



Hornby Island Local Trust Committee

Regular Meeting Revised Agenda

Date: April 27, 2018
Time: 11:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Pages

1. **CALL TO ORDER** 11:30 AM - 11:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **TOWN HALL AND QUESTIONS** 11:35 AM - 11:45 AM
4. **CLOSED MEETING** 11:45 AM - 11:55 AM
 - 4.1 **Motion to Close the Meeting**
That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) and s.90(2)(b) for the purpose of considering Adoption of In-Camera Meeting Minutes dated February 9, 2018 and Consideration of Confidential Information and that the recorder and staff attend the meeting.
 - 4.2 **Recall to Order**
 - 4.3 **Rise and Report**
5. **COMMUNITY INFORMATION MEETING - none**
6. **PUBLIC HEARING - none**
7. **MINUTES** 11:55 AM - 12:00 PM
 - 7.1 **Local Trust Committee Minutes dated February 9, 2018 - for adoption** 4 - 12
 - 7.2 **Local Trust Committee Special Meeting Minutes dated March 20, 2018 - for adoption** 13 - 16
 - 7.3 **Section 26 Resolutions-without-meeting Report dated April 19, 2018** 17 - 17
 - 7.4 **Advisory Planning Commission Minutes - none**

8.	BUSINESS ARISING FROM MINUTES	12:00 PM - 12:45 PM	
8.1	Follow-up Action List dated April 19 , 2018		18 - 20
8.2	First Nations and Housing Issues - Memorandum		21 - 22
8.3	Public Utilities - PU and PU(a) Zones - Memorandum		23 - 26
8.4	<i>BC Farm Industry Review Board - Letter dated April 23, 2018</i>		27 - 28
9.	DELEGATIONS - none		
	----- BREAK ----- 12:45 PM TO 12:55 PM		
10.	CORRESPONDENCE	12:55 PM - 1:00 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.1	Email dated March 29, 2018 regarding Fords Cove Marina		29 - 30
10.2	Email dated April 14, 2018 from K Ross regarding Riparian Areas Regulation		31 - 36
11.	APPLICATIONS AND REFERRALS	1:00 PM - 2:00 PM	
11.1	HO-DP-2018.1 AND HO-DVP-2018.1 (Fords Cove Marina) - verbal update		
11.2	<i>HO-LCB-2017.2 (Fossil Beach Farm) - Staff Report</i>		37 - 70
11.3	HO-CL-2018.2 (Grond) - Memorandum		71 - 90
11.4	HO-RZ-2018.1 (Wiseman) - Staff Report		91 - 109
12.	LOCAL TRUST COMMITTEE PROJECTS	2:00 PM - 2:20 PM	
12.1	Vacation Home Rental Policy Review Project - Staff Report		110 - 115
13.	REPORTS	2:20 PM - 2:30 PM	
13.1	Work Program		
13.1.1	<u>Top Priorities Report dated April 19, 2018</u>		116 - 116
13.1.2	<u>Projects List Report dated April 19, 2018</u>		117 - 118
13.1.3	<u>Hornby LTC 2014-2018 Term Goal Setting Session</u>		119 - 121
13.1.4	<u>Work Program - Suggestions for Discussion</u>		122 - 123
13.2	Applications Report dated April 19, 2018		124 - 128
13.3	Trustee and Local Expense Report dated February, 2018		129 - 129

13.4	Adopted Policies and Standing Resolutions	130 - 130
13.5	Local Trust Committee Webpage	
13.6	Electoral Area Director's Report	
13.7	Chair's Report	
13.8	Trustee Reports	
13.9	Trust Fund Board Reports	131 - 133
13.9.1	<u>January, 2018</u>	134 - 136
13.9.2	<u>April, 2018</u>	137 - 138
14.	NEW BUSINESS	2:30 PM - 2:40 PM
14.1	Land-use Planning implications of Fisheries and Oceans Canada Integrated Geoduck Management Framework 2017 - Briefing	139 - 158
14.2	Approval Process for Water Supply Systems on Salt Spring Island - Memorandum	159 - 188
14.3	<i>Hornby Island Local Trust Committee 2017-18 Annual Report</i>	189 - 191
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting scheduled for June 8, 2018 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC	
16.	TOWNHALL	2:40 PM - 2:50 PM
17.	ADJOURNMENT	2:50 PM - 2:50 PM



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: February 9, 2018

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

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

Staff Present: Marnie Eggen, Island Planner
Teresa Rittemann, Planner 2
Fiona MacRaid, Senior Intergovernmental Policy Advisor, Marine and First Nations Issues
Vicky Bockman, Recorder

Others Present: Approximately four (4) members of the public in attendance

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:30 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

14.8 Agricultural Land Commission Review

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS – none

4. COMMUNITY INFORMATION MEETING – none

5. PUBLIC HEARING – none

6. MINUTES

6.1 Local Trust Committee Minutes dated December 1, 2017 - for adoption

The following amendment to the minutes was presented for consideration:

- Page 8, item 11.7, first paragraph: change “Allan” to “Allen”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting – none

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 31, 2018

Received.

8. DELEGATIONS – none

9. CORRESPONDENCE – none

By general consent item 10 was moved to follow agenda item 12.4.

11. LOCAL TRUST COMMITTEE PROJECTS AND BYLAWS

11.1 Vacation Home Rental Review Project – Memorandum

Planner Ritemann anticipated that a Staff Report on this project will be available for the April, 2018 Local Trust Committee (LTC) meeting. Trustees reviewed the Project Charter timeline and confirmed that the project is on schedule.

Trustees questioned whether there might be any relevant developments forthcoming from the Province in the area of vacation rentals and observed that it might be a matter for Trust Area Services review.

HO-2018-001

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request the Executive Committee to provide information to Local Trust Committees on any relevant outcomes of Provincial initiatives to address vacation rentals.

CARRIED

11.2 BYLAW NO. 155

Planner Eggen noted that this “housekeeping” bylaw amendment corrects a minor error and an omission in the Land Use Bylaw.

HO-2018-002

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 155 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2017”, be adopted.

CARRIED

12. REPORTS

12.1 Work Program

12.1.1 Top Priorities Report dated January 31, 2018

Trustees reviewed the Top Priorities report and the following points were noted:

- A Trustee inquired as to the status of the Islanders' Secure Land Association housing agreement development. Planner Eggen responded that Planner Milne is moving forward with discussions in this regard;
- Trustees have been advancing Top Priority No. 4 through writing monthly articles for the community's information on various sections of the Official Community Plan; and
- Senior Intergovernmental Policy Advisor MacRaid observed that First Nations are experiencing a significant housing crisis and suggested that sharing housing information and options might be an opportunity for dialogue and to learn from their housing managers' technical expertise in this area.
 - Trustees expressed interest and suggested that this matter might be scheduled for the next LTC meeting for consideration.

HO-2018-003

It was MOVED and SECONDED,

that staff be requested to prepare a briefing for the April Local Trust Committee meeting with respect to housing and First Nations.

CARRIED

12.1.2 Projects List Report dated January 31, 2018

Received.

12.1.3 Hornby LTC 2014-2018 Term Goal Setting Session

Received.

12.1.4 Work Program - Suggestions for Discussion

Received.

12.2 Applications Report dated January 31, 2018

A Trustee requested an update on file HO-DP-2017.1 (Hornby Island Cooperative Association). Planner Rittemann provided information regarding outstanding issues that involve Ministry of Transportation and Infrastructure and the possible addition of another development within the subject property.

12.3 Trustee and Local Expense Report dated December, 2017

Received.

12.4 Adopted Policies and Standing Resolutions

A Trustee suggested that Hornby Island Standing Resolution HO-038-2012 regarding bylaw enforcement of tourist accommodations be rescinded as a review is currently being conducted on this issue and bylaw enforcement actions are generally held in abeyance during these situations.

HO-2018-004

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee confirm that Standing Resolution HO-038-2012 with respect to tourist accommodation bylaw enforcement is rescinded and that the resolution be removed from the website.

CARRIED

10. APPLICATIONS AND REFERRALS

10.1 HO-LCB-2017.2 - (Fossil Beach Farm Ltd.) - Staff Report

Planner Ritemann presented an overview of the Staff Report for an application for a new outdoor Special Event Area on the Fossil Beach Farm. She advised that if the LTC wishes to provide comment on a Liquor Control and Licensing Branch (LCLB) application, it must gather public input and provide a resolution to the LCLB.

The applicant was in attendance and commented with the following points noted:

- In response to a Trustee's question, it was confirmed that outreach with neighbours has been conducted and no specific concerns were expressed; and
- This application represents an opportunity for economic enhancement and is an important element of the succession plan for this farm that has been in the family since 1921.

The Chair opened the floor to members of the public and the following was noted:

- Hornby Island Community Economic Enhancement Corporation supports the project; and
- A neighbour expressed concern that unexpected road issues might occur with a negative impact.

A Trustee advised that he has been made aware of a concern regarding potential traffic and noise. He pointed out that, for this reason, it seems appropriate for the LTC to exercise the option to gather public input to allow community members the opportunity to provide comments. Trustees discussed the process.

HO-2018-005**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to notify by email, residents and property owners on Savoie Road that the Fossil Beach Farm application to the Liquor Control and Licensing Branch has been referred to the Local Trust Committee for consideration and of their opportunity to provide comments to the Local Trust Committee on this referral by February 28, 2018.

CARRIED

By general consent the meeting was recessed at 12:54 pm and reconvened at 1:16 pm.

12.5 Local Trust Committee Webpage

Discussion at agenda item 14.2 includes relevant webpage information.

12.6 Chair's Report

Chair Busheikin reported on the following:

- She attended a meeting with the Honourable Selina Robinson, Minister of Municipal Affairs and Housing and highlighted various topics that were discussed;
- Peter Luckham has been invited to Ottawa for a Standing Committee on Transport, Infrastructure and Communities meeting regarding abandoned vessels;
- A meeting was held with staff from Ministry of Forest, Lands and Natural Resource Operations regarding advocacy efforts to address styrofoam pollution in the marine environment;
- Trust Council preparations are underway and she highlighted some topics that will be included in the agenda; and
- Executive Committee is recommending that an additional fee on rezonings be included specifically for First Nations consultation.

12.7 Trustee Reports

Trustee Law reported on the following:

- BC Ferries has reinstated the old ferry schedule after two years of lobbying;
- He attended a committee meeting of the Agricultural Land Commission (ALC) Review, making a presentation to the committee on behalf of the Islands Trust, and found its members to be open to discussing ideas. This item will be considered at agenda item 14.8; and
- He worked with Conservancy Hornby Island in a liaison role to assist in identifying the issues of herring and micro plastics on which to focus.

Trustee Allen reported on the following:

- He attended Trust Council in December and summarized sessions from that meeting that were of interest; and
- He has been contemplating the work to be done versus the time left in this term.

12.8 Electoral Area Director's Report – none

12.9 Trust Fund Board Report dated November, 2017

Trustee Law reported on the following:

- The current Regional Conservation Plan has been approved; and
- There is hope that a name change for the Trust Fund Board will be occurring and this is expected to help in attracting public engagement.

13. CLOSED MEETING

13.1 Motion to Close the Meeting

HO-2018-006

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) and s.90(2)(b) for the purpose of considering adoption of *In-Camera* meeting minutes dated July 7, 2017 and consideration of confidential information and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 1:32 pm.

13.2 Recall to Order

By general consent the meeting was recalled to order at 1:55 pm.

13.3 Rise and Report

Chair Busheikin reported that in the Closed Meeting, *In Camera* minutes dated July 7, 2017 were adopted.

14. NEW BUSINESS

14.1 Housing Agreement Administration – Briefing

Received.

14.2 Intergovernmental Engagement Meeting - K'omoks First Nation - for discussion

Senior Intergovernmental Policy Advisor MacRaid reported that topics for the proposed meeting might include an overview of the Islands Trust agency, an explanation of how K'omoks First Nation fits into the current or long term vision, and how decision making might progress going forward. She solicited Trustee feedback on possible items to consider for presentation at the meeting.

Trustees discussed process and suggested possible concepts that the LTC might raise at the meeting. Senior Intergovernmental Policy Advisor MacRaid advised that she would prepare a draft presentation for Trustee review based on the input provided.

Trustees discussed possible approaches to inform the community of the upcoming meeting and of the LTC's understanding, recognition and welcoming of opportunities relating to First Nations as stated in a 2017 resolution.

HO-2018-007

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee website page on Committee Projects and Initiatives include links under Relationship Building with K'omoks First Nation to the March 2017 resolution HO-2017-20 of the Hornby Island Local Trust Committee and other relevant information that becomes available.

CARRIED

14.3 Public Utility PU(a) Zone in Land Use Bylaw - for discussion

A Trustee reported that an error has been discovered in the Land Use Bylaw zone PU(a) Site Specific Regulations that requires a correcting amendment. Timing and options for moving forward with the correction were considered to be dependent on whether this may impact the Comox Valley Regional District's ability to acquire the Old Fire Hall.

HO-2018-008

It was MOVED and SECONDED,

that staff be requested to contact Comox Valley Regional District with respect to any issues regarding the permitted uses of the sub area of the PU zone which includes the Old Fire Hall and provide recommendations to the Local Trust Committee on timing and process for amending the Land Use Bylaw.

CARRIED

14.4 Appointment to the Hornby Island Provincial Parks Committee - for discussion

Trustee Law reported that an appointee to the Hornby Island Provincial Parks Committee has resigned and that there is a need to appoint a new member.

HO-2018-009

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee appoint Don Peterson to the Hornby Island Provincial Parks Committee.

CARRIED

14.5 Delivery and Integration of Services to the Trust Area - for discussion

Trustee Law reported that he is participating in a committee, along with representatives of ten LTCs, that is soliciting input from Trustees and staff regarding effectiveness of integration of services in respective communities.

Discussion followed on the Hornby Island LTC's working relationships with various agencies and the following points were noted:

- It was the consensus that relationships are working well and experiences are generally positive in this regard; and

- Community consultation of new project design concepts was considered to be an area that might be improved upon.

14.6 Telus Follow Up - Switching Unit for Intra-Island Phone Connections - for discussion

HO-2018-010

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee supports the provision of intra-island telephone connections in the event of loss of off-island telephone connections and requests staff to investigate options with service providers.

CARRIED

14.7 Farm Industry Review Board – Memorandum

Chair Busheikin advised that the Denman Island LTC has resolved to invite representatives of the BC Farm Industry Review Board to meet with the LTC on Denman Island to present their work, answer questions and tour shellfish operations; and suggested that the Hornby Island Trustees might consider joining in this proposed meeting.

HO-2018-011

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request the opportunity to attend the presentation by the Farm Industry Review Board when this takes place on Denman Island.

CARRIED

14.8 Agricultural Land Commission Review

Trustee Law reported that he attended an independent committee meeting that is leading a public engagement process to provide recommendations to the Provincial Government on best approaches to revitalizing the Agricultural Land Reserve and the ALC. He advised that public input is being encouraged in this Review and suggested that Trustees contact local groups that might provide relevant comments.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for April 27, 2018 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC

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

16. TOWNHALL - none

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:08 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder



Hornby Island Local Trust Committee

Minutes of Special Meeting

Date: March 20, 2018
Location: Room to Grow
 2100 Sollans Road, Hornby Island, BC

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

Staff Present: Vicky Bockman, Recorder

Others Present: Approximately nine (9) members of the public

Regrets: Alex Allen, Local Trustee

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:28 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced herself, Trustee Law and recorder.

She informed those present that Trustee Allen is not in attendance as he has declared a potential conflict of interest due to his employment as Hornby Island Co-op Association (Co-op) Gas Bar Manager and is recusing himself from participating or voting on the matters of HO-DVP-2017.2 and HO-DP-2017.1 (Hornby Island Co-op Association).

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 HO-DVP-2017.2 and HO-DP-2017.1 (Hornby Island Co-op Association) - Staff Report

Trustees considered the applications and opened the floor for comments from the public with the following noted:

- A member of the Board of Directors of the Co-op remarked that the Co-op is working hard and making progress in becoming compliant; and
- The Siting and Use process was discussed and Trustees indicated that the applicant's desire to commence work as soon as possible will be relayed to staff.

HO-2018-012**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2017.2 with the following variances to Hornby Island Land Use Bylaw No. 150, 2014:

- a) Part 8 ZONE REGULATIONS, Section 8.9, Article 8.9(4)(a) is varied to reduce the front lot line setback from 6.0 metres to 1.0 metre for two proposed buildings adjacent to Shields Road: the “Proposed Building” and the “Proposed Building” with “Deck”, as shown in the proposed site plan (Schedule “B”);
- b) Part 8 ZONE REGULATIONS, Section 8.9, Article 8.9(4)(a) is varied to reduce the front lot line setback from 6.0 metres to 0.0 metres for all other buildings and structures as shown in the proposed site plan (Schedule “B”);
- c) Part 8 ZONE REGULATIONS, Section 8.9, Article 8.9(4)(a) is varied to reduce the exterior side lot line setback from 6.0 metres to 0.0 metres for all buildings and structures as shown on the proposed site plan (Schedule “B”).

Subject to the condition that, prior to the issuance, the property owner shall be required to obtain any necessary setback and encroachment permits from the Ministry of Transportation and Infrastructure pursuant to Section 62 and 90 of the *Transportation Act*.

CARRIED

HO-2018-013**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2017.1, following issuance of HO-DVP-2017.1 subject to the following conditions:

- a) No neon or internally lit signs are permitted.
- b) Off-street automobile parking shall be provided as required by Hornby Island Land Use Bylaw No. 150, 2014 and shall be adequately screened and unobtrusive, and where possible, located to the rear of the parcel and away from public open spaces and eating places.
- c) Natural vegetation and trees shall be maintained for screening of parking and storage areas and to maintain the privacy and rural flavour of public open spaces.
- d) Lighting shall be softer and lower than supplied by mercury vapour lighting towers.
- e) Lighting shall not illuminate adjacent private properties.
- f) The character of the development shall keep with the rural environment and blend in with the aesthetic qualities of the natural surroundings.
- g) The form of the development shall incorporate low, small-scale building design with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.
- h) All buildings shall be finished in wood or brick.
- i) Businesses shall be clustered in order to share in the provision of parking, services, and public facilities and open space.
- j) Adequate convenient toilet and washroom facilities shall be provided for the number of customers anticipated.
- k) Universal access design principles shall be incorporated into the built environment to support the provision of equitable access for all abilities.

Subject to the condition that, prior to the issuance, the property owner shall be required to obtain any necessary setback and encroachment permits from the Ministry of Transportation and Infrastructure pursuant to Sections 62 and 90 of the *Transportation Act*.

CARRIED

Trustee Law expressed appreciation for all the work that has been done by Islands Trust staff and Local Trustee Committee (LTC) members to advance this matter.

Jim Garton, President of the Co-op, thanked the LTC and staff for holding this Special LTC meeting. He advised that the Co-op is considering other, future changes; is respectful of the land use requirements; and looks forward to working with the LTC in these ventures.

