OCP and LUB.	Feb-03-2012	Rob Milne		On Going
2	APC Bylaw review and update	Review language of current bylaw and consider amendment to current language which prevents appointments after March.	Jun-07-2013	Rob Milne		On Going
3	Riparian Areas Regulation mapping and implementation.	Additional data collection and mapping is planned to be completed in the fall of 2013	Feb-03-2012	Rob Milne	Dec-31-2012	Done



Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Development Procedures Bylaw	<i>Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications.</i>	Feb-03-2012	On Going
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	Review development permit for water conservation for new development, including water catchment requirements.		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
2	Continue relationship building with K'omoks First Nations.		Feb-03-2012	On Going

3	GHG Emissions Reduction	Facilitate <i>community communications regarding greenhouse gas emissions in collaboration with community organizations.</i>	Feb-03-2012	On Going
4	Communications strategy for revised OCP and LUB		Feb-03-2012	On Going
5	Review community profile by adding further information on environmentally sensitive areas and important habitat and including information in Schedule D2 of OCP.		Nov-23-2012	On Going



Applications w/ Status - Hornby Island Status: Open

Applications

Subdivision

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

Planning Status

Status Date: Jun-17-2013

REceived PLA extention - Valid to June 13, 2014

Status Date: Apr-15-2013

Referral complete

Status Date: Apr-02-2013

Applicant submitted revised plan of subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2012.3	Peter Mason	Apr-26-2012	1410 Carmichael Road (Gustein & Burrows) 2 lot subdivision under Section 946 Local Government Act

Planner: Linda Prowse

Planning Status

Status Date: Dec-20-2012

Still awaiting RAR report and DVP application from applicant

Status Date: May-18-2012

Referral response sent to the Ministry of Transportation and Infrastructure

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

Planner: Marnie Eggen

Planning Status

Siting and use Permit

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

Planning Status

Status Date: Oct-03-2011

Pending outcome of DP and DVP.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2013.7	Peter & Patricia Mills & Marshall Planner: Seth Wright	Jun-05-2013	5115 Sandpiper Road (Mills & Marshall) 2 bedroom addition to existing dwelling and addition of Garage

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2013.8	Diane Smith Planner:	Jun-20-2013	8120 Central Road Art and Yoga Studio

Planning Status

From: Nicole Ranger

Sent: June-07-13 4:41 PM

To: Alex Allen; Courtney Simpson; David Graham; Rob Milne; Tony Law; Becky McErlean

Cc: Nancy Roggers

Subject: Hornby LTC expense report to May 31. 2013

635 Hornby	Invoices posted to May 31, 2013	Budget	Spent	Balance
65000 635	LTC "Trustee Expenses"	1,300.00	-	1,300.00
65200 635	LTC Local Exp LTC Meeting Expenses	3,000.00	529.85	2,470.15
65210 635	LTC Local Exp APC Meeting Expenses	1,000.00	-	1,000.00
65220 635	LTC Local Exp Communications	500.00	40.00	460.00
65230 635	LTC Local Exp Special Projects	2,000.00	500.00	1,500.00
65240 635	LTC Local Exp Miscellaneous	250.00	-	250.00
TOTAL LTC Local Expense		6,750.00	1,069.85	5,680.15

Thanks!

Nancy Roggers
Finance Officer

Islands Trust
#200 1627 Fort Street
Victoria, B.C. V8R 1H8
Phone: (250) 405-5154
Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

From: Nicole Ranger
Sent: June-26-13 12:06 PM
To: Alex Allen; Courtney Simpson; David Graham; Rob Milne; Tony Law; Becky McErlean
Cc: Nancy Roggers
Subject: Hornby LTC Expenses - June 30/13

Islands Trust					
LTC EXP SUMMARY REPORT F2014					
Invoices posted to June 30, 2013					
635 Hornby		Invoices posted to June 30, 2013	Budget	Spent	Balance
	65000 635	LTC "Trustee Expenses"	1,300.00	2.40	1,297.60
	65200 635	LTC Local Exp LTC Meeting Expenses	3,000.00	535.18	2,464.82
	65210 635	LTC Local Exp APC Meeting Expenses	1,000.00	-	1,000.00
	65220 635	LTC Local Exp Communications	500.00	120.00	380.00
	65230 635	LTC Local Exp Special Projects	2,000.00	500.00	1,500.00
	65240 635	LTC Local Exp Miscellaneous	250.00	-	250.00
	TOTAL LTC Local Expense		6,750.00	1,155.18	5,594.82

Nicole Ranger

Finance Clerk
 Islands Trust
 200-1627 Fort Street
 Victoria, BC V8R 1H8
 Phone: (250) 405-5152
 Fax: (250) 405-5155

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Memorandum

Date June 18, 2013 File Number 4020-20 Foreshore Structures

To Local Trust Committee

From Local Planning Committee

Re **PROACTIVE BYLAW ENFORCEMENT OF ILLEGAL STRUCTURES ON THE FORESHORE**

At the May 9th, 2013 Local Planning Committee (LPC) meeting the following resolution was passed:

It was MOVED and SECONDED

That the Local Planning Committee direct staff to ask the Local Trust Committees if they are willing to pilot a project on proactively enforcing illegal structures on the foreshore.