4. ADJOURNMENT

By general consent the meeting was adjourned at 11:36 am.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder



Islands Trust

Hornby Island

Print Date: April 19, 2018

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2018-01	In Favour	"That the Hornby Island Local Trust Committee schedule a special business meeting on Tuesday, March 20, 2018".	06-Mar-2018

Follow Up Action Report

Hornby Island

02-Dec-2016

Activity	Responsibility	Target Date	Status
Komoks Relationship Building: Staff be requested to develop an Event Plan with respect to Hornby and Denman LTCs working together for an initial Komoks community and First Nation long-term, sustainable relationship building event. Staff to also discuss environmental mapping (ecosystems, eel grass, forage fish) KFN staff as a step in relationship-building.	Marnie Eggen Fiona MacRaild		On Going

08-Sep-2017

Activity	Responsibility	Target Date	Status
LTC approved issuance of HO-DVP-2017.2, subject to applicant obtaining necessary encroachment and setback permits from MOTI.	Becky McErlean		Done
LTC approved issuance of HO-DP-2017.1 following issuance of HO-DVP-2017.2.	Penny Hawley Teresa Rittemann		

01-Dec-2017

Activity	Responsibility	Target Date	Status
Staff to research and provide options to address Vacation Home Rentals in the context of Official Community Plan policies, focusing on a) education and advocacy on best practices, particularly with respect to water use and waste disposal in consultation with the Islands Trust Freshwater Specialist and relevant agencies, and b) information and possible enforcement approaches to address existing regulations, particularly with respect to occupancy levels, and c) adjustment to existing regulations where these have not been administratively effective; and update project charter with new endorsement date for revision.	Teresa Rittemann	27-Apr-2018	On Going

Follow Up Action Report

Staff to organize two or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Hornby island community members, and to invite First Nations who have asserted rights and title on Hornby Island to participate

Marnie Eggen
Fiona MacRaid

On Going

09-Feb-2018

Activity	Responsibility	Target Date	Status
Staff to consolidate amendment Bylaw No. 155 into the Hornby Island Land Use Bylaw No. 150.	Becky McErlean	23-Apr-2018	Done
Staff to update Hornby LTC Standing Resolutions (remove HO-038-2012, add HO-2017-020) on the website and include on Latest News webpage. Also include info about upcoming First Nations inter-governmental meetings on Latest News webpage.	Teresa Rittemann	27-Apr-2018	On Going
Staff to email residents of Savoie Road to solicit public input regarding application HO-LCB-2017.2 (Fossil Beach Farm)	Teresa Rittemann	28-Feb-2018	Done
Staff to contact the Comox Valley Regional District regarding their timeline to repurpose the old firehall. Staff to update the LTC on their findings regarding the PU(a) zone.	Teresa Rittemann	27-Apr-2018	On Going
Staff to prepare a briefing or Memo for the April LTC meeting with a discussion of the First Nations and housing issue	Fiona MacRaid	27-Apr-2018	On Going
Request EC to provide info to LTCs on any relevant outcomes of provincial initiatives to address vacation rentals.	Teresa Rittemann		On Going
Staff to investigate options with service providers in the event of loss of inter island connections.	Teresa Rittemann		On Going
LTC requests opportunity to attend BC Farm Industry Review Board presentation on Denman Island.	Marnie Eggen		On Going



Follow Up Action Report



File No.: 6500-20
FN Relationship Building

DATE OF MEETING: April 27, 2018
TO: Hornby Island Local Trust Committee
FROM: Fiona XETXÁTTEN MacRaid
Local Planning Services
SUBJECT: Sharing Hornby Island Housing information with local First Nations

PURPOSE

The purpose of this memorandum is to share a draft letter (attached), for the purpose of discussion with the Hornby Island Local Trust Committee (LTC). The intent of the letter is to provide an open invitation to local First Nations to participate in dialogue and share information about island housing issues.

NEXT STEPS

After discussion with the LTC, and editing the draft letter as the LTC recommends, staff would send the letter to local First Nations under the Chair's signature on behalf of the LTC.

Submitted By:	Fiona XETXÁTTEN MacRaid, MPA First Nations and Marine Issues	April 16, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager, Northern Office	April 19, 2018

ATTACHMENTS

1. Draft letter to local First Nations for LTC Discussion

April xx, 2018

Chief and Council

RE: Community Housing on Hornby Island

Hello from the Hornby Island Local Trust Committee,

We are writing today in the spirit of respect and inclusion, wanting to extend an invitation to you and your members regarding community housing on Hornby Island.

We want to acknowledge [your asserted rights and title (and in the case of Tla'amin Nation, treaty rights)] in the Hornby Island Local Trust Area, and extend an open invitation to be involved in public meetings on community topics such as community housing. Although there are financial limitations, we may be able to assist with travel to the island if needed.

[Your Nation] has contributed to the stewardship of the Hornby Island Local Trust Area for hundreds of generations and if you feel you would like to lend your thoughts and perspectives to community discussions, we would most welcome that.

Please check out our Hornby Island Local Trust Committee calendar below for upcoming meetings, and let us know of your interest and we will ensure you are notified of upcoming community meetings.

<http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/meeting-calendar-agendas-minutes/>

Respectfully,

Laura Busheikin, Chair

Hornby Island Local Trust Committee



DATE OF MEETING: April 27, 2018

TO: Hornby Island Local Trust Committee

FROM: Teresa Ritemann, Planner 2
Northern Team

SUBJECT: The PU and PU(a) zones of the Hornby Island Land Use Bylaw
Location: 3850 Central Road, Hornby Island; PID 009-651-497 (CVRD property and location of the old firehall)

PURPOSE

The purpose of this Memorandum is to report back to the LTC on Staff's findings regarding the (draft) resolution the Hornby Island Local Trust Committee (LTC) passed at their February 9, 2018 meeting:

HO-2018-008

It was MOVED and SECONDED,

that staff be requested to contact Comox Valley Regional District with respect to any issues regarding the permitted uses of the sub area of the PU zone which includes the Old Fire Hall and provide recommendations to the Local Trust Committee on timing and process for amending the Land Use Bylaw.

BACKGROUND

With the completion of the new Hornby Island fire hall, the CVRD has been approached by a local group, the Hornby Spark Society (HSS), to repurpose the old fire hall into a community "maker-space" for artist studios and communal studios. The CVRD property where the old firehall is located is shown in the map below:

Figure 1. Location of Old Firehall (CVRD property)



Following the February 9 LTC meeting, Staff contacted James Bast, the Manager of Fire Services at the Comox Valley Regional District (CVRD) to inquire about the CVRD's plans and timelines regarding the repurposing of the old firehall. Mr. Bast noted that the CVRD has brought a recommendation to their Electoral Area Services Committee (EASC) meeting on April 9. Following that meeting, the CVRD Board will consider the EASC recommendations on April 24. Mr. Bast also mentioned that the CVRD is moving forward with repurposing the old firehall under the premise that the HSS will lead any land use processes (rezonings, permits etc.) that may be required, but the CVRD is able to assist as necessary.

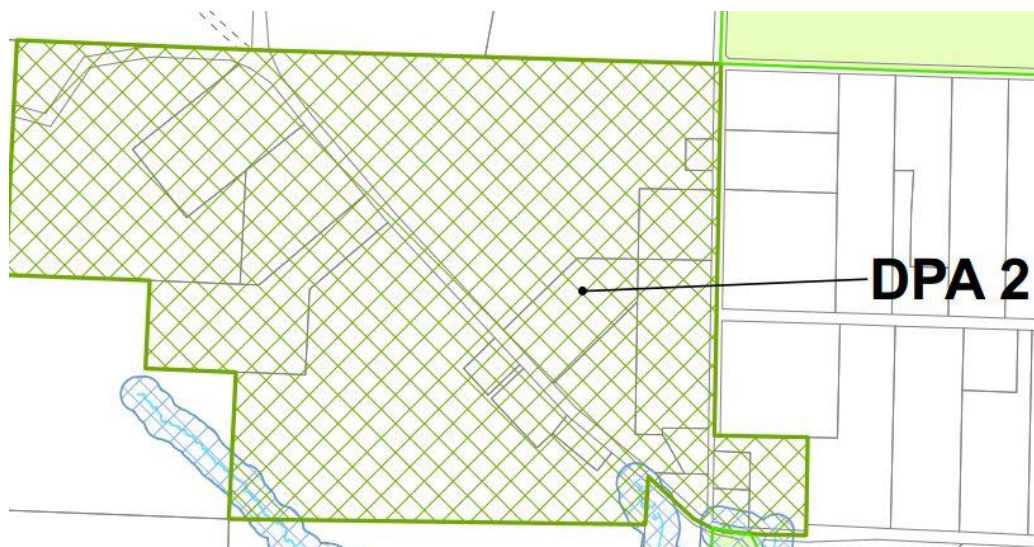
ANALYSIS

Hornby Island Official Community Plan (OCP) No. 149

Under the OCP, the CVRD old firehall property is designated PS (Public Utilities and Services), unlike most of the surrounding lands, which are designated as COM (Community Service Use).

As shown in Figure 2 below, the subject property is also within Development Permit Area (DPA) 2 – Community Service Use, which is an environmental protection DPA. Thus, prior to undertaking any development, subdivision or land alteration, the CVRD would also need to apply to the LTC for a Development Permit (DP), and the development would need to be in accordance with the LUB Guidelines for DPA2.

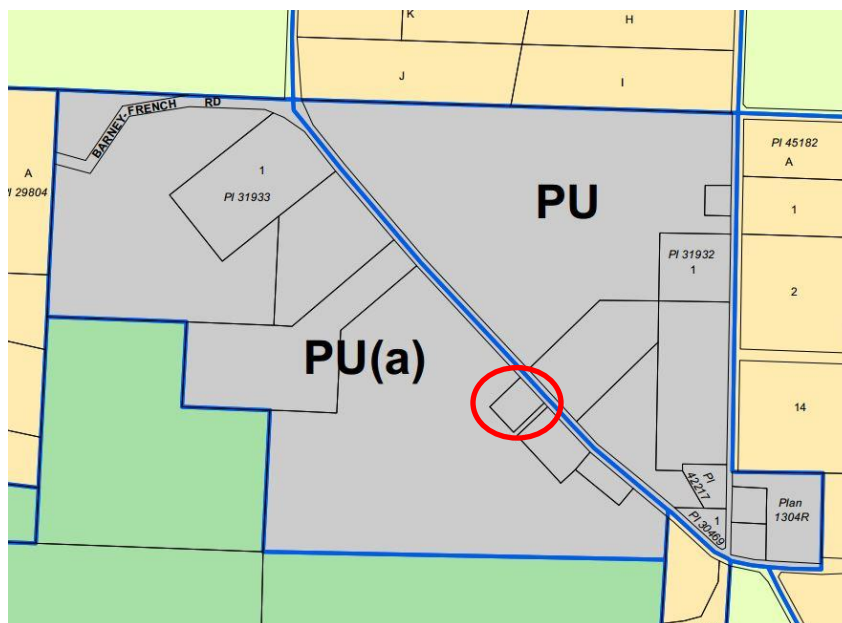
Figure 2: OCP Excerpt showing DPA2 – Community Service Use



Hornby Island Land Use Bylaw (LUB) No. 150

Some properties to the northeast of Central Road are zoned PU (Public Use); however, similar to other properties to the southwest of Central Road, the CVRD's old firehall property has a site-specific zoning of PU(a), as shown in Figure 3 below:

Figure 3: LUB Excerpt Showing PU and PU(a) zoning



This site-specific PU(a) zoning has the same regulations as in the PU zone, except that unlike in the regular PU zone, the *only* uses currently permitted in the PU(a) zone are:

- a) cemetery;
- b) public utility storage yard;
- c) highways maintenance yard; and
- d) recycling depot.

ISSUES AND OPPORTUNITIES

The Issue of Rezoning

As mentioned above, only four uses are currently permitted on a lot that is zoned PU(a). Therefore, should the CVRD and HSS wish to repurpose the old firehall into the proposed community art space, rezoning would be required. This would result in at least a LUB bylaw amendment and perhaps an OCP bylaw amendment as well.

The PU zone in the Land Use Bylaw

Recently, Staff has also received public inquiries about other properties in the PU(a) zone, and has therefore begun a bit of background research into the history of that zone. It appears that amendment Bylaw No. 134 (which amended the previous LUB No. 86, 1993) rezoned some Light Industrial and Institutional-zoned properties and completely replaced the LI1, LI2, and I1 zones with a new zone: the Public Use zone. Under Bylaw 134, the stated difference between the regular PU zone and the site-specific PU(a) zones were:

“The purpose of the Public Use Zone is to provide regulations for a range of institutional, public service and community uses for the benefit of the resident population and visitors to Hornby Islands.” and

*“The purpose of the Public Use (a) Zone is to provide for **additional** public services and for community trades and services.”*

Thus, it appears that the intent of the PU(a) zone by Bylaw 134 was to permit the following uses in addition to the others already permitted in the regular PU zone:

- a) cemetery;
- b) public utility storage yard;
- c) highways maintenance yard;
- d) recycling depot; and
- e) community trades and services, including associated retail

The PU zoning regulations of LUB No. 86 remained the same through until the final consolidation of the bylaw in July 2012. Then, the new, proposed LUB No. 150 went through a long and thorough public consultation process. Staff has not yet had an adequate opportunity to review the versions of Bylaw 150 at each of first, second, and third reading, nor any minutes or records on the subject. Doing so should provide a greater understanding of if/when and a rationale for why the PU(a) uses changed from “in addition to” the PU permitted uses, to being the “only” permitted uses in the PU(a) zone.

NEXT STEPS

Staff will await an update from the CVRD regarding any recommendations that have come from their April 24 Board meeting. Staff will also review the remainder of the history of the PU and PU(a) zones in Bylaw 150, and will report back to the LTC on their findings.

Submitted By:	Teresa Ritemann, MCIP, RPP Planner 2	April 12, 2018
Concurrence:	David Marlor, MCIP, RPP Director, Local Planning Services	April 13, 2018



April 23, 2018

DELIVERED BY E-MAIL

Marnie Eggen, Island Planner
Islands Trust, Northern Office
700 North Road, Gabriola Island, BC, V0R 1X3
Via Email: meggen@islandtrust.bc.ca

Dear Marnie Eggen:

I am writing in response to your emails of March 26, 27 and 28, 2018 in which you advised that the Denman and Hornby Island Local Trust Committees would like to meet with BC Farm Industry Review Board (BCFIRB) representatives at a Denman Island Local Trust Committee meeting on Denman Island to present information about BCFIRB, including their role in hearing fin and shellfish aquaculture related nuisance complaints under the [Farm Practices Protection Act \(FPPA\)](#). You have also advised that the Committee would like to take BCFIRB on a tour of the aquaculture operations along Denman shores.

I appreciate that both the Denman Island and Hornby Island Local Trust Committees are interested in learning more about BCFIRB and its mandate as set out in the *FPPA*, particularly as it may apply to fin and shellfish aquaculture.

At present, two complaints under the *FPPA* have been filed with BCFIRB with respect to shellfish aquaculture in the Cortes Island area, near Campbell River on Vancouver Island. These complaints are currently in progress and a hearing will likely be held at some point during the next several months. You may find BCFIRB's [Rules of Practice and Procedures for Complaints](#) helpful in providing additional information about the adjudication of complaints, the public hearing process and the independence of the tribunal.

The Denman and Hornby Local Trust Committees may also be interested to know that there have been previous cases where local governments have intervened in complaints before BCFIRB and provided the hearing panel with their perspective on a particular complaint within their community ([Westcoast Instant Lawns](#), [Daybreak Farms](#) and [Westcreek Citizens Society](#)). The parties to the complaint and the panel would have the benefit of hearing from local government and asking questions in the public hearing process

**British Columbia
Farm Industry Review Board**

Mailing Address:
PO Box 9129 Stn Prov Govt
Victoria BC V8W 9B5
Telephone: 250 356-8945
Facsimile: 250 356-5131

Location:
1st Floor, 780 Blanshard Street
Victoria BC V8W 2H1
Email: firb@gov.bc.ca
Website: www.gov.bc.ca/BCFarmIndustryReviewBoard

At this point in time, it is our view that a presentation to the Denman and Hornby Island Local Trust Committees about BCFIRB and its *FPPA* mandate would be most appropriately conducted after the two current nuisance related complaints about aquaculture practices in the Cortes Island area have been concluded. Once a decision has been issued in these complaints, BCFIRB staff members will then be happy to travel to Denman to meet with members of the Local Trust Committees to do a presentation about BCFIRB and its *FPPA* mandate.

Once the current complaints are concluded, BCFIRB will then determine which board members and/or staff may benefit from a tour of aquaculture operations in the Denman area.

Please pass on our thanks to both Local Trust Committees for their interest. I will be in touch to discuss timing and make arrangements for a staff presentation once the current complaints have concluded.

Yours truly,



Kirsten Pedersen
Executive Director

Cc: John Les, Chair BCFIRB
Gloria Chojnacki, Case Manager

From: - [REDACTED]

Sent: Thursday, March 29, 2018 11:16 AM

To: Tony Law; Alex Allen

Subject: request for resolution for special meeting in case not enough time to make April 27 meeting

Hi Tony and Alex:

Thank you Tony for stopping by last week to discuss our efforts to lower our floor within the building footprint so that we can remove the stairs at the front of the building to make the building wheelchair accessible. At the same time we want to alter the roof-line to a 15 degree slope to accommodate 21,000 watts of solar panels, the largest green energy project on Hornby to date.

As discussed with Tony, in 2009 about 2 years after we started the building renovations the Islands Trust (IT) bylaw enforcement officer, Peter Phillips, visited us and advised us that it was fine to proceed with the building renovations over time as long as we didn't change the footprint of the building since it was a legally non conforming building. We have always been proceeding with work on the building under Mr. Phillip's advice and guidance. After years of being under the impression that we were adhering strictly to the IT Bylaw enforcement officer's instructions regarding the building renovations imagine our surprise when a new Bylaw Enforcement office, Miles Drew, told us on March 12, 2018 that our renovations violated Hornby's land use bylaw 150 because moving our floor down, even in the existing footprint, is considered an expansion down, and we needed a variance to ask to lower the floor. The new Bylaw enforcement officer told that the good news was that this was not a siting or use issue and the only concern was altering the level of the floor inside the building. At Mr. Drew's request we have submitted the application HODP20181 to lower the floor within the building footprint so that we can remove the steps at the front of the building. After consulting with the planner we were told to make sure that any renovations that we are planning in the future be included in the same application and so we have included in the application our future plans to alter the roof-line for solar panels.

We cannot think of any other alterations to the building other than lowering the floor within the building footprint for wheelchairs and altering the roof-line of the building for solar panels. We have always been instructed by the IT that it was fine to proceed as long as we didn't change the footprint and now a new Bylaw Enforcement office has confirmed that we are fine with renovating the building but now need a variance to lower the floor so application HODP20181 is now being prepared by the planner. Is 1 month advance notice enough to get this application on the April 27 meeting agenda? If this is not enough time for the planner to prepare the materials for the April 27 meeting we are hoping a special meeting might be possible like the March 20 meeting. We are not asking for anything more than what is being offered to other applications.

As you know how important the summer is to any business on Hornby, especially a business like ours that loses money all winter but is able to stay open year round because of the summer business. We have planned this spring's renovations on the store portion of the building to be completely completed by the end of May. This whole bylaw infraction about us expanding the building downward and now being in violation of land use bylaw 150 came as a complete surprise to us as we have always been following the instructions given to us by the

bylaw enforcement officer. Not having the store portion of the renovation done by the summer could have devastating consequences for our business. This is the reason we are asking you and Alex to pass a resolution for a special meeting that could be held after April 27 at the earliest possible date that fulfill the required notice time of the meeting.

We appreciate your understanding of our time constraints and appreciate your good efforts to get this on the agenda of the local trust committee.

We are already looking into an off-road parking area on our property for the future use in case this comes up regarding our application to lower our floor or alter the roof-line for solar panels.

We have already been told by the IT's Mr. Drew that this is not a siting or use type issue but rather a violation with us expanding downward.

Can we mail letters of support to the Northern Office?

Best regards, Matthew

PS: We are hoping for Alex to come down sometime to learn about our project.

From: Karen Ross [<mailto:karen@hiceec.com>]
Sent: Saturday, April 14, 2018 2:00 PM
To: northinfo; Tony Law
Cc: Bernhard Weiss
Subject: RAR

Hi,

Trustee Law gave me this address to send in a work request for the Hornby Island Trust.

The request involves the implementation of the RAR on Hornby Island, an issue that was discussed in 2015, and bylaws adopted.

Decisions were based on reports by two different specialists - who did reports using different criteria, and so different parts of the island were treated differently.

At the time of the decision being made, the Trustees suggested that it could be re-addressed at some future time.

This inequity should be addressed now.

If not now, then when?

Bernhard Weiss has given permission to share some research with you, in support of the request to fix this error in land use decision making.

The SPEA on Hornby roadside ditches, confirmed to be non-fish bearing, should correctly be altered to read "2 metres".

It should be noted that Schedule E, attached to the online copy of the Hornby OCP, is dated January, 2015, and predates any changes at all.

<http://www.islandstrust.bc.ca/media/340645/ho-ocp-sche-rar-alr-2016.pdf>

This should also be updated.

Also, attached is a recent Facebook thread that gives background and more information.

The highlights in yellow are those I have added, which provide the reason for the re-address of the issues.

Thank you for your anticipated corrections,

Karen Ross

4583 Central Road

Karen Ross

What was sad in the RAR decision is that the Trustees knew it was ridiculous to call our ditches salmon bearing - but they deferred to the specialist report. Bad decisions don't go away. (They did change the original proposal from 30 meters to 🤔)

Reply

Tony Law It should be noted that watercourses that are not fish-bearing but that contribute water to fish-bearing watercourses are considered applicable to the Riparian Area Regulation.

After extensive consideration and discussion, the Local Trust Committee went against staff advice and first reduced the set back for ditches from 30 metres to 15 metres and then further to 8 metres.

The Local Trust Committee also included an extensive list of exemptions.

Here is some of what **is recorded in the minutes** which only captures part of the discussion and does not indicate the extent to which we were going beyond staff advice to achieve what we believed to be a more reasonable situation:

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

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

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

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

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

HO-2015-060

It was MOVED and SECONDED,

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

CARRIED

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

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

Reply

Bernhard Weiss Whether 15m or 8m, these numbers are entirely arbitrary, 2m is supported by the Regulation and does generally not reach into private property. It is noteworthy that the Madrone report only

includes one roadside ditch along Savoie Road which does have fish habitat (and will wind up with a larger setback through a detailed assessment), but smartly ignored all other roadside ditches in the areas they assessed.

The arbitrary 8m setback will create single standing danger trees which present liability issues for the property owner and possible power outages for all of us. The bottom line was, the LTC was unwilling to spend money to reassess the **Mimulus report**. Since not too many people were affected or even aware of the situation, the LTC got away with it.

In the end, this will just trigger more non-compliance because it makes more sense to take a tree down in a controlled fashion and not have it come crashing down in a storm. According to the rule book, one would have to hire an arborist/ QEP to declare the tree a "danger tree" and write a report to MoE about the situation in order to get permission to remove the tree.....makes a lot of sense!!

[Reply](#)

Tony Law Please note that removal of danger trees is exempted from the DP requirement..

[Reply](#)

Bernhard Weiss Yes, one does not need permission from the LTC to cut a danger tree in a DPA. But the RAR Assessment Methods say in Sect.3.7.1:

" To determine whether to remove a danger tree, an assessment should be completed by a qualified professional who is a qualified danger tree assessor. If a tree is determined to be unsafe, there are options available to reduce or eliminate the threat to safety."

This will trigger the need for a "detailed assessment" by a QEP and will be filed with MoE at the expense of the property owner. The irony is, as it was in our case, that the QEP will determine, that a 2m setback is required which does not even reach into the property.....but **process has to be followed and the QEP has to be paid.**

[Reply](#)

Tony Law We did carefully consider further studies to review the Madrone report, but it was not so much being "unwilling" to spend the money. We didn't have the money!

As noted in the discussion, this is something that **can be re-evaluated if conditions warrant it.**

[Reply](#)

Bernhard Weiss **Instead of rectifying a bad situation for all those affected, the LTC has left it to each individual property owner to have a useless detailed assessment done and pay for it.**

As mentioned before, this will just trigger more non-compliance and I c...[See MoreManage](#)

Bernhard Weiss **Instead of rectifying a bad situation for all those affected, the LTC has left it to each individual property owner to have a useless detailed assessment done and pay for it.**

As mentioned before, this will just trigger more non-compliance and I cannot even blame somebody for ignoring a stupid bylaw in this case.

On the other hand, the idea that **empty Lucky beer cans and oily pavement run-off provide essential nutrients to not existing fish had a certain humour to it.**[Manage](#)

Table 3-7: SPEA widths for ditches

Function	Constructed Ditch	
	Fish	No Fish
LWD for maintenance of channel morphology and provision of fish habitat	2 times channel width max 10 m min 5 m	n/a
Vegetation to assist in controlling localized erosion		2 m
Suitable area to allow for lateral channel movement	n/a	n/a
Litter Fall and Insect Drop	2 times channel width max 10 m min 5 m	2 m
Shade		

[Tony Law](#) Where is the table from?

[Reply](#)

[Bernhard Weiss](#) [Tony Law](#), page 47 of the Riparian Area Regulations Assessment Methods. You find the link under "Read More" on <https://www2.gov.bc.ca/.../qep.../preparing-rar-reportsManage>
[Preparing Riparian Areas Regulation \(RAR\) Assessment Reports](#)

WWW2.GOV.BC.CA

[Reply](#)

[Karen Ross](#) I agree with Bernard, it wasn't fair and people that were impacted with this incompetence on the part of an overzealous bureaucrat are stuck with a big bill to make it right. The unfairness is on three fronts. First, the reports are "frozen in time", properties that were caught in the net on the date the reports were done are subject to the regulations. There is no mechanism for changes made over time. The second major unfairness is that a government department can parachute regulations onto your property that prohibit any use of the affected portion, without compensation. A subtle form of **expropriation**. This is compounded by the fact that a neighbour could have put a drainage ditch along your property line to drain their property, and if said bureaucrat put that ditch into the RAR area, the setbacks go on both sides of the ditch. i.e. your land. Then you are compromised on two sides - the front and side of your property. And the utmost unfairness is Bernhard's experience - when a detailed assessment is paid for by him, the new specialist agreed on the side of the property owner. The Trust knew this when they rammed through the RAR regulations (instead of fixing them - because THEY lacked the money to do it!).

[Reply](#)

[Tony Law](#) Karen: I totally understand your frustration, but I have to take issue with your characterization that "The Trust" "rammed" through regulations. Three elected trustees carefully considered what professional staff recommended based on what a professional contractor had provided and what members of the public submitted.

We reduced the required setback from 30m to 8m (the same distance as the setback from front lot lines) and added a lot of exemptions. In this regard, I think we pushed our requirements a good distance away from what the province was requiring - more so than most other governments. Any further and we would likely have been in danger of not having our regulations approved.

Please note that the local trust committee has a very small operating budget. Requests for funds for projects are submitted towards the end of each year to Trust Council. These are considered by the Financial Planning Committee which makes recommendations to Council which approves a budget for the following fiscal year each March. Funds had been assigned to LTCs to hire consultants to prepare RAR stream identification reports. **Hornby LTC had used our money for the Madrone and Mimulus reports.** There was no pool of money sitting around that we could dip into for further reports because we did not like a particular aspect of what the professionals hired had said.

However, **regulations are written on paper not stone. If you think they need to be reviewed I suggest you and Bernhard and others with the same concern submit a request to the Hornby Island Local Trust Committee (northinfo@islandstrust.bc.ca) for this to be added to our work program. If you send this in soon, it can be added to the agenda of our April 27 meeting.**

It will be helpful to receive full information in support of this request. As far as I am aware, I am the only one of three trustees following this discussion.

[Reply](#)

Bernhard Weiss The Madrone Report was done 2 years after the Mimulus Report and in case of the Beulah Creek watershed expanded on the rather incomplete and faulty Mimulus report. Why was Mimulus not hired to complete the Hornby assessment? We had pointed the shortcomings of the Mimulus Report out a few times and correcting those mistakes would have been the right thing to do. Would have been easy to ask **Madrone to remove the roadside ditches, since they did not include them in the other areas they assessed, like Whaling Station, Galleon Beach and the Savoie Road neighbourhood.** After all the Madrone Report is described by the IT as the "revised final riparian area regulation stream mapping report for hornby island" and includes the mapping done by Mrs. Jones.

It is **plain and simple an unfair double standard** and hearing Tony say that " things are not as bad as I suggest" is an insult considering the amount of money we spend. But double standards are nothing new on Hornby.
<http://www.islandstrust.bc.ca/.../ford-beulah-crk...>
<http://www.islandstrust.bc.ca/.../130315-revised-final...>

[Reply](#)

Tony Law Sorry, I was trying to be reassuring, not insulting.
I and others put a lot of thought into this at the time and, for example, it wouldn't have been a easy easy as you suggest to simply ask Madrone to changetheir mapping.
I am truly sorry you and Karen are not happy with the outcome. It was not an easy exercise having the Province download its responsibilities onto local governments in this way and the lack of flexibility this resulted in without spending a lot more money.

[Reply](#)

Bernhard Weiss Tony your 8m DPA setback is of concern only in regard to the requirement of having to apply to the LTC for a DP. As far as a trigger for a detailed assessment is concerned, the default setback is still 30m and that is of concern for MoE as I was told. That is why we did the detailed assessment and the land clearing BEFORE you decided to reduce the DPA first to 15m and then to 8m. MoE told me they would most likely flag that. Remember, the IT was supposed to implement the RAR since 2006, it took you nearly 10 years to get that done and we were caught by the LTC's changing your mind. Remember planner Milne thought

everything was ok with 30m.

Putting the roadside ditches in the mapping in the first place was a mistake by Mimulus. Madrone did not make the same mistake and that has created the unfair double standard. I appreciate your dilemma, but we are stuck with the regulations now and pay for something useless.

And if you look at your Schedule E, it shows a default 30m wide setback on both sides of the ditches, not 8m. <http://www.islandstrust.bc.ca/media/340645/ho-ocp-sche-rar-alr-2016.pdf>

[Reply](#)

Bernhard Weiss From Kayt's official and filed detailed assessments for the 2 properties in question: "It should be noted that the ditch line along Central Road is part of a drainage system flowing into Beulah Creek. This drainage is considered non-fish bearing (as determined in the recent RAR Stream ID report by Mimulus Biological Consultants for the Islands Trust), but is beyond 2-m from the edge of the subject property so has not been included as part of the above SPEA setback list".

[Reply](#)

Tony Law Bernhard: Please see my message to Karen above. I am only one of three members of the LTC and as far as I know the only one reading this thread. I suggest it would be helpful if you provide a submission to the local trust committee with supporting information if you would like this issue considered and added to the work program. Send it to the LTC via northinfo@islandstrust.bc.ca



File No.: HO-LCB-2017.2 – ZAMLUK
(Fossil Beach Farm Ltd.)

DATE OF MEETING: April 27, 2018
TO: Hornby Island Local Trust Committee
FROM: Teresa Ritemann, Planner 2
Northern Office
SUBJECT: LCLB Application for an Outdoor Special Event Area
Applicant: Jeff Zamluk (for Fossil Beach Farm Ltd.)
Location: 750 Savoie Road, Hornby Island; PID 011-189-037

RECOMMENDATION

1. **THAT the Hornby Island Local Trust Committee (LTC) request staff to inform the Liquor Control and Licensing Branch (LCLB) that the LTC has gathered public input for application HO-LCB-2017.2 (Fossil Beach Farm Ltd - ZAMLUK), and would like to provide the LCLB with the following comments:**

Through the public input process, local residents expressed concerns that:

- a. The proposed number of Special Events requested by the license (10 per year) seems too frequent, the proposed number of guests (150 per event) seems too high, and that the proposed hours of liquor service provided (noon – midnight) seem too long;
- b. There will likely be an adverse impact for noise on the community in the immediate vicinity of the establishment; and
- c. If the application is approved, other potential adverse impacts on the community will likely include:
 - i. Negatively affecting the harmony and quiet enjoyment of neighbouring property owners;
 - ii. Road safety concerns regarding potentially inebriated drivers, as well as potentially having adverse impacts on road access for emergency vehicles;
 - iii. Increased vehicle traffic on the unpaved gravel road may contribute to other local nuisances (changing the feel of the rural road, affect child/cyclist safety, increase dust in the area, etc.);
 - iv. Increased fire hazards and risk from lack of judgment and control of potentially inebriated visitors;
 - v. Potential increase of public use of the nearby beach; and
 - vi. That it may be too much for the neighbourhood to deal with all at once, and would prefer to wait and see what other potential impacts there may be from the newly-established Cidery business and other uses on the Farm this year, before considering this Special Event liquor license application any further.

REPORT SUMMARY

The purpose of this Staff Report is to update the Hornby Island Local Trust Committee (LTC) following the close of the public consultation process regarding this Liquor Control and Licensing Branch (LCLB) referral, so that the LTC may consider this application further, and respond to the LCLB by way of a resolution.

BACKGROUND

Fossil Beach Farm lies within the Agricultural Land Reserve (ALR), and the owner/operator is applying to the LCLB for a new outdoor Special Event Area on their farm, summarized as follows:

- Gatherings for outdoor special events only (no indoor event space or patio is requested);
- Guests will gather in the area around the farm's existing "Shop" building;
- Maximum capacity of 150 guests per gathering, and a maximum of 10 gatherings per year;
- Hours of liquor service shall be limited to 12pm – 12am (noon to midnight);
- On-farm parking for special event guests shall be provided (non-permanent facilities); and
- Potential for noise and other adverse impacts not anticipated.

This application was referred to the Hornby Island LTC for review. As noted in the February 9, 2018 Staff Report, the LTC had two options for responding to the LCLB referral:

1. Opt out of comment and public input process on this individual application; or
2. Gather public input and provide comments on this application

At the regular business meeting on February 9, 2018, the LTC considered the Staff Report and chose to proceed with Option 2 by passing the following (draft) resolution:

HO-2018-005

It was moved and seconded

that the Hornby Island Local Trust Committee request staff to notify by email, residents and property owners on Savoie Road that the Fossil Beach Farm application to the Liquor Control and Licensing Branch has been referred to the Local Trust Committee for consideration and of their opportunity to provide comments to the Local Trust Committee on this referral by February 28, 2018.

CARRIED

Following the February 9, 2018 LTC meeting, the LTC sent Staff a list of email addresses for five residents of Savoie Road: Claudia Casper, James Griffin, Judith Anastasia, Margaret Pethick, and Yana Pethick. Staff emailed these five residents on February 13, requesting their input on this application via email by February 28.

By the February 28 deadline, Staff had received nine email responses, including responses from four of the residents emailed (Claudia Casper, James Griffin, Judith Anastasia, and Margaret Pethick), plus five responses from other members of the public not originally emailed, some of which were upset to have not been on the list of residents contacted directly for their input. A copy of these email responses is included as Attachment 1.

ANALYSIS

For reference, the following analysis is repeated from the Staff Report dated February 9, 2018.

Policy/Regulatory

Subject property OCP designation: AG – Agriculture; and subject property zoning: A1 – Agriculture 1

Subsections 8.5(8) and 8.5(9) of the Hornby Island Land Use Bylaw states:

- 8.5(8) Where land is in the Provincial Agricultural Land Reserve, non-farm uses permitted by this Bylaw within a zone are permitted only:
 - a) if also approved by the Provincial Agricultural Land Commission by written order and only to the extent provided by the written order, or
 - b) if also permitted by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and only to the extent permitted by this Bylaw.
- 8.5(9) Land uses which are permitted in the Agricultural Land Reserve unless otherwise prohibited by a local government bylaw are permitted to the extent permitted in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

Agricultural Land Commission Act, Regulation and Policies

According to ALC Policy L-22 (*"Gathering for an Event in the ALR"*):

"Gathering for an event is a permitted non-farm use in the Agricultural Land Reserve and must not be prohibited by a local government bylaw as long as the event meets the conditions set out in the [Agricultural Land Reserve Use, Subdivision, and Procedure] Regulation."

The proposal is a permitted non-farm use in the ALR and also meets all six conditions of subsection 3(4)(k) of the ALC *Regulation*, as noted in the Staff Report dated February 9, 2018.

Summary of Public Input

Through the process of gathering public input, nine public responses were received (see Attachment 1). The public concerns regarding the proposed license were mainly around the potential for noise and other potential adverse impacts on neighbouring properties and the community. The concerns can be summarized as follows (in no particular order):

- Noise from the exclusively-outdoor events travelling across the farm to nearby neighbours; neighbours can already hear sounds from the ocean, noise/music coming from a nearby Bakery/Pizzeria in another location, as well as existing noises from the uses of this Farm;
- The proposed number of Special Events requested by the license (10 per year) seems too frequent;
- The proposed number of guests (150 per event) seems too high;
- The proposed hours of liquor service provided (noon – midnight) seems too long;
- It is likely that all Special Events will occur for tourists visiting during the nice summer months, which may negatively affect the harmony and quiet enjoyment of neighbouring property owners;
- Road safety concerns regarding potentially inebriated drivers, as well as potentially having adverse impacts on road access for emergency vehicles;
- Increased vehicle traffic on the unpaved gravel road may contribute to other local nuisances (changing the feel of the rural road, affect child/cyclist safety, increase dust in the area, etc.);

- Increased fire hazards and risk from lack of judgment and control of potentially inebriated visitors;
- Potential increase of public use of the nearby beach; and
- That it may be too much for the neighbourhood to deal with all at once, and would prefer to wait and see what other potential impacts there may be from the newly-established Cidery business and other uses on the Farm this year, before considering this Special Event liquor license application any further.

With respect to the potential for noise from the exclusively-outdoor Special Events, Staff note that the Comox Valley Regional District (CVRD) Noise Control Bylaw No. 120 is in effect for Electoral Area A, which includes both Hornby and Denman Islands. For a table of regulations on times that certain types of noises (electronic devices, persistent sounds, motor vehicles etc.) are prohibited, as well as types of activities that are exempted, see: https://www.comoxvalleyrd.ca/sites/default/files/uploads/bylaws/bylaw_102_-_noise_control_bylaw.pdf).

Rationale for Recommendation

Following the public consultation period, the LTC will now need to pass a resolution requesting Staff to inform the LCLB of their comments for this individual application, including comments on:

- The impact of noise on the community in the immediate vicinity of the establishment; and
- The impact on the community if the application is approved.

In providing comment, the LTC must take into account the location of the establishment, and the person capacity and hours of liquor service of the establishment. Staff are recommending that the LTC support the resolution of comments found on page one of this report, which summarizes the main concerns of the public, as noted above.

NEXT STEPS

Staff will forward the LTC resolution, along with copies of the Staff Reports, to the LCLB.

Submitted By:	Teresa Ritemann, MCIP, RPP Planner 2	March 22, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 5, 2018

ATTACHMENTS:

1. Copy of public correspondence received by February 28, 2018

Teresa Rittemann

From: Gemma Colin [REDACTED]
Sent: Wednesday, February 28, 2018 1:24 PM
To: Teresa Rittemann; Tony Law; aallan@islandstrust.bc.ca
Subject: application for special events area re Fossil beach farm.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

My property, "Woodwind farm", is situated at Central and Savoie Roads. My vegetable garden and orchard are across from the top of Savoie Rd. I get a lot of dust floating across from the traffic on Savoie, it is a gravel surfaced road and often noisy and dusty in summer. Our local mailboxes and Fire Dept. water tank are already located at this junction as well. My main concerns are, noise and dust from so much increased traffic-150 extra people besides the traffic from the Glamping and Cidery--this could be 50-75+ more cars in and out from people at a late night event with drinking encouraged. Will there be any security checking for drinking drivers?

And secondly, "our local neighbourhood beach" , has already been compromised by the installation of the Fossil Beach sign at the top of the road, one year ahead of any business happening at said farm. There was already an influx of curious people looking for fossils and bothering we locals, down for our evening swims ,with questions of where and how to get the fossils! Now will we be bothered further by happy/or belligerent drinking people at a 12 hours drinking event?

I also have a farm cottage, summer rental on my place - these families come to enjoy their weeks holidays on the my farm and in the beauty of Hornby Island- - will they now have to worry about drinking drivers on Savoie,a narrow gravel lane, and late night and early morning party traffic coming back from the events.

I feel it is too much for the neighbours to deal with, when we have no idea of the coming impact of the Glamping and Cidery yet.

Teresa Rittemann

From: Claudia Casper [REDACTED]
Sent: Tuesday, February 27, 2018 10:31 PM
To: Teresa Rittemann
Cc: Hornby Island Local Trust Committee
Subject: Gathering Input of Local Residents
Attachments: Dear Teresa.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

Hi Teresa, Tony and Allen

I am adding my letter to the group with regard to the application by Fossil Beach Farms to get a liquor license for special events. Thanks for your time and attention.

Yours truly,
Claudia Casper

Dear Teresa

As you have heard from some of my friends and neighbours, there is indeed a serious concern about the impact of Fossil Beach Farms holding 10 special events, and having a permit to serve liquor from noon till midnight. The concerns are pretty basic: noise and traffic. We already anticipate a significant rise in both those regards with the new glamping and cidery businesses launching this summer.

Noise travels readily on this part of the island. Not only do we all hear the music from the bakery, which only runs for 2 hours and ends by 8:30, but I had to wear headphones to bed when Carbrea held music events at their winery, which would be even further away than the cidery from our house.

This new development will significantly change the enjoyment of our property, never knowing when we might have to endure 12 hours of noise and traffic. Because this will be a business and not just a one-off family event, and Jeff and Aileen will be primarily accountable to their customers and not their neighbours, it has the potential to drastically change the nature of the whole area.

Jeff and Aileen may feel that noise will not be an issue because the neighbours who encircle the farm, with the exception of the Carbrea music events, are all relatively quiet (with the possible exception of our two sons, but they respond well to a phone call I'm told ;-)).

Yours truly,
Claudia Casper

Teresa Rittemann

From: Heather [REDACTED]
Sent: Tuesday, February 27, 2018 8:19 PM
To: Teresa Rittemann; HornbyislandLocalTrustCommittee@islandtrust.bc.ca
Subject: Fossil Beach Farm Application

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

Dear Teresa,

I have been given your name as the person to write to regarding the Application for Special Events by Fossil Beach Farm. I was informed by one of my neighbours and I wonder why all residents in the area who could be affected were not contacted regarding this.