CARRIED

As a result, this memo is to ask whether there is willingness to participate in a pilot project regarding proactively enforcing illegal structures on the foreshore. Attached is a copy of the staff briefing report considered at the LPC meeting.

The purpose of this project is to address the issue of proactive bylaw enforcement of illegal structures on the foreshore and to develop a generalized approach that all islands could use through education, proactive enforcement and regulation. The intent of this project is to address the issue of illegal foreshore structures (e.g. buildings, decks, seawalls, etc.) through various methods of improving awareness about, and enforcement of, regulations pertaining to structures built near the sea.

At this stage, it is just to gather the interest of the LTCs and then a decision will be made on which LTC and what sort of pilot project it will be given the resources (staff and funding) available.

Please indicate your interest by e-mail to Kris Nichols, Island Planner at knichols@islandstrust.bc.ca. The LPC will take the LTCs interests and comments into consideration at the August LPC Meeting.

Attachment: Staff Briefing Report

Pc David Marlor, Director

To: Local Planning Committee

For the Meeting of: May 9, 2013

From: Kris Nichols, Island Planner

Date Prepared: April 30, 2013

pc: David Marlor, Director

File No: 4020-20 Foreshore Structures

SUBJECT: PROACTIVE BYLAW ENFORCEMENT OF ILLEGAL STRUCTURES ON THE FORESHORE

DESCRIPTION OF ISSUE:

Local Planning Committee (LPC) has as its number one priority on its Work Program, “Develop Mechanism for Proactive Bylaw Enforcement of Illegal Structures on the Foreshore”. The purpose of this work program priority/project is to address the issue of proactive bylaw enforcement of illegal structures on the foreshore and to develop a generalized approach that all islands could use through education, proactive enforcement and regulations.

Initially, this priority was to be addressed in the form of a project charter. It was decided by staff in consultation with the LPC Chair and the Director of Local Planning Services that a project charter would not be the best approach to take at this time given the uncertainty of some of the issues around doing proactive enforcement, participation by the Local Trust Committees and resources (staff, time and money) required to carry out the project given the current budget of \$2000.00. Staff determined that a report would be the best approach in order to provide information to understand the issues around proactive bylaw enforcement of illegal structures on the foreshore and to present options for consideration of moving forward.

The intent of this report is to outline the issues and the possible scope of enforcement that could occur and present options for LPC discussion and direction for moving forward.

BACKGROUND:

This project has been initiated by the Local Planning Committee (LPC). This topic is in the Strategic Plan as item 2.2. The intent of this project is to address the issue of illegal foreshore structures (e.g. buildings, decks, seawalls, etc.) through various methods of improving awareness about and enforcement of regulations pertaining to structures built near the sea.

Residents that have built within the setback to the sea have done so either through not being aware of current bylaw regulations or thinking that a replacement structure is permitted without adhering to the bylaws. Some may also believe that if a building permit is not required (e.g. seawall construction) there is no issue with other local bylaw requirements such as setbacks from the sea or development permits. As well, those that do build ignoring the regulations recognize that currently there is little risk. The structures are also generally not that visible except from the seaward side of the property that bylaw officers cannot easily access, making proactive enforcement difficult when you don't know where the structures are. The best option for viewing these foreshore structures is by boat, plane or helicopter, but to do this for all the islands with approximately 1377 km of shoreline may not be a feasible solution. Residents that chose to ignore the regulations are generally aware that they can apply for a development

variance permit retroactively and in many cases these get approved, thereby weakening the argument for restrictive development of structures within the foreshore.

Generally, bylaw enforcement is complaint driven. That being said, the Islands Trust bylaw enforcement policy does permit bylaw enforcement officers to initiate enforcement on the foreshore without complaint as these areas are considered as environmentally sensitive. Pro-active enforcement is generally the best approach which should be combined with education (i.e. workshops, letters, brochures, web postings, newspaper advertisements, etc.) as bylaw officers have limited resources and capacity to do this on their own. Increasing proactive enforcement should result in greater compliance as it would increase the risk to property owners who ignored the regulations, but more importantly education of the regulations and their rationale and subsequent enforcement should help to reduce the number of bylaw infractions and protect these environmentally sensitive areas.