I live on the corner of Central Road and Lea Smith Road. My concern is noise coming from this area. In the summer months there is music coming from the Bakery twice a week, which is fine as it is not usually loud and finishes at 9 p.m. Then the previous owners of the Winery opposite me began music events a few years ago. We were given no notice of these events and the music was loud and reverberated around and through my home (the bass being predominant) . Often the music carried on into the early hours of the morning, I don't know how these events can be monitored.

I understand that people need to make a living but it shouldn't be at the expense of other people who happen to live close by.

sincerely,
Heather Lavis
[REDACTED]



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Teresa Rittemann

From: Dave Colley [REDACTED]
Sent: Tuesday, February 27, 2018 7:59 PM
To: Teresa Rittemann
Cc: Hornby Island Local Trust Committee
Subject: LCLB Application for an Outdoor Special Event Area
Attachments: Cidery Trust Response.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

Hello Teresa,
I am attaching my response to the above application.
Could you let me know if and when you receive this?
Thanks very much!
Dave Colley

February 26, 2018

Re: Application For 10 Special Events Per Season on Fossil Beach Farm

Hello Teresa,

I am writing in response to an application by Fossil Beach Farm that is requesting the opportunity to provide events for up to 150 people and their vehicles until midnight 10 times per season.

First, I am dismayed that your email subject line – “Gathering input of local residents” – is very misleading. It excludes many locals, including owners of adjoining properties such as myself.

As I read the documents, I kept seeing the repeated comments from “staff” about little impact to residents and minimal noise. These 10 requested events all have to happen within summer months since one can’t have 150 people and their vehicles on that property any other time of the year without adding gravel which we know is not allowed for the parking on ALR. That means a minimum of one event per week.

There is an open field between my house and Savoie Road. I hear the existing traffic on it. I cannot imagine the serious impact the added traffic (15-20 fold) will cause. An event stopping at midnight means most of that traffic will be leaving between midnight and one in the morning on that narrow road. If the “staff” thinks it is minor, they are delusional.

The noise from the amplified events will not be minor. Since I can hear machinery working on the farm, I will also hear their music. By labelling the farm as “isolated” implies noise isn’t a factor. This small ~1km diameter rural area already has amplified music twice a week from the bakery/pizza establishment and the vineyard next to it is planning events. The music tends to bounce off the mountain as a loud echo. This will happen from the “isolated” farm as well. I think this proposal needs to be considered within the context of everything else occurring in our rural area.

Perhaps it would be good to remember the Islands Trust concept of “Preserve and Protect”.

I like the idea of the upcoming cidery in the neighbourhood, but I am not in favour of the application for 10 events per season.

Sincerely,

Dave Colley

 (due south of the cidery)

Teresa Rittemann

From: James Griffin [REDACTED]
Sent: Tuesday, February 27, 2018 4:52 PM
To: Teresa Rittemann
Cc: Hornby Island Local Trust Committee
Subject: Re: Gathering Input of Local Residents
Attachments: Fossil Beach Farm.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

Dear Teresa, Alex and Tony,
Please find enclosed my comments on the Fossil Beach Farm application to hold 'special events' on the Fearman farm property at the foot of Savoie Road.

Best regards
James Griffin
875/1175 Savoie Rd
Hornby Island BC
Cell: 604 916 21599

From: Teresa Rittemann <trittermann@islandstrust.bc.ca>
Date: Tuesday, February 13, 2018 at 11:49 AM
Cc: Hornby Island Local Trust Committee <HornbyIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Gathering Input of Local Residents

Teresa Rittemann, MCIP, RPP

Feb 27, 2018

Re: Special Event Application— Fossil Beach Farm C/O Teresa Rittemann, MCIP, RPP

Dear Teresa

Thank you for the opportunity to comment on the special event application for HO-LCB-2017.2 – Fossil Beach Farm. I'm not sure where you got your list of affected neighbors, but a number of omitted names will also be impacted by this application. In that sense, the application itself is incomplete and should be considered incomplete at this point.

Looking at a map, it is easy to presume that distances between neighbors would mean the described business could be conducted on the Fearman farm with little neighborhood impact. Perhaps this is why the "staff" might conclude the "*Potential for noise and other adverse impacts' are not anticipated*". In practice, noise will be a significant and unwelcome reality. The degree to which sound carries in this area is quite remarkable and it is an indisputable matter of record that the noise from a twice-weekly held 'music night' at a nearby Bakery and Pizza operation is readily heard by everyone in this neighborhood. These music nights are a regular attraction but differ from 'special events' in so far as they are not celebrations, alcohol is not served, they are not intrinsically raucous, they last for only a couple of hours and finish much earlier in the evening. Thus, it is just a fact that the holding special events on the Fearman farm, such as those permitted by the bylaws, will be intrusive and will substantially impact the neighbors right to 'quiet enjoyment'. Incidentally, how I personally came to learn of the Fossil Beach Farm enterprise was because of the summer-long *noise* generated by the applicant's excavator.

The application also cites conditions for parking but does not mention vehicle traffic per se. Fearman's farm is attained by Savoie Road. It is a dirt road designed to provide limited public access to Fossil Beach. It is not designed for commercial use. The road receives minimal attention from the department of highways and throws up inordinate amounts of dust during the summer. It is already a bane to the homes along this stretch. This past summer saw increased traffic as a result of the Hornby Islands promotion of Fossil Beach as a tourist attraction. Even this small increase in traffic resulted in noticeably more dust and disturbance. This too, is just a fact. The volume of traffic associated with regular instances of 150 people events will be well beyond anything yet experienced. It must also be underlined that there are in fact 3 business enterprises being introduced by the Fossil Beach Farm: 1. a glamping campsite, 2. a cidery and 3. a special events operation. Each will generate its own increase in traffic volume and noise disturbance. Taken together, they will alter the harmony of the Fossil Beach area, negatively impact long standing neighbors and effectively transform farmland into another and distinctly unrelated form of commercial operation.

I hope the Trustees will take full consideration that with the Hornby tourist push taken together with 3 new business operations – all focused on bringing traffic to the same spot – there will be a significant and negative impact to all neighbors in the area. This special event application is one event too far.

Sincerely

James Griffin

[REDACTED]
Hornby Island, BC
[REDACTED]

Teresa Rittemann

From: Judith Anastasia [REDACTED]
Sent: Tuesday, February 27, 2018 4:27 PM
To: Teresa Rittemann
Subject: Fossil Beach Farm Application / Hornby Island

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

Dear Teresa,

I have read this information over carefully and would like to express my concerns about the proposal for special events of up to 150 coming down Savoie Road. My first thoughts go to the amount of dust stirred up already by summer traffic and how much more noise, cars and disturbance this would cause if so many cars were coming down the road. The summer is also a time when we have many small children visiting and this would impact their safety as it has been for years, a quiet dead end street where children could ride their bikes and travel across the road without undue concern about oncoming cars. There will be much more traffic with the new cidery which will entail people drinking and driving, so to add the potential of 150 more people coming down the road seems excessive.

The second major concern is noise pollution. We have been effected by the music coming from the bakery and also the winery when they have had music events. To imagine having to hear music from 12:00 in the afternoon until 12:00 would be an incredible disruption to the peace and tranquility on this part of the island. Ten events a year would most likely mean that there would be an "event" every weekend of the summer. There have already been many changes to George's farm. The name change alone to Fossil Beach alerts many off island tourists to fossils along the shore line with the likelihood of more visitors coming down the road to explore and find fossils.

Jeff and Aileen have established campsites and a cidery which will be open from 10:00 in the morning until 8:00 at night and this will be the first summer that it will be in use. I wish them well in their endeavours and know that they need a means of support to maintain their land, but I do think we all have to have the experience of the changes that will occur on our side of the island due to these enterprises before we have to endure an even more expansive use of the land and our road.

My recommendation is not to have any extraordinary events this summer and see if how we are all impacted by noise and traffic with this first expansion.

Thank you for your consideration,
Judith Anastasia

Teresa Rittemann

From: Gerardo D [REDACTED]
Sent: Tuesday, February 27, 2018 3:43 PM
To: Teresa Rittemann
Cc: Hornby Island Local Trust Committee; lclb.lclb@gov.bc.ca; Caitlin.Dorward@gov.bc.ca
Subject: My letter regarding the Fossil Beach Farm Ltd. - ZAMLUK application HO-LCB - 2017,2

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

Greeting Teresa,

As a property owner that borders the "Fossil Beach Farm Ltd" I am dismayed that I only found out about this application for a new outdoor Special Event Area allowing a liquor licence and 10 events until 12 midnight per year from a concerned neighbour and not from the owners of the "Fossil Beach Farm" or from the Islands Trust. I understand there is a time limit for me to even write in to you of which the deadline is today.

Hornby Island is and was built on community spirit and community involvement, had the applicants come to their direct and indirect neighbours to tell them what was being planned and listened to their input then be able to make changes to so that their neighbours would have their concerns appeased they would have no doubt garnered the support of their neighbours and the Island community as a whole. But this was not done and I have some real and justifiable fears regarding this application.

1. Fire hazard – in the summer months Hornby Island gets very dry and the smallest spark or smoldering cigarette butt can set the Island ablaze. My property is directly behind theirs, should they have a large event where some "drunk" people or people incapable of making a sound judgement call due to alcohol take a quick stroll into the woods (these woods connect to my woods too) to light up a cigarette or a legal marijuana joint away from the crowd and not extinguish it properly or drop it on the dry tinder then my family and I am at risk, not only of property loss but at risk of physical harm or even death. Having served on the Hornby Island Fire Department I know this is a real risk, especially where there are large groups of people under the influence of alcohol (150 people is a large group, even half that is still a large group).
2. Noise –
 - a. I can hear sounds coming from the "Fossil Beach Farm", I can even hear waves and sea lions so why would you consider sound traveling from their events "not anticipated" the trees behind their property that are also behind my property are not dense, in fact the cows from their farm have wandered on my property easily finding a way through the supposedly "dense" forest
 - b. In the Fossil Beach Farm – Staff Report "Hours of liquor service shall be limited to 12pm – 12am (noon to midnight);" that means that the event may still carry on well past midnight? Bars tend to stop serving alcohol well before they close usually an hour before or so. I have been in many bars where the bartenders or the waiters/waitresses alert you to last call and get you to buy a few more drinks just before cut off to enjoy for a while after, this can lead to over serving and also to much louder and also less in control inebriated guests. Noise will be an issue if you don't think so I invite you to wait outside a closing bar and listen to how loud people talk coming out of them.

- c. Music at the event, live or recorded will travel through those woods to my property. It would be interesting to conduct a sound test to see exactly how much and what decibel level is required to keep it down so that the residents can hear it and then monitor the noise level of the events but none of this ever came up because we were not consulted.
- d. Traffic going to and more importantly leaving at late hours of the night will not only travel along Savoie Rd. But then also along Central rd. So my property will get the sound from the traffic twice and on an Island that has very little traffic in the evening it will be very noticeable.

The 10 events per year will most logically fall into the summer months and for Hornby Island July and August are the "best" months so we can foresee that there will be an event nearly every weekend and possible more than 1 per weekend on some summer weekends (long weekends) between the other events at the Bakery and the vineyard will I ever have a quiet weekend in the summer months? I am very disappointed that this application did not consult the neighbours and local residents as part of the process.

As it stands, I am against the endorsement from the Liquor Control and Licensing Branch (LCLB), for their application for a new outdoor Special Event Area on the "Fossil Beach Farm Ltd" .

Sincerely,

Gerard D'Avino

CC: Hornby Island Trust < HornbyislandLocalTrustCommittee@islandstrust.bc.ca > Liquor Control Board
lclb.lclb@gov.bc.ca, ALR < Caitlin.Dorward@gov.bc.ca >



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Teresa Rittemann

From: Margaret Pethick [REDACTED]
Sent: Tuesday, February 27, 2018 10:57 AM
To: Teresa Rittemann
Cc: Hornby Island Local Trust Committee; iclb.iclb@gov.bc.ca
Subject: Re: Gathering Input of Local Residents

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

Dear Teresa Rittemann,

Thank you for your email of February 13th.

I do have concerns about Jeff and Aileen's Application for endorsement from the Liquor Control Board for the proposed new outdoor Special Events area on their farm.

My first thoughts go to the traffic it will bring to Savoie Road. This is an unpaved, quiet, Heritage, no through road. Even now, in the summer months dust billows into our property every time a car passes our driveway. This will increase enormously with the Glamping and Cidery traffic due to open this year: if the proposed licensed Events Application goes through as planned, it will be even more extreme this summer.

We have children playing on their bikes on the road. The proposed hours from noon to midnight seem excessive, as do the number of licensed events requested. Weddings will mostly be in July and August which means there would be an event just about every weekend on top of the change-over day coming and going to and from the Glamping site. The possibility of drinking and driving, the noise and lateness of the hours and the number of people allowed are all serious concerns.

And then there is the question of how it will be regulated.

This is not an "Isolated" corner of the island, as suggested in the Application. The noise and disturbance will surely impact our neighbours along central Road whose properties back on to the proposed site, and of whom none have been consulted about the Application. We all hear the music from the bakery in the summer and have been listening to the heavy machinery work being done at the farm all this past year.

I acknowledge that Jeff and Aileen want to make a living here but I feel that too much is being pushed through too quickly. The Cidery and Glamping is surely enough for the first year. Let us see how that impacts our neighbourhood with noise and traffic before adding ten licensed Special Events to the plan

Thank you for giving me the opportunity to voice my concerns to you,

Sincerely,

Margaret Pethick.

On Feb 13, 2018, at 11:49 AM, Teresa Rittmann <trittmann@islandstrust.bc.ca> wrote:

Good morning all,

During the Hornby Island Local Trust Committee (LTC) meeting this past Friday, February 9, the LTC requested Staff to email residents of Savoie Road in order to gather public input on an application they are currently considering (HO-LCB-2017.2 – Fossil Beach Farm (Zamluk)).

The application can be summarized as follows (please see the attached Staff report for greater detail). Jeff Zamluk and Aileen Fearman of Fossil Beach Farm are requesting an endorsement from the Liquor Control and Licensing Branch (LCLB), for their application for a new outdoor Special Event Area on their farm:

- Gatherings for outdoor special events only (no indoor event space or patio is requested);
- Guests will gather in the area around the farm's existing "Shop" building;
- Maximum capacity of 150 guests per gathering;
- Maximum of 10 gatherings per year;
- Hours of liquor service shall be limited to 12pm – 12am (noon to midnight);
- On-farm parking for special event guests shall be provided (non-permanent facilities); and
- Potential for noise and other adverse impacts not anticipated.

Jeff and Aileen welcome any questions you may have for them and their proposal, and can be reached directly at [REDACTED]

Please note that although Jeff and Aileen are happy to speak with you about their proposal, this remains a formal process by the Islands Trust to gather the input of local residents. Therefore, if you would like to provide comments regarding this application, please respond to me directly via email by Wednesday, February 28.

Your feedback will be included on the upcoming agenda for consideration by the LTC at their Friday, April 27 meeting.

Please feel free to contact me if you require clarification or if you have any questions on the above.

Kind regards,

Teresa Rittmann, MCIP, RPP

Planner 2

Northern Office, Islands Trust

700 North Road

Gabriola, BC V0R 1X3

Phone: 250-247-2200

Enquiry BC Toll-free: 1-800-663-7867

Or from the Lower Mainland: 604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca

Preserving Island communities, culture and environment since 1974

<Fossil Beach Farm application - Staff Report and Attachments.pdf>

Teresa Rittemann

From: Christa Yeomans [REDACTED]
Sent: Monday, February 26, 2018 4:01 PM
To: Tony Law; Alex Allen
Cc: Teresa Rittemann; Liquor Control Board; ALR
Subject: Fossil Beach Farm Ltd. - ZAMLUK application HO-LCB - 2017,2

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: My Files

To the Hornby Island Trustees,

Please be strong in adhering to the preamble of your 'job description' - Preserve and Protect!

- We don't want a "Party Island" !
- We are already being inundated with music twice a week from the bakery throughout all summer and also from the winery when they have had music events.
- Why was I, as a direct neighbour, not notified - even though "Staff" had suggested it? (see the paragraph down below)
- Are you aware that the wind during summer months blows from the North, covering my area and beyond Central Road with sounds? Right now I hear the ocean and sea lions, also the cows from the Fearman Farm. Therefore I am convinced that loud music from those gatherings would penetrate my house and neighbourhood.
- I don't want to sleep in the summer with closed windows and ear plugs. Would you want to?
- These special events happen during the driest months of the year (fire hazard) and since the tucked away Fearman Farm surrounded by neighbouring properties has only the narrow heritage road as a corridor access ending at the South West corner as a point of entry to the property in question, I see a problem during those special events for emergency access vehicles - fire trucks, ambulances etc. whereas usually farmland can be approached during an emergency in many areas. I wonder if the ALC is even aware of this fact since Savoy Road on the applicant's map (Figure 1: Subject Property Location) shows Savoy Road bordering the farm all the way down to the ocean. This is not true. Savoy Road terminates at the SW corner of the property in question and from there a one person width foot trail leads to the ocean.

"As potential for noise and other adverse impacts on neighbouring properties or the community are not anticipated, and this ALC-permitted non-farm use complies with the ALC Regulations and Policies, Staff does not find a substantive reason to seek public input on this application. Despite this, the LTC may still wish to undertake consultation with nearby residents and/or business owners and may exercise discretion in determining the desired method of gathering the views of residents (see Option 2 below). "

If permission is given it would be very difficult to reverse this decision after these anticipated problems become obvious, i.e. very high noise level, constant traffic on a narrow and dusty heritage road apart from the difficulty of controlling an alcoholized gathering of 150 people.

A very concerned citizen of 40 years on Hornby Island

Christa Yeomans

Apr 25, 2018, at 7:11 PM, Jeff Zamluk [REDACTED] wrote:

>

> RE: Application: HO-LCB-2017.2

>

> Hello Teresa!

>

> How are you doing? Hopefully enjoying this nice weather!

>

> I was reviewing the Staff Report for Friday's Hornby Island's ILT meeting and noticed that there were several letters submitted from the general public. This is contrary to my expectation of only those on Savoie Road, as discussed at the meeting (10.1. Feb 9 Minutes of Regular Meeting).

>

> Should these letters be included in the ILT summary of public feedback to the LCLB, I would respectfully ask that the letter's (11) attached also be included from the Hornby community

>

> We will be attending the meeting on Friday at 1:00 as scheduled and will be able to address any questions that arise in person. We expect that there will also be several members of the Hornby community speaking in support of our current application, and attracting, retaining, and fostering young family's on Hornby.

>

> Thank you for your time and I look forward to discussing our projects and all the benefit's it will provide the community on Friday.

>

> Jeff and Aileen

From: Catherine Gray [REDACTED]
Subject: Re: Fossil Beach Farm special events license
Date: April 24, 2018 at 11:59 AM
To: Jeff Zamluk [REDACTED], Aileen Fearman [REDACTED]



To whom it may concern

I am shocked and saddened to hear that there are objections to the Fossil Beach Farm special events license. Surely there is a technical solution to the road dust problem, and 1 km is quite a distance for sound to travel. I live 1/2 km away from the Joe King Ball Park where many outdoor music events are held, and the sound is quite minimal at my place. Obviously they can simply position any amplifiers facing towards the ocean rather than towards their neighbours (which os not an option at Pizza Galore events operating at least 16 times per summer). I am quite certain as well that the owners of Fossil Beach Farm would be sensitive to and handle any specific noise complaints.

Hornby's Economic Action Plan, developed in consultation with more than 1/3 of the island's population, identified "Not enough young people" as a top concern. It is extremely important for the economic and social health of this island to support and encourage young families to move to the island and to thrive here. The Fossil Beach project is obviously well thought out, and they have already invested heavily both financially and personally in its development. It would be a horrible outcome for this economic and social opportunity so valuable to the island as a whole hobbled by the addressable concerns of a few people when so many stand to benefit.

Best wishes for the approval of your special events license.

Cath Gray

From: [REDACTED]
Subject: Fossil beach farm
Date: April 25, 2018 at 11:07 PM
To: [REDACTED]



Fossil beach farm LCLB application

This is our letter of support for Fossil Beach Farm.

Jeff and Aileen are a wonderful couple, with a new baby looking to start a life on Hornby.

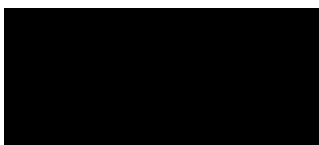
Owning four local businesses myself I can understand the challenges of financial stability on Hornby.

They are a environmentally conscious, responsible couple. I know for a fact they have the island best interests in mind.

This project will support the entire islands economy, including the much needed shoulder seasons.

I support Jeff and Aileen's project wholeheartedly. They are wonderful people and I would love to see them thrive on the island.

Dale Armstrong



From: Jeff Zamluk [REDACTED]
Subject: Re: Fossil beach farm
Date: April 24, 2018 at 11:29 AM
To: david wishart [REDACTED]



On Apr 23, 2018, at 10:12 AM, david wishart [REDACTED] wrote:

I personally cannot find any fault on the FBF project. If anyone finds a problem w the dust from the road that can easily be alleviated. Proper road signage can also be dedicated as needed to control speed and driveways. I wish them both well on their endeavour.

Sent from my iPhone

To whom It May Concern:

It has recently come to my attention that Fossil Beach Farm has applied for a special events licence. As a resident of Hornby Island, father of two and local business owner, I look at Fossil Beach Farm as a necessity to a growing island economy. The island is getting busier, yet there are not a lot of locations to have special events. In order to make a go of it in a remote community such as Hornby you need to think outside of the box, I feel this is when the best things happen. I believe another venue for special events would come in high demand on Hornby Island and will attract the next generation of locals.

I do hope that this special events licence is granted for the Fossil beach farm. I believe it will benefit people living here and people still yet to come.

Thank you
Eben Walmsley

From: Jeff Zamluk [REDACTED]
Subject:
Date: April 24, 2018 at 11:16 AM
To: Finn Crowe [REDACTED]



On Apr 23, 2018, at 11:58 AM, Finn Crowe <[REDACTED]> wrote:

Thanks Jeff.

To whom it may concern:

My name is Finn Crowe, I was born, raised and am gainfully employed as a plumber on Hornby island. I fully support Fossil Beach Farm, it's proprietors and their application for LCLB.

Despite working full time on Hornby I haven't lived there since 2007. I have three daughters (4,7 and 13) and I don't believe Hornby today is the best community to raise a family. Children and teenagers need friends and unfortunately there are virtually no kids my teenagers age. If Hornby as a community would let projects like this succeed more young, hard working people would move to the island and provide a much needed work force and social group. Without steady, dependable employment Hornby will continue towards being an isolated retirement community with no labor force.

Thank you,
Finn Crowe

[REDACTED]

From: Jeff Zamluk [REDACTED]
Subject: Re: Support for wedding events at Fossil Beach Farm
Date: April 26, 2018 at 7:01 AM
To: Helen Grond [REDACTED]
Cc: Aileen Fearman [REDACTED]



On Apr 25, 2018, at 8:25 PM, Helen Grond <[REDACTED]> wrote:

To Islands Trust

I am in full support of the application by the Zamluk/Fearman family to hold wedding events at their farm. As a twice standing Hiceec board member, I can say that weddings have long been identified as a desirable event for Hornby to attract as part of its economic planning. There are currently no venues for weddings events on Hornby during the peak months of July and August and the Fearman Farm would be an excellent location. It's hard to imagine a more secluded corner of the Island to host an event and I believe every effort will be made by this young family to do a job the community would be proud of. We need to go out of our way to encourage and support young families to create jobs for themselves and others. It is a very tough place to have a business succeed and obstacles should not be unnecessarily placed in front of those willing to work hard at making it work.

Helen Grond

Sent from my iPad



April 24th, 2018

To: the Hornby Islands Trust Local Committee

Re: Fossil Beach Farm LCLB Application for Special Events

Dear Hornby Island Local Trust Committee,

The Hornby Island Community Economic Enhancement Corporation is submitting this letter in response to Fossil Beach Farm's request to support their application for a liquor license for up to 10 special events each year.

As the local economic development agency, we can confirm that the Fossil Beach Farm plans are aligned with our economic enhancement strategies, particularly in regards to **community marketing efforts**, and in this instance to help **attract and retain young families to the island**. HICEEC appreciates and welcomes the investments that the Fearman/Zamluk family are working on, which all seem to follow provincial regulations and local objectives.

In context, our organization is responsible for community marketing for the island, and we manage two key platforms – hornbyisland.com, and the Hornby/Denman Visitor Guide – representing over 200 local businesses in these efforts. In order to anchor shoulder season development growth, in 2014 we prepared a Community Marketing plan that focuses our efforts on two sector targets: Weddings and Mountain Biking. Increasingly, Hornby Island is developing a niche as a weddings, retreats, and special events destination. The addition of Fossil Beach Farm as an occasional venue provider would be aligned with those efforts, particularly as they may occur in the shoulder season. Fossil Beach Farm has already shown leadership in partnering with us and other businesses and organizations in our programs, and we already have heard that their special events plan is supported by many of our partners (including commercial, possibly competitive to FBF partners).

HICEEC is aware and has reviewed direct neighbours concerns about the proposal, and appreciates the points raised. Last year, we saw similar concerns in regards to another application on the island, and the points were addressed and the license issued with support from the IT. In a small community, it is good to see people voice their concerns, proponents address them, and for neighbours to support each other's efforts to the extent possible. In this current application, the Island Trust summarizes your possible referral response to LCLB with the following two points highlighted:

- *The impact of noise on the community in the immediate vicinity of the establishment; and*
- *The impact on the community if the application is approved.*

On the former, we are hoping the Island Trust can advise the proponent and local neighbourhood on recent successful approaches to address those concerns. On the second point, we encourage the Island Trust to recognize that consultation was limited to the immediate neighbourhood. It is in this spirit that we send this letter to highlight positive aspects that may otherwise not be included for referral. We would encourage the IT to highlight positive aspects of the proposal as well.

Respectfully,

John Heinegg
Chair, HICEEC

jennifer armstrong

Hornby Island, BC
V0R 1Z0
250.335.1915

April 24, 2018

To Whom It May Concern,

I am writing this letter in support of Fossil Beach Farm's application for a special events license from the LCLB - for events of up to 150 people for 10 days per year. This would include events such as weddings, tasting events, community fundraisers, and other get togethers.

Our hornby community desperately needs young families who are willing to move to our island. We have an aging population and without young people and young families, our community will not thrive nor will we have the resources to support the community already established here. Both Jeff and Aileen are working professionals, with years of experience in the fields of business and health care. And they have a new baby. Theirs is the type of family that offers a huge benefit to Hornby in many ways. Just this one proposal will have the potential to bring over \$750,000 to Hornby Island, \$300,000 of profit or 5 full time jobs. This is based on attendee's spending \$500 per event (food, lodging, gift's, tastings etc), with the business operating on a 40% margin. And the truth is, their business does not appear to be financially viable without event revenue. As someone who works in the wedding industry, i know this to be true of many other venues offering a similar business model. I also know how much of a benefit businesses and events like this are for small communities. I've seen them function so well and in harmony with the surrounding community on vancouver island and the other gulf islands.

Our Hornby community also desperately needs this kind of new, sustainable, low impact business. Ones that both sustains and attracts young families while supporting the community as a whole. This project offers all of that. Their business operates within the rules and regulations of all governing bodies including the Islands Land Trust, Agricultural Land Commission, Liquor Control and Licensing, Liquor Distribution Branch, and the Comox Valley Regional District. And Fossil Beach Farm events will become a gathering place for

community groups and members.

I have known the Fearman family since i moved to Hornby over 27 years ago. Annie and Harry have been an instrumental and integral part of our community, with their decades of service to our ferries and preschool, as the most obvious. It is hard to imagine our community without them. This proposal supports keeping 2 of our island elders living on their working farm, it supports their daughter and her family in having the ability to make Hornby their home, it supports new jobs, much needed income, a space for community events, a benefit to shoulder-season tourism, it supports our preschool and community school by bringing another young family onto the island and it supports sustainable, long-term business so desperately needed on our island.

I give my full support to Fossil Beach Farm's application for a special events license from the LCLB.

If you have any questions, please don't hesitate to contact me either by email: [REDACTED] or by phone: [REDACTED].

I thank you for your consideration.

jennifer armstrong

From: Jeff Zamluk [REDACTED]
Subject: Re: Sustainable Hornby for young family's
Date: April 24, 2018 at 11:30 AM
To: Jake Berman [REDACTED]
Cc: Aileen Fearman [REDACTED]



On Apr 23, 2018, at 10:09 AM, Jake Berman [REDACTED] wrote:

I support Fossil Beach Farm's application for a special use license.

Jake Berman

From: Jeff Zamluk [REDACTED]
Subject: Re: Sustainable Hornby for young family's
Date: April 24, 2018 at 11:08 AM
To: Jac Graham [REDACTED]



On Apr 23, 2018, at 2:36 PM, Jac Graham [REDACTED] wrote:

To whom it may concern,

I support local business on Hornby, I grew up on Hornby and have chosen to live here indefinitely against many odds. It's no secret that Hornby Island is a challenging place to live at the best of times, with the increasing amount of summer homes left vacant most of the time, leaving very few options for year round renters, most of them being young family's. As well as the limited availability of year round jobs on Hornby, with most of them being in trades and construction. As a young member of this community, I wholeheartedly support Fossil Beach Farm. The applicants literally fit the description of the demographic that this island is trying to attract, a young family. This business will add significantly to the off season economy of this island and will provide much needed year round jobs. I understand the challenges the Island Trust faces when it comes to these sort of applications, however the issues raised with this application have many controls and possible mitigations. With the issue of drinking and driving from this establishment, the liquor board enacts very strict protocol on how to mitigate and eliminate these issues, upholding measures are part of the licensing requirements of the establishment. With the issue of dust on the road leading to the establishment, there are also controls that can be put in place to mitigate issues. With the issues of noise coming from the establishment, to my understanding the venue in question is at least 1km away from nearby residents, which for Hornby standards is significant. I hope that the Island trust will take all perspectives into account regarding this application.

Kind regards,

Jac Graham

Hornby Island local

From: Jeff Zamluk [REDACTED]
Subject: Re: Fossil Beach Farm
Date: April 25, 2018 at 8:09 AM
To: Kim Fagerlund [REDACTED]



April 25th, 2018

To whom it might concern:

I am writing this letter today in support of the current events license application to the LCLB for Fossil Beach Farm.
I see this as an exciting development on Hornby Island that will bring low impact tourism to our island especially in the shoulder season.

The wedding industry is a growing industry on the island. This project builds upon a number of investments made by the Hornby Island Community Economic Enhancement Corporation. Their current project is to promote weddings on the island. (See: www.hornbyisland.com/experience/weddings)

As a Wedding and Event Planner on the Hornby Island, I look forward with much anticipation the beautiful wedding venue being created at Fossil Beach Farm.

This project fits with the Hornby Island Community Plan and the way the island is evolving. Fossil Beach Farm will be a complement to the diverse character of Hornby Island. I fully support this project.

Yours sincerely,
Kim Fagerlund

[REDACTED]

From: Jeff Zamluk [REDACTED]
Subject: Re: letter of support
Date: April 25, 2018 at 8:06 AM
To: [REDACTED]



On Apr 25, 2018, at 7:13 AM, Dr. Peter Walford [REDACTED]

To whom it may concern;

As long time residents of Hornby Island for over 30 years my wife Robin and I are pleased to offer enthusiastic support for the initiative and development of Fossil Beach Farm Cidery and Tasting Room. Hornby Island's evolution as a varied and unique destination for tourists and residents will be definitely enhanced by this unique business, and will comply with the plans of our Economic Enhancement Steering Committee of our Ratepayers' Association, which has worked hard and enjoys widespread support for plans to extend the season and widen the opportunities for tourism.

As a land use issue, retaining this large property as a producing family farm and diversified generator for employment and other activities is consistent with our desires to avoid large scale corporate use in our community.

We hope that this enterprising initiative can be approved to permit the next steps.

Yours truly

Dr Peter Walford

Mrs.Robin Walford

--
Dr Peter Walford
[REDACTED]
[REDACTED]
Hornby Island, B.C.Canada
V0R1Z0
[REDACTED]

From: Shannon Cupper [REDACTED]
Subject: Letter of support
Date: April 24, 2018 at 8:51 PM
To: Jeff Zamluk [REDACTED]



Re. Fossil beach farm.

My name is Shannon Cupper, I was born and raised on Hornby Island. Growing up as part of the Syzygy cooperative and watching my parents earn a living through the Cardboard House bakery and later imports and jewellery. I understand the importance of service based industries on our island, and fully support Fossil Beach Farms application to the LCLB.
I grew up less than a kilometer from the farm and know that they will continue to respect the land and their neighbors.

Thank you.

Shannon Cupper



Re: Fossil Beach Farm LCLB Application

Being a small business owner myself, I know how difficult it is to make a living on Hornby Island. I also know how hard it is for this community to accept change. These two concepts have collided in the past few years as young families move to the island and try to find work. With so few employment opportunities, the best way is to start a new business. Fossil Beach Farm is a perfect example of this, a young family trying to be successful on Hornby Island. We need to support them, they are the good kind of change that will truly enrich the community.

Aileen and Jeff Zamluk are kind, responsible and environmentally conscious people who would never do anything to risk Hornby Island’s delicate ecosystem and they have the outmost respect for it’s community members. I trust their project completely because I know they love and care about Hornby Island as much as I do.

I fully support Fossil Beach Farm’s application to LCLB.

Thank you for you time and consideration.

Tamara Lamont
Hornby Creative
[REDACTED]

Tamara Lamont
Hornby Creative
[REDACTED]



DATE OF MEETING: April 27, 2018
TO: Hornby Island Local Trust Committee
FROM: Jaime Dubyna, Planner 1
Northern Team
SUBJECT: Mines Act Permit Referral for 3405 Euston Road (PID 017-929-687)

PURPOSE

The purpose of this memorandum is to provide the Hornby Island Local Trust Committee (LTC) with information pertaining to a Referral Request for a Mines Act Permit at 3405 Euston Road, Hornby Island.

The authority over mine operations in British Columbia lies with the Ministry of Energy, Mines and Petroleum Resources (EMPR). While the *Islands Trust Act*, delegates the authority to “regulate development and the use of land” to the Islands Trust, under the Community Charter, “land” is defined as:

“land”

- (a) for the purposes of assessment and taxation, means land as defined in the Assessment Act, and*
- (b) for other purposes, includes the surface of water, but does not include*
 - (i) improvements,*
 - (ii) mines or minerals belonging to the Crown, or*
 - (iii) mines or minerals for which title in fee simple has been registered in the land title office;*

Pursuant to Section 10(1) of the *Mines Act*, prior to undergoing any work, “in, on or about a mine, the owner, agent, manager or any other person must hold a permit issued by the chief inspector”. As part of its permit process, the EMPR sends referrals to agencies, including local governments, with a potential interest in the proposal. The Islands Trust has been contacted to comment on this proposal.

Staff note that while the Hornby Island Land Use Bylaw does not regulate extraction of gravel, it can regulate the processing of gravel for marketing and direct retail sales of gravel. Currently these are not permitted uses in the Residential 2 (R2) – Large Lot Residential zone.

Staff’s response to the Mines Act Permit referral is attached as Attachment 1.

NEXT STEPS

The LTC receive this memorandum as information.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 1	April 19, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 19, 2018

ATTACHMENTS

1. Attachment 1 – Mines Act Permit Referral Response

April 19, 2018

Our File Number: **HO-CL-2018.2** (Grond)

Your reference number: **1610728**

Your referral number: **99588264-003**

Maryann Bouffard
FrontCounter BC
Operations Coordinator
southwestminesdivision@gov.bc.ca

Dear Maryann:

Re: **Proposal for Sand and Gravel / Quarry Operations (approx. 2.1 hectares); application to obtain a *Mines Act* Permit for the purpose of extracting, stockpiling and selling gravel at 3405 Euston Road on Hornby Island; proposed for 30 years (April 1, 2018 to April 1, 2048); Legal Description: Lot 1, Section 2, Hornby Island, Nanaimo District, Plan VIP55054 Except Plan VIP88814.**

Please note the following response comments to this referral:

1. Does this application impact your agency's legislated responsibilities?

Yes.

If yes, how will the proposal impact your legislated responsibility and please identify the relevant legislation (section) and what mitigative measures will be required to address these impacts?

Islands Trust legislated responsibility over zoning and land use comes from the following:

- Part 14 of the *Local Government Act* (all sections)
- *Islands Trust Act*
- Islands Trust Policy Statement
- Hornby Island Official Community Plan (OCP), Bylaw No. 149, 2014
(<http://www.islandstrust.bc.ca/media/344119/hobl-149-ocp-consolidated-august-2016-final.pdf>)
- Hornby Island Land Use Bylaw (LUB) No. 150, 2014
(<http://www.islandstrust.bc.ca/media/344234/hobl-150-lub-consolidated-dec-8-2016.pdf>)

2. If the proposal proceeds, will the proponent require approval or a permit from your agency? If yes, please explain.

Yes.

The proposed activity is to take place in a residential zone that does not allow mining activities as a permitted use; however, the Hornby Island Land Use Bylaw (LUB) does not regulate mining activities, as this is within Provincial authority.

While gravel extraction cannot be regulated by the Hornby Island Local Trust Committee (LTC), it is noted that the processing of gravel for marketing and direct retail sales of gravel is a use that can be regulated by the LTC. The LUB does not currently allow processing of gravel or retail sales of gravel as a permitted use in the Residential 2 (R2) – Large Lot Residential zone. A Temporary Use Permit application, or a land use bylaw and OCP amendment application, would need to be approved by the Hornby Island Local Trust Committee prior to these types of uses taking place. It is unlikely that an application for this proposal would be supported based on land use bylaw regulations and OCP policies.

The following OCP policies pertain to this proposal:

The “Rural Residential” land use designation provides Policy 6.3.3.3, which states, *“The principal use in this category should be residential with any accessory uses consistent with the residential character.”*

To address the requirements of Section 473(1)(c) [formerly Section 877(1)(c)] of the *Local Government Act*, the OCP designates the Groundwater Protection/Gravel Pit (GW/GP) area shown in Schedule B (Map Designations) (Attachment 3).

Over-riding land use policy applicable to all sections of the OCP:

2.2.2 *In order to protect the groundwater resource of the Island, the following should be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas; b) when considering applications for permits, re-zoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:*

- i) *maintaining the recharge of the groundwater resource in identified recharge areas by restricting extensive logging, modifications of natural drainage features, residential, commercial and industrial development, extensive road development, excavation, quarrying and soil removal, ditching and drainage works;*

For Environmentally Sensitive Areas:

3.2.3 *In areas of water collection and aquifer recharge, natural drainage patterns should be retained, and any removal of forest cover or other physical changes should be conducted so as to preserve the ability of the ground to retain water to recharge the aquifers, and may be regulated by Development Permit.*

3.2.4 *Development should be prohibited or restricted in areas identified by a hydrogeological study as being vulnerable with respect to water catchment, recharge or storage functions.*

For Water:

4.5.3 *Development should be restricted in areas where groundwater limitations have been identified by a groundwater geochemistry study, aquifer classification, hydrological report or other technical information.*

Temporary Use Permits:

6.5.1.10 *Temporary Use Permits may be permitted for:*

- a) temporary use;*
- b) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning;*
- c) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or*
- d) seasonal activities.*

6.10.1 *Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusion:*

- c) a parcel identified as containing an environmentally sensitive area, as shown on Schedule D1 or D2, unless information is provided by the owner that establishes that the proposed land use does not negatively impact the environmentally sensitive features or is located outside of the sensitive area on the parcel.*

3. Will on-going compliance monitoring be required by your agency as a result of your legislated responsibilities? If yes, please explain what will be required.

No.

4. Will this application affect public use of this area? If yes, please explain.

Yes.

As per the Hornby Island OCP policies 2.2.2 and 3.2.4 (see response to question 1), Islands Trust staff request that the protection of especially vulnerable areas be given consideration. Specifically, this area is known to be within a groundwater recharge area with high vulnerability according to Schedule D2 of the Hornby Island OCP (Attachment 4).

Islands Trust mapping indicates the proposed location is within the Ford Creek Watershed. Within this watershed, Ford Wetland and Ford Creek, are identified as *Riparian Area Regulation*-applicable waterbodies.

Islands Trust mapping shows the Douglas-fir/dull Oregon-grape ecological community on the subject property. This is a Provincially red-listed ecological community.