Rationale for Proactive Enforcement of Illegal Foreshore Structures

In establishing some of the background rationale for this priority staff has met with Bylaw Enforcement staff to gain a further understanding of the need for proactive enforcement and the specific file types (e.g. docks, decks, seawalls, etc.). Staff has reviewed the bylaw files pertaining to illegal foreshore structures on each of the islands. There are 38 files bylaw enforcement files currently open. They are as follows:

Island	Files	Generalized Type
Denman	6	Stairs to Foreshore: 5 Building: 1
Gabriola	1	Stairs to Foreshore & Log Seawall: 1
Galiano	2	Retaining Wall: 1 Stairs to Foreshore: 1
Gambier	8	Concrete Dock: 1 Structure (not specified): 5 Rip Rap Seawall: 2
Hornby	0	N/A
Lasqueti	0	N/A
Mayne	0	N/A
North Pender	5	Wooden Ramp to Foreshore: 1 Seawall (Possibly Rip Rap): 1 Dock: 2 Stairs to Foreshore: 1
Saturna	3	Deck: 2 Platform: 1
Salt Spring	8	Seawall (no indication of what type): 2 Groyne: 1 Deck with Stairway to Beach: 2 Deck: 2 Concrete Seawall: 1
South Pender	0	N/A
Thetis	5	Concrete Seawall: 1 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp/Stairs: 1 Addition to Cabin: 1
Totals	38	Stairs to Foreshore: 7 Building: 1 Stairs to Foreshore & Log Seawall: 1 Retaining Wall: 1 Concrete Dock: 1 Structure (not specified): 5

		Rip Rap Seawall: 2 Wooden Ramp to Foreshore: 1 Seawall (not specified what type): 3 Dock: 2 Deck: 4 Platform: 1 Groyne: 1 Deck with Stairway to Beach: 2 Concrete Seawall: 2 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp Stairs: 1 Addition to Cabin: 1
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Table 1 – Foreshore Enforcement Files

The files listed above give a good indication of the issues that are prevalent for bylaw enforcement in addressing illegal structures on the foreshore with the most prevalent being providing access to the foreshore through the construction of stairs. The enforcement of these files will help to establish that there are regulations pertaining to illegal structures within the foreshore. It is hoped that through such enforcement that others will learn of the need to follow the regulations. This would have to be coupled with proactive enforcement in order to be more effective in getting the word out or to tackle those that were not a result of a complaint or happened upon by the enforcement officer. Again, bylaw enforcement will have to consider existing resources in order to determine whether they can expand their current enforcement program which will be needed at the outset. It should be noted that because four local trust committees do not have foreshore violations does not mean that they do not have illegal structures on the foreshore, they just don't have any recorded complaints.

Project Outline:

Staff has outlined in brief the project objectives and scope to address illegal foreshore structures. This is based on the original discussion at LPC, however, after some analysis staff realize that the project will have to be further defined prior to proceeding with further (more detailed) project evaluation.

Proposed Project Objectives

- Initiate proactive enforcement through regulation, education and awareness.
- Reduce the number of development variance permits that are applied for retroactively in the foreshore areas.
- Educate property owners with sea frontage on the importance of maintaining these environmentally sensitive areas and providing alternatives to hard structures where "green" structures could be utilized lessening the environmental impact.
- Educate agencies (e.g. CRD, VIHA, etc.) and contractors that deal with property owners with sea frontage (e.g. building permits, septic fields, etc.)
- Develop as required regulations that will help to protect the foreshore areas from illegal structures (e.g. development permits, additional setbacks, etc.)
- Establish general procedures for the enforcement of regulations with a combination of proactive enforcement and education. This would include an analysis as to the best way to establish a benchmark and the subsequent reviews of the island shorelines.

Proposed Project Scope

- Increase communication around education and awareness regarding foreshore/setback from the sea structure construction.
- Review of existing regulations on all Islands to determine if new regulations are required.
- Review of differing island approaches being taken for pro-active foreshore enforcement (i.e. existing bylaws, communication, etc.)
- Review of the current regulations used on each island regarding the ability to construct structures within the foreshore/setback to the sea.
- Determine the best approach to identifying structure on the foreshore (i.e. boat, plane, helicopter, roads, etc.) initially and a timeframe for subsequent analysis.

ATTACHMENT(S):

AVAILABLE OPTIONS:

Options to Consider for Proactive Enforcement

There are a number of options that should be considered by the LPC as to the direction to take toward increasing proactive enforcement of illegal structures on the foreshore. It is important to remember that currently the budget for this project is \$2000.00 and that as this is an enforcement issue there are limited staff resources that need to be considered.

1. Trust Wide Proactive Enforcement

This would be the most financially, staffing and time dependent option. It would involve researching the shorelines of all the islands to locate through GPS possible infractions and then identifying the specific properties and determining whether they had been given variances to accommodate the infractions or to determine when they may have occurred. It would then entail being proactive with the land owners and following up with their infractions. Follow up would be required by either bylaw enforcement staff or planning staff. Creating a foreshore picture of illegal structures would be a useful tool, but would have to be maintained every 2-3 years to be effective.