The proposed location is adjacent to Mount Geoffrey Escarpment Provincial Park to the East, and managed Crown Land (Groundwater Recharge/Environmental Protection Area) to the North.

The proposed location shares an unpaved public access roadway (Euston Road) with several other residential properties, as well as access to Mount Geoffrey Escarpment Provincial Park.

5. For Municipal/Regional Government Use Only: Is the application area zoned for the proposed purpose? If no, please provide the current zoning. In the event the applicants wish to apply for re-zoning, please also provide the estimated time required for this decision.

No.

The proposal is in the Residential 2 (R2) – Large Lot Residential zone in Hornby Island Land Use Bylaw. According to the Land Use Bylaw, the following uses are permitted in the R2 zone, subject to the regulations set out in Section 8.2 and Part 3, and all other uses are prohibited:

- (a) residential use of a dwelling;*
- (b) residential use of a recreational vehicle;*
- (c) secondary suite in a dwelling on lots 2.0 hectares or larger;*
- (d) horticulture accessory to a principal residential use;*
- (e) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;*
- (e) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;*
- (f) accessory uses, buildings and structures, including but not limited to home occupations; and*
- (g) vacation home rental use.*

The applicant would need to apply for a Temporary Use Permit, or land use bylaw and OCP amendment, and be approved by the Hornby Island Local Trust Committee to allow the processing of gravel for market and direct retail sales of gravel in this location. Notwithstanding, an application is not likely to be supported based on the OCP policies and land use bylaw regulations discussed above.

COMMENTS:

Islands Trust planning staff note that the civic address of the subject property proposed for gravel extraction, 3405 Euston Road, does not correspond with the legal description and PID in the application. The correct legal description for 3405 Euston Road was quoted in the title of this referral response. The property owner/applicant has been notified to correct this matter with the Ministry of Energy, Mines and Petroleum Resources.

RECOMMENDATION:

Recommend refusal of project due to reasons outlined above.

Please contact me by telephone at 250-247-2212 or email at jdubyna@islandstrust.bc.ca if you have any questions.

Sincerely,

Jaime Dubyna

Jaime Dubyna
Planner 1
Local Planning Services, Northern Office

Attachments:

1. Copy of Land Tenure Application (9 pages)
2. Copy of Location Maps and Plans (2 pages)
3. Copy of Schedule B, Hornby Island OCP (1 page)
4. Copy of Schedule D2, Hornby Island OCP (1 page)



Notice of Work

MIDDLE MOUNTAIN MINERY

Tracking Number: 100231854

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Individual

Are you the Individual this application will be issued to? Yes

APPLICANT CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit / Tenure / Licence will be issued, if approved.

Name: Helen Catharine Grond
 Phone: [REDACTED]
 Daytime Phone:
 Fax:
 Email: [REDACTED]
 Mailing Address: [REDACTED]
 Hornby Island BC V0R1Z0

TECHNICAL INFORMATION

APPLICATION INFORMATION

Type of Notice of Work: Sand & Gravel
 Is this a New Permit or an Amendment to an existing permit for this property? New Permit

MINE INFORMATION

Do you have an existing mine number? No
 Name of the property: MIDDLE MOUNTAIN MINERY
 Tenure Numbers:
 Crown Grant / District Lot Numbers: LOT A, SECTION 2 HORNBY ISLAND NANAIMO DISTRICT PLAN VIP8814
 Directions to site from nearest municipality: FROM BUCKLEY BAY, VANCOUVER ISLAND, TAKE FERRY TO DENMAN ISLAND, DRIVE ACROSS TO GRAVELLY BAY AND TAKE FERRY TO HORNBY ISLAND. TAKE SHINGLE SPIT ROAD FROM FERRY TO CENTRAL ROAD AND THEN TURN RIGHT ON STRACHAN RD. TO EUSTON RD.
 Geographic Coordinates of Mine: Latitude: 49.5018500 Longitude: -124.6644600
 Maximum Annual Tonnage Extracted: 5000 tonnes

INFORMATION ABOUT PROPOSED ACTIVITIES

Activities to be undertaken: Sand & Gravel / Quarry Operations

FIRST AID

Proposed First Aid equipment on site: LEVEL 2 FIRST AID KIT, STRETCHER, EPINEPHRINE AUTO INJECTOR
 Level of First Aid Certificate held by attendant: Occupational First Aid Level 1

DESCRIPTION OF WORK PROGRAM

If you prefer to upload a document, please enter "see attached document" and attach the document in the "Document Upload" step later in the application under "Other".

Sufficient details of your work program to enable a good understanding of the types and scope of the activities that will be conducted:

Initial work includes stockpiling topsoil, excavating bench 136 and stockpiling material. Access Road to Euston will be enhanced with top gravel. It is anticipated that 5000 tonnes of material will be stockpiled each spring and removed as demand requires.

TIME OF PROPOSED ACTIVITIES

Original Start Date: Apr 1, 2018
Proposed start and end date: Apr 1, 2018 to Apr 1, 2048

Please remember that you need to give 10 days notice to the Inspector of Mines of your intention to start work, and 7 days notice of your intention to stop work.

ACCESS

Access presently gated: No

PRESENT STATE OF LAND

Please identify what the present state of the land is where you would like to undertake your activities. If some of the questions do not apply to you please enter n/a in the space provided.

Present condition of the land: THE LAND IS CLEARED AND IN PASTURE
Type of vegetation: GRASSES, AND HERBACEOUS PLANTS
Physiography: THE AREA IS GENTLY SLOPED GRASSLAND AT AN ELEVATION OF APPROXIMATELY 250 METERS.
Current means of access: THERE IS AN EXISTING FARM ROAD FROM THE PROPOSED SITE TO EUSTON RD.
Old equipment: THERE ARE A NUMBER OF BUILDINGS ON SITE INCLUDING A HOME, BARN AND WINERY
Recreational trails / use: NO

ACCESS TO TENURE

Do you need to build a road, create stream crossings or other surface disturbance that will not be on your tenure? No

LAND OWNERSHIP

Application area in a community watershed: No
Proposed activities on private land: Yes

Please note that under Section 19 of the Mineral Tenure Act and Section 2.1 of the Mineral Tenure Act Regulation you must not begin any mining activities until 8 days after giving notice to every owner of the surface area on which the recorded holder intends to carry out that activity.

Please attach a copy of the letter of authorization signed by the landowner The document can be uploaded at the "Document Upload" step later in the application process.

Legal description of land: LOT A, SECTION 2 HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP88814
Proposed activities on Crown land: No

028-562-844

Activities in a park: No

CULTURAL HERITAGE RESOURCES

Cultural Heritage applies to a large spectrum of heritage resources that is defined as "an object, a site or the location of a traditional societal practice that is of historical, cultural or archaeological significance to British Columbia, a community or an aboriginal people."

The Archaeology Branch of the Ministry of Forests, Land and Natural Resource Operations is responsible for the administration of the Heritage Conservation Act as it applies to archaeological sites. The Archaeology Branch has developed guidelines for companies engaged in natural resource extraction to aid in planning for and avoiding or managing impacts to protected archaeological sites.

Are you aware of any protected archaeological sites that may be affected by the proposed project? No

FIRST NATIONS ENGAGEMENT

In making decisions on authorizations, the government will be fulfilling its responsibility to consult, and where appropriate, accommodate First Nations. The government takes this responsibility seriously and encourages the applicant to engage First Nations early and often as part of any planned development.

Establishing good relations with First Nations who might be affected by a proposed development is a key part of any successful mining operation. The Ministry of Energy and Mines encourages applicants to engage and information share with First Nations that might be affected by a proposed development prior to submitting an application. The earlier in the life of a proposed activity that the avenues of communication are established the greater the likelihood that the relationships formed will be constructive and beneficial to all parties. A lack of information sharing and engagement by the applicant may result in extended timeframes for decision.

Applicants should keep a detailed record of information sharing and engagement with First Nations on their project in the event the government needs to review it. Information on First Nations information sharing and engagement should include the following: a list of First Nations contacted, whether the activity was modified based on feedback from First Nations, and whether the applicant has entered into any informal or formal agreements with First Nations in connection with the project.

The Consultative Areas Database Public Map Service is an online, interactive mapping tool that allows you to identify First Nations who have treaty rights or asserted or proven rights or title on the land base. More information can be found at <http://maps.gov.bc.ca/ess/sv/cadb/>.

Have you shared information and engaged with First Nations in the area of the proposed activity? No

SAND & GRAVEL / QUARRY OPERATIONS

MAPS

All plans and sections must indicate the scale and orientation of the drawing and must include:

1) Plan View of Proposed Development illustrating:

- Property boundaries and set back of excavation from property boundary
- Watercourses and drainage (wet, dry or intermittent) on the property and within 150 metres of its boundaries
- All previous surface workings, the final boundaries of proposed excavation, and boundaries of excavation at the end of development described in the Notice of Work
- Access roads, including development roads within the pit and access to the public roads
- All proposed and existing stockpiles (topsoil, overburden, product etc.)
- All settling ponds (for both surface run off and process water) and source of process water
- Buildings and other facilities (fuel/lubricant storage, sanitary facilities, weigh scale, etc.)
- Sediment control structures and the location of any point discharges from the property
- Fencing, berms and/or vegetative buffers.

2) Cross and longitudinal sections of Proposed Development illustrating:

- The original land surface and, if applicable, the groundwater table elevation
- Typical configuration during mining, indicating angle of slope and, where applicable, bench locations
- Proposed configuration on completion of reclamation

3) A copy of the land title/crown land tenure map must be provided.

SOIL CONSERVATION

Average depth of overburden:	5.00 m
Average depth of topsoil:	0.05 m
Measures to stabilize soil overburden stockpiles and control noxious weeds:	THE PLAN IS TO CREATE TERRACES AND SEED DISTURBED AREA IMMEDIATELY AFTER ANNUAL WORK IS COMPLETED WITH PASTURE MIXTURE.

LAND USE

Is the site within the Agricultural Land Reserve?	No
Does the local government have a Soil Removal Bylaw?	No
Official Community Plan for the site:	ISLANDS TRUST HORNBY ISLAND
Current land use zoning for the site:	RESIDENTIAL
Proposed end land use is:	PASTURE
Estimate total minable reserves over the life of the mine:	150,000 tonnes
Estimate annual extraction from site:	5,000 tonnes/year

Application must be made to the Environmental Assessment Office if estimated extraction for sand/gravel production is 500,000 tonnes/year or 1,000,000 tonnes over 4 years; or if estimated extraction is 250,000 tonnes/year for quarried product.

ACTIVITIES

Click on the "Add Activity" button to add one or more activities. Select your activity out of the list and enter the tonnes, the total disturbed area and the total merchantable timber volume.

Please note that you must notify the Inspector at least two weeks before if you are planning to bring a crusher on site.

Activity	Total Disturbed Area (ha)	Merchantable timber volume (m ³)
Excavation of Pit Run	2.10	0.00
Total:	2.10	0.00

Is the work year round or only seasonal?	Seasonal
Brief description of operation, including proposed work schedule:	EXCAVATION OF PIT RUN WILL BE COMPLETED IN EARLY APRIL EACH YEAR AND 5000 TONNES WILL BE STOCKPILED FOR HAULAGE IN MAY, JUNE, SEPTEMBER, OCTOBER, NOVEMBER, DECEMBER, JANUARY, FEBRUARY, MARCH, APRIL. THERE WILL BE NO HAULING IN JULY AND AUGUST AS THERE IS A SEASONAL TOURIST BUSINESS ON THE PROPERTY OPERATING THEN. THE BENCH WHICH WILL BE THE FOCUS OF MINING ACTIVITY FOR THE FIRST 5 YEARS HAS A FOOTPRINT OF .05 HA. IT IS ANTICIPATED THAT WORK WILL BE UNDERTAKEN IN AN INTERMITTENT FASHION DEPENDING ON LOCAL DEMAND.

RECLAMATION PROGRAM

Describe the proposed reclamation and timing for this specific activity:	THE SLOPES WILL BE TERRACED AND SEEDED EACH YEAR. AFTER AN AREA HAS BEEN EXHAUSTED AND WILL NO LONGER BE EXCAVATED, IT WILL BE TERRACED AND RECLAIMED WITH PRESERVED TOP SOIL AND SEEDED WITH PASTURE MIX.
If backfilling of pits or pit slopes is proposed in the final configuration for reclamation, details of materials to be used and placement procedures:	
Estimated cost of reclamation activities described above:	\$5,000.00
Will progressive reclamation be carried out?	Yes
Maximum unreclaimed disturbance at any given time:	0.01 ha

GROUNDWATER PROTECTION

Average depth to the high groundwater table at the proposed excavation: 50.0 m

Elevation of the groundwater table was determined from: ☒ Existing area wells
☐ Test pits
☐ Test wells drilled for this purpose
☐ Other:

Measures proposed to protect groundwater from potential impacts of the proposed mining activity: THE AREA IS EXTREMELY WELL DRAINED AND HAS NEVER BEEN OBSERVED TO HAVE SURFACE WATER. AS THERE IS AN ACTIVE ORGANIC FARM ON THE PROPOSED PROPERTY, ALL MEASURES WILL BE TAKEN TO PREVENT ANY SPILLAGE OF FUEL ETC. THERE WILL BE AT LEAST A 40 METER BUFFER FROM THE WATER TABLE.

IMPACT MINIMIZATION

Shortest distance between proposed excavation to nearest residence: 200 m

Shortest distance between proposed excavation to nearest residential water source: 185 m

Measures proposed to prevent inadvertent access of unauthorized persons to the mine site: FENCING AND VEGETATIVE BARRIERS.

Measures proposed to minimize noise impacts of the operation: THE AREA IS BUFFERED ON MOST SIDES BY THICK VEGETATION. AS THE OPERATOR LIVES ON THE PROPERTY AND IS VERY INTERESTED IN MAINTAINING GOOD NEIGHBOURHOOD RELATIONS, WORK HOURS WILL BE VERY RESTRICTED. IT IS NOT ANTICIPATED THAT MANY DAYS OF THE YEAR WILL SEE ACTIVE WORK ON SITE. IT MOST LIKELY WILL BE HIGHLY LIMITED.

Measures proposed to minimize the dust impacts of the operation: THERE WILL BE NO WORK TAKING PLACE DURING THE DRY SEASON.

Measures proposed to minimize visual impacts of the operation: VEGETATIVE BARRIERS, BERMS AND A LARGE SOLAR SYSTEM WILL BLOCK ALL VISUALS OF THE OPERATION. WE OPERATE A TOURIST BUSINESS ALREADY AND THE AREA IS KNOWN FOR ITS NATURAL BEAUTY. WE WOULD NOT WANT TO JEOPARDIZE THAT IN ANY WAY.

TIMBER CUTTING

Total merchantable timber volume: 0.00 m3

No TimberYou have indicated that there is no merchantable timber that will be cut. Therefore a Free Use Permit or a Licence to Cut is not required. If this is not accurate, please correct your entries.

EQUIPMENT

Click on the "Add Equipment" button to add one type of equipment at a time. All equipment must comply with the requirements of the Health, Safety and Reclamation Code.

Quantity	Type	Size / Capacity
1	Excavator	SMALL
1	Truck	5 yards

SUMMARY OF RECLAMATION

Based on the information you have provided on the previous screens the Summary of Reclamation is:

Activity	Total Affected area (ha)	Estimated cost of reclamation (\$)
----------	--------------------------	------------------------------------

Sand & Gravel / Quarry	2.10	5,000.00
Subtotal:	2.10	5,000.00
Unreclaimed disturbance from previous year:	0.05	
Disturbance planned for reclamation this year:	0.05	
Total:	2.10	5,000.00

OTHER CONTACTS

Please enter the contacts that are applicable to your application.

Contact Info	Type of Contact
Name: HELEN CATHARINE GROND Phone: [REDACTED] Daytime Phone: [REDACTED] Fax: [REDACTED] Email: [REDACTED] Mailing Address: [REDACTED] Hornby Island BC V0R1Z0	Permittee
Name: HELEN CATHARINE GROND Phone: [REDACTED] Daytime Phone: [REDACTED] Fax: [REDACTED] Email: [REDACTED] Mailing Address: [REDACTED] Hornby Island BC V0R1Z0	Mine manager
Name: HELEN CATHARINE GROND Phone: [REDACTED] Daytime Phone: [REDACTED] Fax: [REDACTED] Email: [REDACTED] Mailing Address: [REDACTED] Hornby Island BC V0R1Z0	Tenure Holder
Name: HELEN CATHARINE GROND Phone: [REDACTED] Daytime Phone: [REDACTED] Fax: [REDACTED] Email: [REDACTED] Mailing Address: [REDACTED] Hornby Island BC V0R1Z0	Site operator

LOCATION INFORMATION

LAND DETAILS

Do you have the legal description of the land or the civic address then click on 'Add Land Information'.

Description

Private Land
Parcel ID: 028-562-844

Legal Description: Lot A Section 2 Hornby Island Nanaimo District Plan VIP88814

Civic Address: 3405 Euston Rd , Hornby Island BC V0R1Z0

All applications must include the appropriate maps and applications received without maps will be returned. All maps must be in colour, computer generated, with a scale, north arrow and a detailed legend.

For Mineral, Coal and Placer applications you must provide a minimum of 3 maps:

- A Location Map which must show the location of the property in relation to the nearest community with the access route from the community to the work site clearly marked;
- A Tenure Map which must show the boundaries of the tenure(s) and tenure numbers, at a scale of 1:20,000 or less;
- A Map of Proposed Work which must show topography, water courses, existing access, existing disturbance, contour lines, known cultural heritage resources and/or protected heritage property, at a scale of 1:10,000 or 1:5,000. For site specific applications the location of all proposed exploration activities must be shown; for area-based applications the work area must be shown as a polygon, with the location of all proposed exploration activities for year 1 shown, and shape files provided of the area.

For Sand & Gravel/Quarry applications you must provide a Plan View, Cross and Longitudinal Sections and a Land Title/Crown Land Tenure Map. Details of these requirements are listed in the Sand & Gravel/Quarry Operations Activity sheet.

☒ I have one or more files (PDF, JPG, PNG etc.) with my maps

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description	Filename
Land Tenure	Euston_Figure3_LandTenure.pdf
cross sections	Euston_Figure2_Xsections.pdf
plan map	Euston_Figure1_Plan.pdf

☒ I have shape files from my Geographic Information System

SPATIAL FILES

Do you have a spatial file from your GIS system? You can upload it here.

Description	Filename
access road	access_road.shp
access road	access_road.sbx
access road	access_road.sbn
access road	access_road.shx
access road dbf	access_road.dbf
prelim	prelim_design_upd.shx
prelim	prelim_design_upd.shp
prelim	prelim_design_upd.sbx
prelim	prelim_design_upd.sbn
prelim	prelim_design_upd.dbf
prelim	prelim_design_upd.prj

PRIVACY DECLARATION

PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Personal information is collected by FrontCounter BC under the legal authority of section 26 (c) and 27 (1)(a)(i) of the Freedom of Information and Protection of Privacy Act (the Act).

The collection, use, and disclosure of personal information is subject to the provisions of the Act. The personal information collected by FrontCounter BC will be used to process your inquiry or application(s). It may also be shared when strictly necessary with partner agencies that are also subject to the provisions of the Act. The personal information supplied in the application package may be used for referrals or notifications as required. Personal information may be used by FrontCounter BC for survey purposes. For more information regarding the collection, use, and/or disclosure of your personal information by FrontCounter BC, please contact FrontCounter BC at 1-877-855-3222 or at:

FrontCounter BC Program Director
FrontCounter BC, Provincial Operation
441 Columbia Street
Kamloops, BC V2C 2T3

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization:

Contact Name: Helen Grond

Contact Address: [REDACTED]
Hornby Island BC V0R1Z0

Contact Phone: [REDACTED]

Contact Email: [REDACTED]

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

OFFICE

Office to submit application to: Nanaimo

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

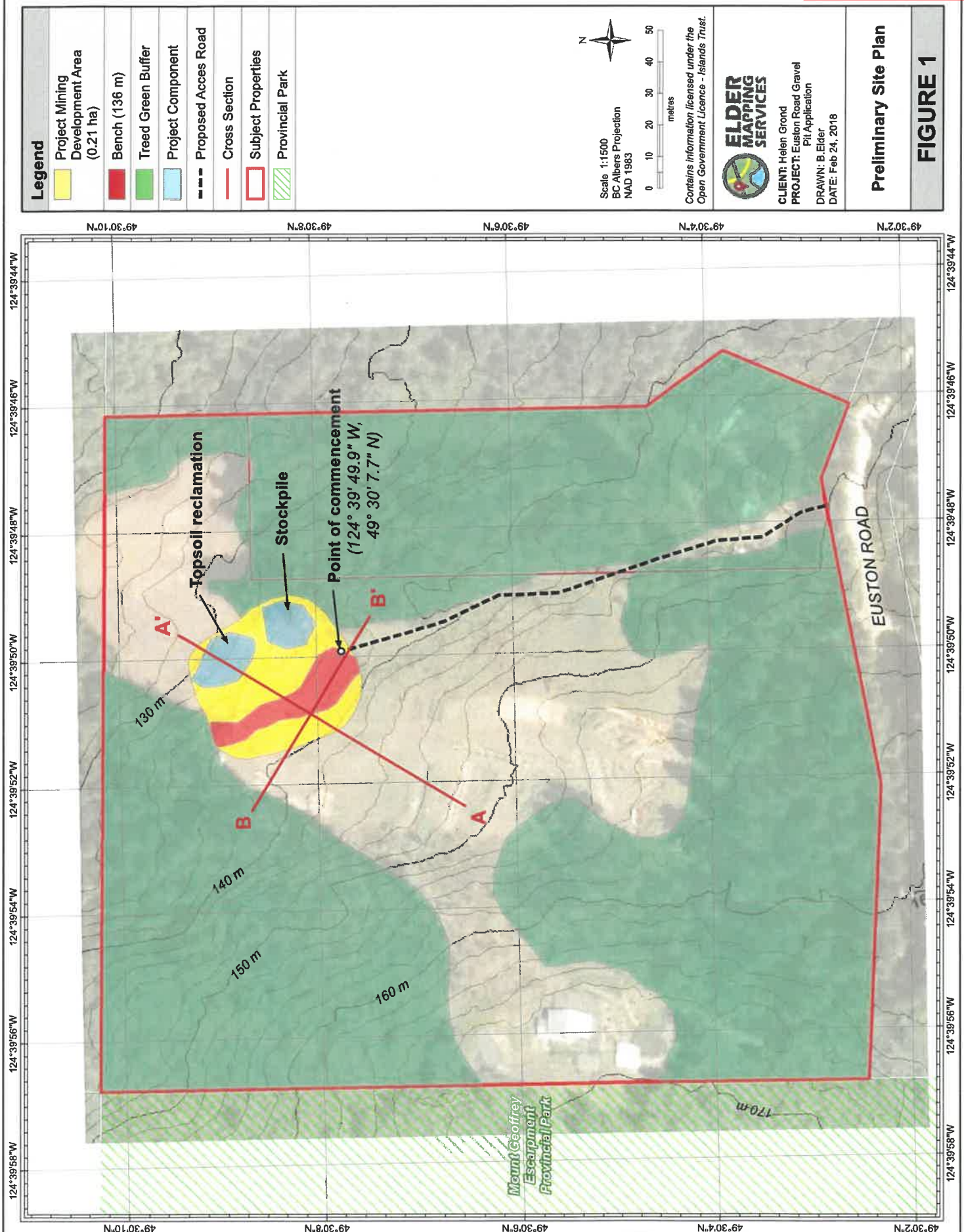
APPLICANT SIGNATURE

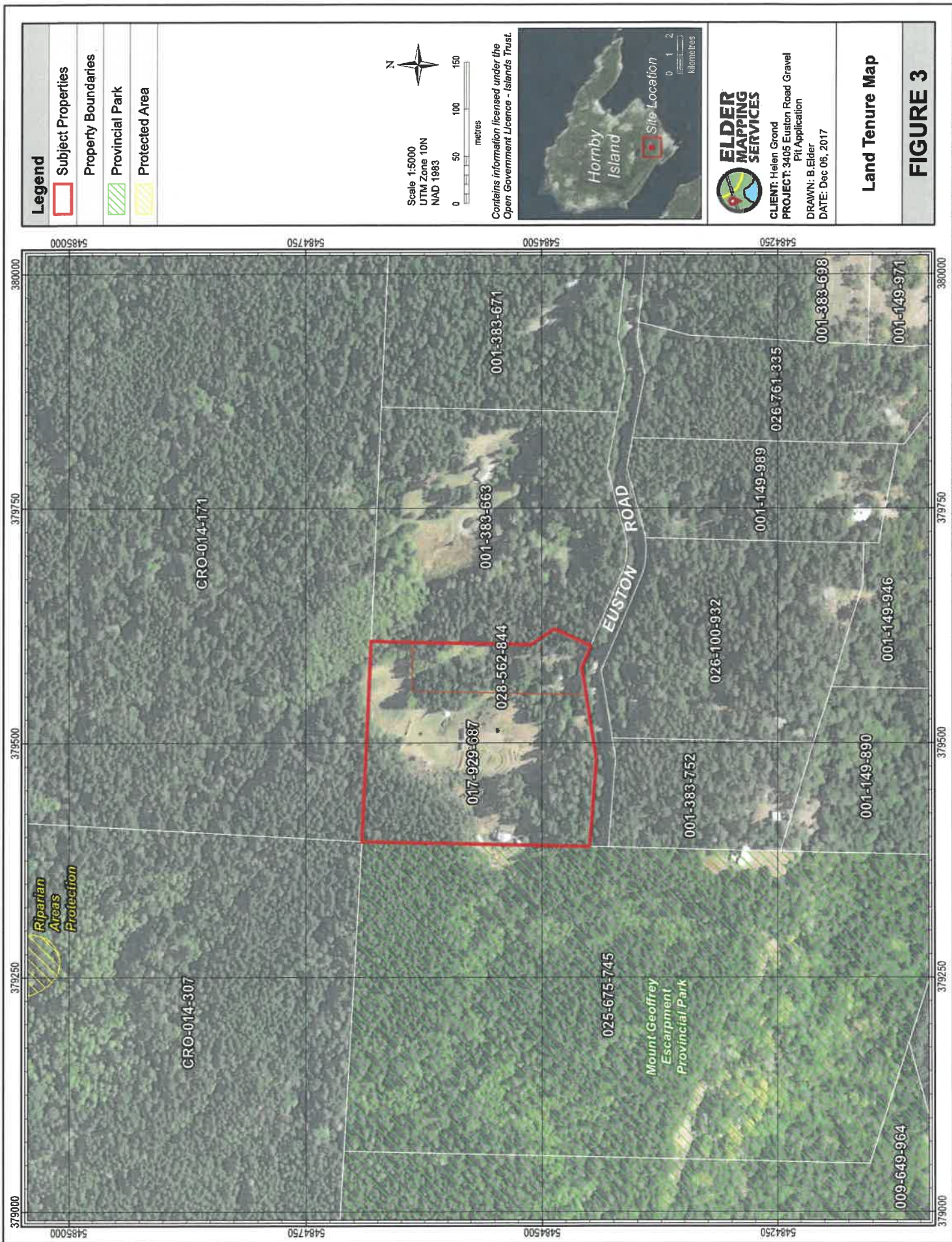
Applicant Signature

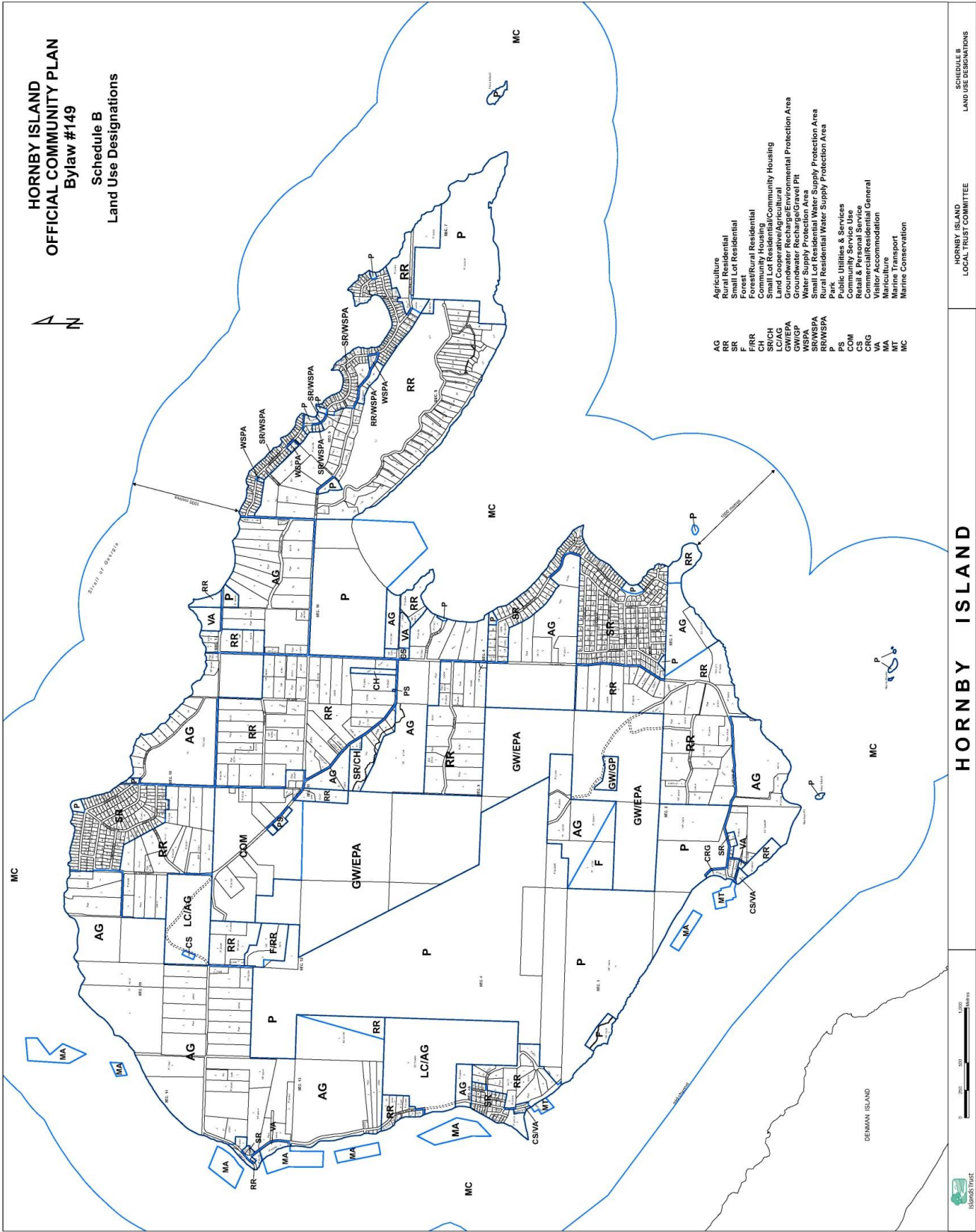
Date

OFFICE USE ONLY

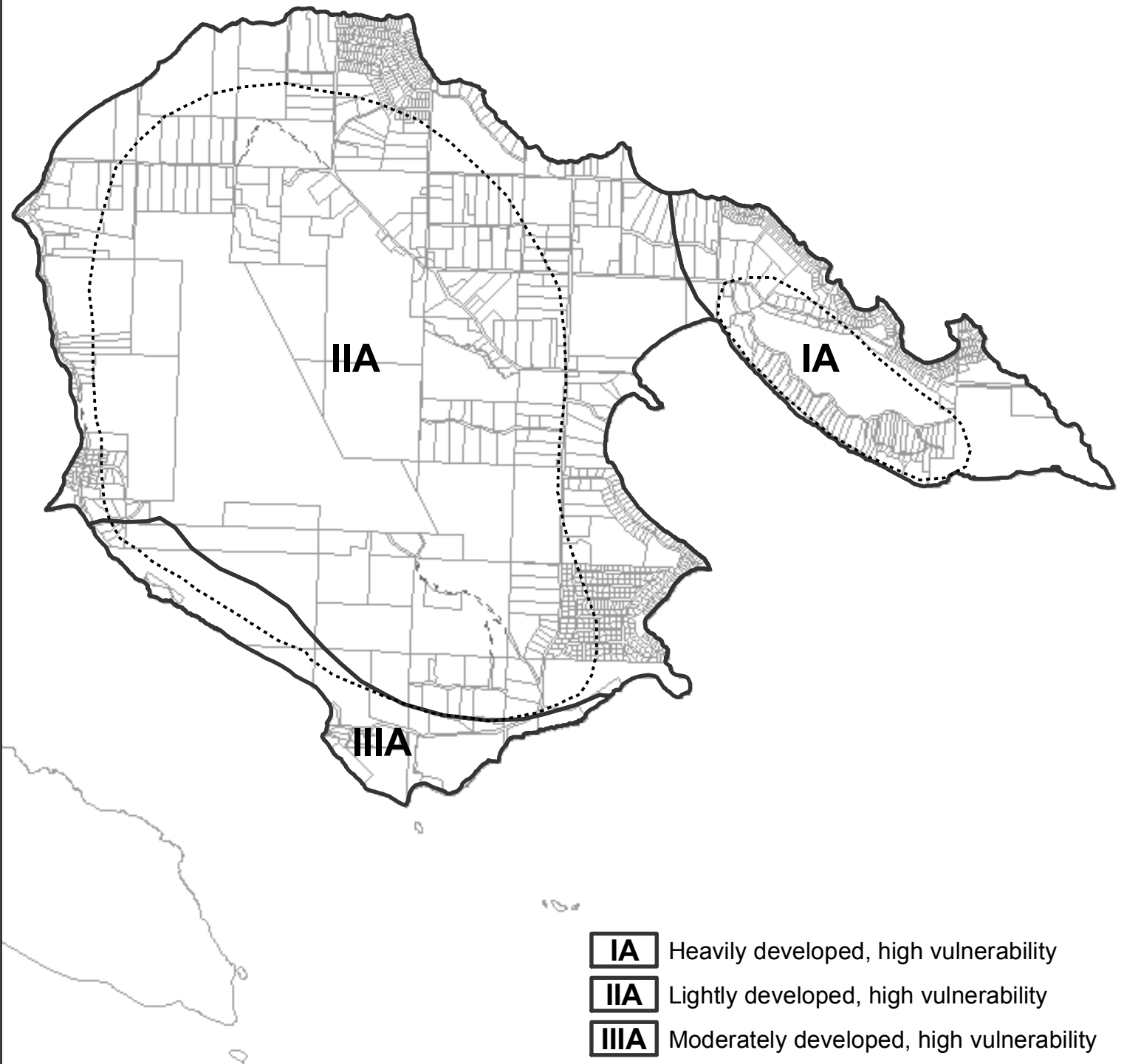
Office Nanaimo	File Number	Project Number
	Disposition ID	Client Number







HORNBY ISLAND OFFICIAL COMMUNITY PLAN Bylaw #149 Schedule D2 Environmentally Sensitive Areas Aquifers



..... Recharge Zones

File No.: HO-RZ-2018.1
(Wiseman)

DATE OF MEETING: April 27, 2018
TO: Hornby Island Local Trust Committee
FROM: Madeleine Koch, Planner 2
Northern Team
SUBJECT: Rezoning Application HO-RZ-2018.1
Applicant: David Wiseman
Location: 5020 Fowler Road

RECOMMENDATION

1. That the Hornby Island Local Trust Committee deny application HO-RZ-2018.1;
2. That the Hornby Island Local Trust Committee add “Land Use Bylaw Amendments” to the Projects List with the associated activity to include “Review Subdivision Lot Area Regulations for the Large Lot (R2) Zone”.

REPORT SUMMARY

The subject property is located at 5020 Fowler Road, at the corner of Fowler and Ostby Roads. The applicant/owner, David Wiseman, proposes to rezone the 3.98 hectare R2 zoned lot to allow a Minimum Average Lot Area of 1.99 hectares. The purpose of the proposal is to allow subdivision of the lot into two parcels (see Attachment 1), so that one of the lots can be sold for residential purposes.

This report provides background information on the subject property’s development history, and an analysis of the legislative and policy frameworks affecting consideration of this rezoning application.

The report also highlights a technical issue regarding the Land Use Bylaw provisions for subdivision in the Residential 2 zone, which was discovered during analysis of this application.

BACKGROUND

The subject property is zoned Large Lot (R2) and is within the Rural Residential (RR) Official Community Plan (OCP) designation. It is not within the Agricultural Land Reserve (ALR); however adjacent properties to the east and west are in the ALR, as are nearby lots to the south (see Attachment 2).

Since 2008, the subject property’s parent parcels have been subdivided twice under former Hornby Island Land Use Bylaw No. 86. In 2016, the landowners made a third subdivision application, under current Hornby Island Land Use Bylaw No. 150, for the purpose of subdividing the subject property into two lots. The Provincial Approving Officer denied the 2016 proposal because the property had insufficient area to meet the Minimum Average Lot Area (MALA). Because MALA cannot be varied (as that would constitute a variance of density), the applicant chose to make this rezoning application. See Attachment 3 for copies of historic subdivision plans involving the subject property.

The applicant contends that the lot would have subdivision potential at present, if not for a surveying error that occurred when the lot was previously subdivided in 2011. Had the 2011 subdivision been configured slightly differently, the subject property could have been 4 hectares in area and thus able to meet a MALA of 2 hectares. However, the MALA for the R2 zone is in fact 4 hectares, not 2 hectares, due to a contradiction in the Land Use Bylaw (LUB) (see Attachment 4). This issue is discussed in detail below, under the “Issues and Opportunities” heading.

The application was made under the assumption that a 2 hectare MALA applies and therefore the rezoning request would allow for the creation of new lots that would be only 0.01 hectares smaller than the permitted lot area. Because the MALA is actually 4 hectares, the requested rezoning would allow lots that are 2.01 hectares smaller than the permitted lot area, which is a more significant request, and at greater odds with applicable OCP content (see Attachment 5).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement Relevant Policies:

Staff have identified the following applicable policies from the Islands Trust Policy Statement (ITPS):

***4.1.5** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.*

***4.1.6** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse effects on agricultural land.*

***5.2.5** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.*

The proposal would increase residential density in proximity to agricultural land, which is not considered a best practice for farm land protection, as higher residential density increases the likelihood of neighbour-to-neighbour conflicts related to odour, noise, and other farm-related nuisances.

Official Community Plan:

The OCP includes the following applicable statements:

***6.1 [Background]** A review of the current and proposed parcels located within the land use categories contained within this plan and the level of land development activities in those categories indicate that there remains a sufficient inventory of lands to allow for sustainable future land use needs over the next five years and beyond*

***[Excerpt from Section 6.3.1 (Residential – General Background)]** Notwithstanding [the housing] challenges [facing Hornby], the location, amount, type and density of current residential lands; in conjunction with the designation of new lands for community housing and the addition of new policies enabling secondary suites and temporary housing; are deemed sufficient to meet anticipated housing needs over the next five years and beyond.*

As a Local Trust Area designated under the Islands Trust Act this document has as its focus the preservation and protection of the Trust Area and is not premised on the unlimited accommodation of housing demands but rather places priority on the preservation and protection of the natural environment of the local trust area.

6.1 [Objectives] (4) *to consider the community benefit in any significant rezoning application*

6.3.3 Rural Residential Background

The Rural Residential designations are intended to promote the retention of large parcels of land, while still providing an opportunity for cooperative land sharing. These rural residential areas are intended to maintain rural aesthetic appeal while permitting home occupation and minimizing the impacts on surrounding land parcels.

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply.

The retention of large parcels is now considered a primary objective. Property owners had the opportunity to resolve joint ownership issues in the past and it is now considered appropriate that the primary objective be to retain the large lots. Some options may still be available to allow subdivision in those situations of lots owned as tenants in common

6.3.3 Rural Residential Objectives [Excerpt of relevant objectives]

- 1) to promote retention of large parcels of land and existing densities;*
- 2) to provide some limited opportunity for land sharing without encouraging subdivision;*

This proposal would increase density within the RR land use designation, which is contrary to OCP objectives. The OCP indicates there is no need for further residential density by way of subdivision at this time. Furthermore, this proposal does not offer a demonstrable community benefit.

Land Use Bylaw:

The Hornby Island Land Use Bylaw No. 150 provides the following applicable density and subdivision provisions:

8.2 – Residential 2 - Large Lot (R2) Zone [Excerpt of relevant sections]

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

- (a) a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares;*
- (b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger;*

(7) No lot may be created by subdivision that has a lot area less than 1.0 hectares.

(8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.0 hectares.

(9) Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares

The 4 hectare MALA stipulated in subsection 8.2(9) overrides the 2 hectare MALA cited in 8.2(8). The proposal would result in lots 2.01 hectares smaller than the R2 zone MALA required by the Land Use Bylaw.