Pros – this would create the best record of structures on the foreshore for all the local trust areas. It would enable staff to be proactive in their approach by identifying specific properties and thereby proposing specific remedies.

Cons – It would be costly and time consuming for staff to establish the record and for follow up. Additionally, funding would be required and buy-in from all the local trust committees and respective staff. It would also have to be done every 2-3 years to remain effective. It would take staff away from current bylaw enforcement duties and file management. It may increase staff requirements for follow up.

2. Island Proactive Enforcement – Establish Generalized Approach

The intent would be to take one local trust area to establish a proactive enforcement approach and to use that approach, once determined, in other local trust areas (with variations).

In addition, this approach could involve establishing an education and awareness program that could ultimately be used for other islands.

Pros – this approach would create a sample proactive enforcement approach for a specific local trust area that could be used in other local trust areas. It would provide an

idea of what extra resources (i.e. staffing, time and money) would be required to do the proactive enforcement.

Cons – this approach would be specific to one local trust area and not address illegal foreshore structures immediately in all the local trust areas.

3. Education and Awareness Approach – Trust Wide

This would be the least resource dependent approach and would deal with ways to educate land owners of the need to protect the shoreline and likely could be started with the \$2000 allocated at this time. However, it could be argued that this is the least likely way to get results.

1. Mail outs – to select foreshore property owners for a targeted mail out of information regarding island specific enforcement (i.e. setbacks, development permit areas, etc.)
2. Pamphlets/Brochures – a more general approach through the development of a brochure to be available at offices and possibly used for a mail out and placed on website.
3. Website Updates – to be placed on all Island's web pages in a similar format with the brochure, but with island specific references (i.e. links to zones, Development Permit Areas, etc.)
4. Information meetings – build on Shoreline Workshops held over the past couple of months, but with specific reference to enforcement issues and what can and cannot be built in the foreshore areas.
5. Encouraging Local Trust Committees to adopt Development Permits for Shorelines Areas – while this may not stop illegal structures from occurring, the process of implementing Development Permit Areas will help to educate people about the importance of protecting the foreshore areas.

Pros – this approach is the least costly method to get information out to the residents. It ensures that those that are most likely to be able to impact the foreshore will be made aware of what is permitted to be constructed and what is not. May be a first approach to enforcement and could be evaluated at a later date to see what else may be needed. It fits within the allocated budget.

Cons – this approach may be the least likely to get results as it may just be considered another piece of paper and or meeting by the local trust committee.

4. Status Quo Approach

Given that illegal foreshore activities are only 13.9% of enforcement files and the anticipated impact that proactive enforcement may have on current resources (staff, time and money) that no proactive enforcement be taken.

Pro – keeps resources as they are currently being used.

Con – illegal foreshore structures may continue to be an issue for many islands and enforcement will remain to be both complaints driven and proactive where noticed.

Staff Summary:

It should also be noted that the active files indicated in the table (See Table 1) represent 13.9% of the total number of open enforcement files (273) currently. It should also be noted that being proactive regarding illegal foreshore structures is important in order to address some environmental concerns; however, the reality is that it will have an impact on the existing enforcement resources and will undoubtedly increase the number enforcement files that staff will have to address. It will also likely impact planning staff for follow up where applications are made. It has to be understood that a shift in the allocation of the limited resources (i.e. staff,

time and money) would be required to be more proactive in enforcement thereby impacting what kind, how and when infractions are being dealt with.

A sample approach could be done with the \$2000 currently allocated for this project, but certainly not the most effective approach, which is to survey all the foreshore properties in order to be truly proactive as to what currently exists on the foreshore properties. The LPC in making its decision about how to proceed will have to consider:

- The amount of resources (staffing, time and money) they want the Islands Trust to spend on being proactive?
- Given the amount of resources required to do this proactive enforcement in an effective manner and the resultant impact it will have on current enforcement. Should this still be an LPC top priority for all the Islands?
- There is no additional staffing enforcement resources and that bylaw files will grow and that the initiation of taking proactive enforcement measures will take some time to fully implement?
- Would education and awareness through brochures, website, and/or mail outs be sufficient given the resource limitations?

Given the possible breadth of this project and its scope staff is providing information to inform the LPC discussion on the various options considering the allocated budget available. Given the budget allocated, the most cost effective approach would be to do a brochure that could be useable for all islands and put on the websites as information as to what can and cannot be done and who to contact for further information.

FOLLOW-UP:

That the Local Planning Committee discuss and decide upon an option regarding proactive bylaw enforcement for illegal foreshore structures based on the information provided in this report entitled, "*Proactive Bylaw Enforcement of Illegal Structures on the Foreshore*" dated April 30, 2013.

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