Issues and Opportunities

Inconsistency with the OCP

In accordance with the *Local Government Act*, all bylaws are required to be consistent with the OCP. The OCP includes the following applicable objectives for the Rural Residential (RR) Designation (which coincides with the R2 zone) related to lot size and density:

- 6.3.3(1) to promote retention of large parcels of land and existing densities
- 6.3.3(2) to provide some limited opportunity for land sharing without encouraging subdivision

This proposal would not support objective 6.3.3(1), as it would result in the creation of smaller parcels of land and higher density. Because the lot is currently 3.98 hectares in area, it is 0.02 hectares below the 4 hectare lot area required to be eligible for two dwellings. However, if it were rezoned and subdivided, each lot could have a dwelling.

Objective 6.3.3(2) supports some level of land sharing (such as allowing two dwellings on lots greater than 4 ha), however it specifically discourages subdivision. It should be noted that, in the long term, subdivision constitutes a more permanent creation of density than simply allowing two dwellings per lot by way of zoning. While the Local Trust Committee (LTC) may consider making changes to zoning to gradually phase out uses that no longer serve the public interest, subdivision cannot be reversed except at the initiative of individual property owners.

It should be noted that, even if a 2 hectare MALA did apply and the application was only proposing a minor reduction in permitted MALA, this would not necessarily justify advancing the proposal. Either way, this rezoning would result in an increase in density, which is at odds with OCP objectives. Furthermore, the Local Trust Committee (LTC) should carefully consider the possible implications of setting a perceived precedent of allowing rezoning for the purpose of altering Minimum Average Lot Area to open up subdivision potential – especially in cases like this where the proposal does not make a demonstrable contribution to the public good.

Agricultural Edge Planning Considerations

The properties to the east and west of the subject property are within the Agricultural Land Reserve (ALR). Typically, increasing residential density near agricultural land is not considered best planning practice, due to the potential for conflicts to arise based on odours, noise, and other nuisances that may be associated with operating farms. OCP Policy 6.4.2.6 states “uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts”. If the LTC chooses to advance this proposal, consideration could be given to establishing agricultural buffers on the subject property.

Minimum Average Lot Area Contradiction

The following analysis does not directly impact the proposal. It is addressed here because this proposal brought the issue to light and it should be dealt with. This analysis is also helpful in illuminating the intent of the bylaw, and therefore the extent of the rezoning request.

Section 8.2(8) of the Land Use Bylaw states that the Minimum Average Lot Area (MALA) for the R2 zone is 2 hectares. However, Section 8.2(9) states: “Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares”. Section 8.2(2)(b) permits two dwellings on lots with an area of 4 hectares or more. This effectively triggers a 4 hectare MALA in all instances, since 4 hectares is the minimum area required to be able to subdivide to a MALA of 2 hectares, and it is also the size at which an R2

zoned lot is permitted two legal dwellings, and is therefore subject to a MALA of 4 hectares. It appears that the 2 hectare MALA provision is redundant, as there would be no circumstance in which it could be applied. While a technical interpretation of the LUB makes it quite clear that a MALA of 4 hectares would apply for any subdivision application in the R2 zone, the fact that Section 8.2(8) exists begs the question: what was the intended MALA at the time the bylaw was adopted?

Staff reviewed records from when the Land Use Bylaw was in development in an attempt to ascertain the MALA intended for the R2 zone, but did not find any clear analysis to help answer the question. While a 2014 staff report cites a proposed MALA of 2 hectares for the R2 zone, Hornby Island Official Community Plan No. 149 – adopted in 2016 – includes statements that suggest a larger MALA was intended.

The Rural Residential (RR) Official Community Plan designation coincides with the R2 zone and, as discussed earlier, includes an objective “to promote retention of large parcels of land and existing densities”. Applying a minimum average lot area of 2 hectares would not support the OCP objective to retain larger lots, because the previous Hornby Island LUB No. 86 required a minimum average lot area of 4 hectares, as per the former R3 zoning that was applicable to the subject property (see Attachment 6). Applying a minimum average lot area of 2 hectares would allow the creation of smaller lots than were possible under the previous bylaw, which is not the intent expressed in the OCP. Based on applicable OCP objectives, it appears that a 4 hectare MALA is more appropriate for the R2 zone.

Further exploration of this issue via a land use bylaw amendment project is recommended.

Rationale for Recommendation

Staff recommends that the application be denied. This recommendation is based on the proposal’s lack of compatibility with OCP statements that encourage retention of large lots and existing densities within the Rural Residential Designation. Secondary reasons for the recommendation are: the fact that the proposal would increase residential density near agricultural lands, and the proposal’s lack of demonstrable public benefit.

It is also recommended that the wording regarding the R2 zone MALA be clarified through an amendment bylaw at the same time as other minor bylaw issues are addressed. The staff recommendation is noted on page 1 of the report.

ALTERNATIVES

1. Request further information

That the Hornby Island Local Trust Committee request staff to obtain further information from the applicant including [specific information to be provided].

2. Refer Application to APC for Comment

That the Hornby Island Local Trust Committee request staff to forward the application to the Hornby Island Advisory Planning Commission for comment.

3. Proceed with Application Process

That the Hornby Island Local Trust Committee request staff to proceed with the application process by preparing a staff report including draft bylaws and recommended referrals.

Staff note that an OCP amendment would require the applicant to pay an additional fee of \$550.00.

NEXT STEPS

If the LTC moves the recommendation, staff would close the file and issue a partial refund to the applicant in the amount of \$1650.00 as per the Hornby Island Fees Bylaw No. 132.

Submitted By:	Madeleine Koch, MCIP, RPP Planner 2	April 11, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 17, 2018

ATTACHMENTS

1. Proposed plan of subdivision
2. ALR Map
3. Historic subdivision plans
4. Large Lot (R2) zone
5. Rural Residential OCP Designation
6. Previous zoning applicable to the subject property (Excerpt from Bylaw 86)



458.6 0 229.3 458.6 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Islands Trust



1:9,028

April 11, 2018

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Islands Trust makes no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



LEGEND - Base Maps

-  Property Boundary
-  Roads
-  Water Courses
-  Lakes
-  Zoning Boundary
- Zoning Class
 -  Not Zoned
 -  Commercial/Industrial
 -  Community
 -  Residential
 -  Resource
 -  Water
- Contours
 -  Index Contour
 -  Intermediate Contour

LEGEND - Operational Layers

-  Agriculture Land Reserve
-  First Nations Reserves

8.2 Residential 2 – Large Lot (R2) Zone

Permitted Uses

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

Permitted Buildings, Structures and Density

- (2) The following buildings and structures are permitted, subject to the regulations set out in this Section and Part 3, and all other buildings and structures are prohibited:
 - (a) a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares;
 - (b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger; and
 - (c) accessory buildings and structures.
- (3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare.

Siting and Size

- (4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:
 - (a) 8.0 metres from a front lot line;
 - (b) 8.0 metres from a rear lot line;
 - (c) 8.0 metres from any interior side lot line; and
 - (d) 8.0 metres from any exterior side lot line.
- (5) The floor area of a residential dwelling unit must not exceed 300 m².
- (6) The total combined floor area of all accessory buildings on a lot must not exceed 200 m².

Subdivision Lot Area Requirements

- (7) No lot may be created by subdivision that has a lot area less than 1.0 hectares.
- (8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.0 hectares.

Other Regulations

- (9) Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares.

6.3.2.14 Home occupations should be limited to those occupations that would result in no increase in sewage treatment requirements.

6.3.2.15 Vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.

6.3.2.16 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.2.17 The Local Trust Committee should encourage and support initiatives to monitor and address impacts of concentrated development upon health, safety and the environment in this area.

6.3.3 Rural Residential

Background:

The Rural Residential designations are intended to promote the retention of large parcels of land, while still providing an opportunity for cooperative land sharing. These rural residential areas are intended to maintain rural aesthetic appeal while permitting home occupation and minimizing the impacts on surrounding land parcels.

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply.

The retention of large parcels is now considered a primary objective. Property owners had the opportunity to resolve joint ownership issues in the past and it is now considered appropriate that the primary objective be to retain the large lots. Some options may still be available to allow subdivision in those situations of lots owned as tenants in common.

Area

The areas identified on Schedule B (Map Designations) as RR (Rural Residential) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to promote retention of large parcels of land and existing densities;
- (2) to provide some limited opportunity for land sharing without encouraging subdivision;
- (3) to enable some residents to resolve existing land sharing challenges; and
- (4) to allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated rural residential and to ensure minimal negative impact on neighbouring properties.

Policies:

6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.

6.3.3.2 Exceptions to policy 6.3.3.1 may apply on property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of

0.4047 hectare (1 acre) with an average lot size of one hectare (2.47 acres) may be considered for subdivision.

- 6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character.
- 6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.
- 6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities.
- 6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.
- 6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.
- 6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported.
- 6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.4 Forest

Background:

Land in this category has high scenic, aesthetic and ecological value and includes some of Hornby's highly visible elevated land. It is made up of important forested water catchment areas and areas of very steep slope (which are identified on schedule F).

There are many long established and well-used trails enabling public enjoyment of the forest landscape and the scenic viewpoints on the escarpments. Potential for land slippage exists in the steeply sloping areas, evidenced by the closure of the shoreline road from Ford Cove to Shingle Spit due to persistent slides. Public access for recreation is of prime importance to the community. The uniqueness of these areas is intended to be preserved while allowing residential use. Because these areas are vital for water catchment, ground disturbance should be minimized and forest cover retained in order to protect the groundwater recharge function. The whole of the west side of Mt. Geoffrey, known as The Bench, is a slump area particularly vulnerable to earthquake activity.

Area

The areas identified on Schedule B (Map Designations) as F (Forest) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are to:

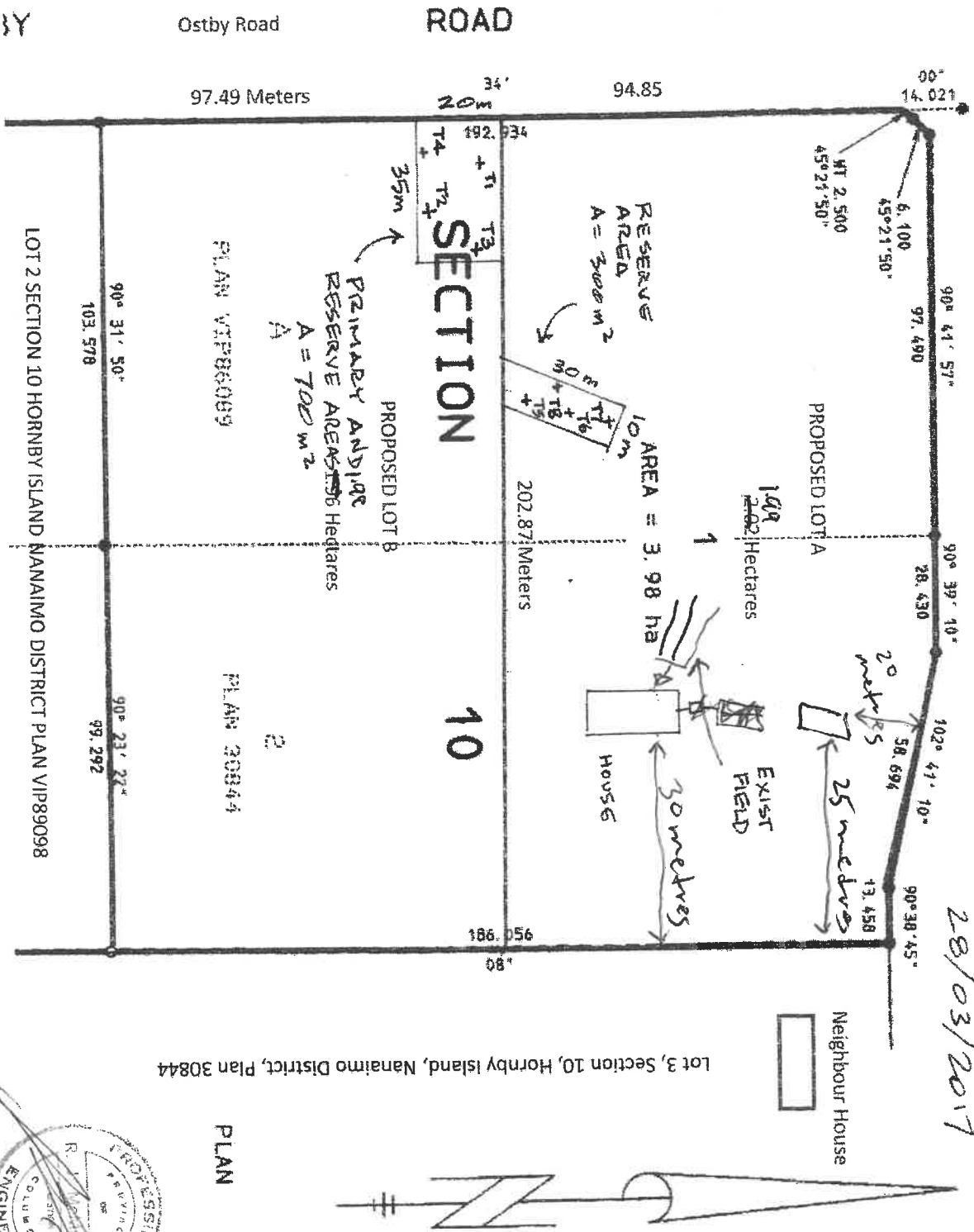
- (1) preserve scenic, aesthetic and ecological values;
- (2) minimize ground disturbance and retain forest cover in order to protect water catchment areas;
- (3) preserve traditional public trail access through forested areas especially to escarpment view points;
- (4) promote retention of large parcels of land;
- (5) provide some limited opportunity for land sharing without encouraging subdivision,

Drawn: March 3, 2016

PROPOSED DISPERSAL
AREAS FOR SEPTIC.

W
-C
..
70
3

28/03/2017



104

PLAN OF SUBDIVISION OF LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 30844.

PURSUANT TO SECTION 946 OF THE LOCAL GOVERNMENT ACT.

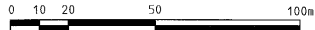
B. C. G. S. 92F. 057

PLAN VIP
86089

DEPOSITED IN THE LAND TITLE OFFICE
AT VICTORIA, B. C., THIS
19 DAY OF December, 2008

REF: *C. Johnston per [signature]*
FB237795 REGISTRAR

SCALE: 1:1250 (METRIC)



ALL DISTANCES ARE IN METRES

LEGEND:

BEARINGS ARE ASTROMOMIC AND ARE DERIVED
FROM PLAN 30844.

- STANDARD IRON POST FOUND
- STANDARD IRON POST SET

ALL DISTANCES ARE IN METRES AND DECIMALS
THEREOF UNLESS OTHERWISE NOTED.

OWNER: *David Paul Wiseman*
DAVID PAUL WISEMAN

OWNER: *Joan Harris*
JOAN HARRIS

WITNESS: *[Signature]*
532 11th St Courtenay
ADDRESS OF WITNESS
Administrator SD#71
OCCUPATION OF WITNESS

THE REGISTERED OWNERS DESIGNATED HEREIN HEREBY
DECLARE THAT THEY HAVE ENTERED INTO A COVENANT
IN FAVOUR OF HORNBY ISLAND LOCAL TRUST COMMITTEE
UNDER SECTION 219 OF THE LAND TITLE ACT.

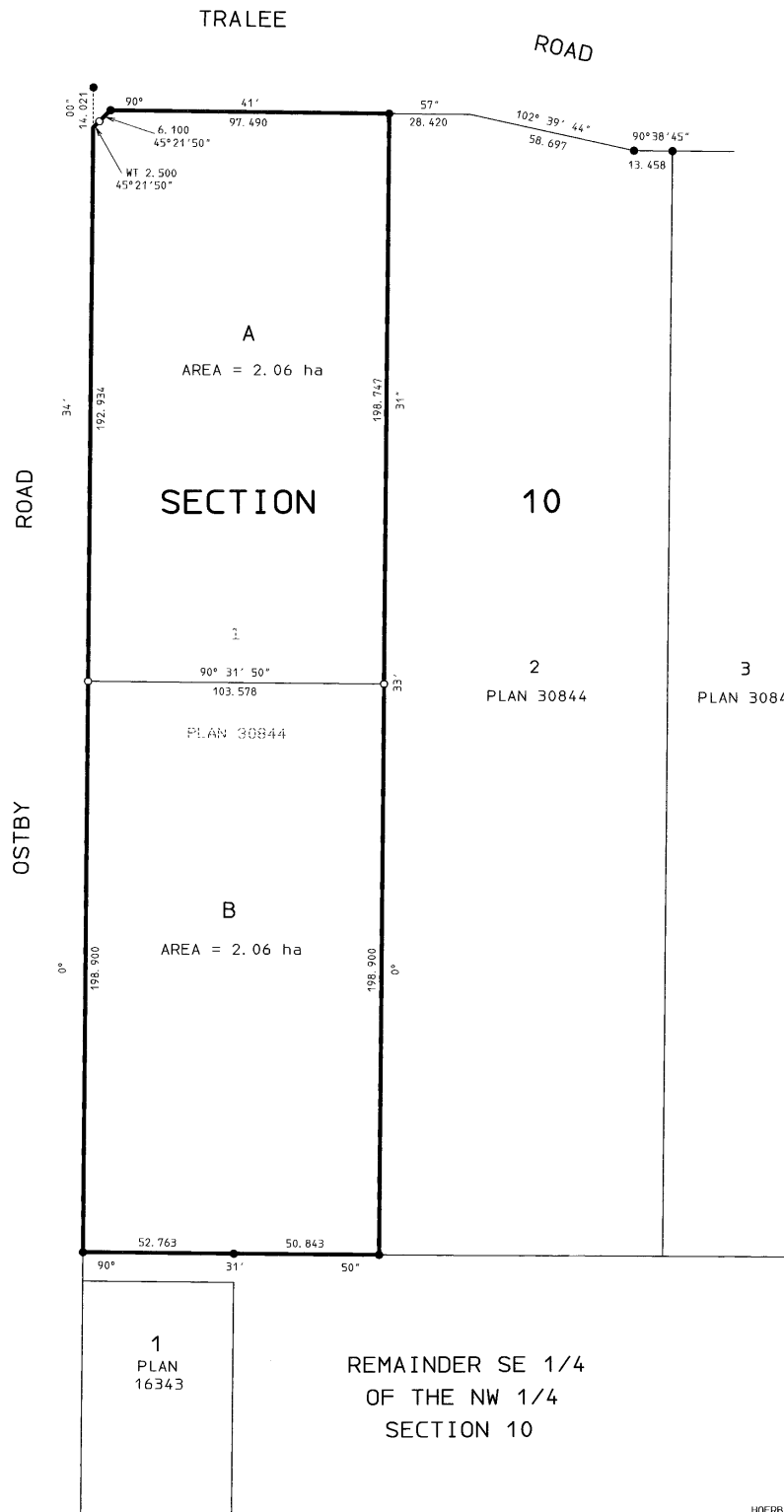
APPROVED UNDER THE LAND TITLE ACT
DATED THIS 11 DAY OF Dec, 2008.

[Signature]
APPROVING OFFICER FOR THE
MINISTRY OF TRANSPORTATION

THIS PLAN LIES WITHIN THE COMOX
VALLEY REGIONAL DISTRICT.

I, STEVEN R. HOERBURGER, A BRITISH COLUMBIA LAND SURVEYOR
OF COMOX, IN BRITISH COLUMBIA, CERTIFY THAT I WAS
PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY
REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND
PLAN ARE CORRECT.
THE FIELD SURVEY WAS COMPLETED ON THE 16TH DAY OF
JULY, 2008. THE PLAN WAS COMPLETED AND CHECKED, AND
THE CHECKLIST FILED UNDER NO. 84055, ON THE 17TH DAY OF
JULY, 2008.

[Signature]
B. C. L. S.



REMAINDER SE 1/4
OF THE NW 1/4
SECTION 10

HOERBURGER LAND SURVEYORS
COMOX, B. C.
890 - 0100
FILE: 1375SUB/118.29 FB54/16 USB3

PLAN OF SUBDIVISION OF LOTS A AND B, PLAN VIP86089;
AND LOT 2, PLAN 30844:
ALL OF SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT.

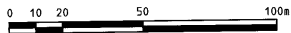
PLAN VIP **89098**

B. C. G. S. 92F.057

DEPOSITED IN THE LAND TITLE OFFICE
AT VICTORIA, B. C., THIS
12 DAY OF September, 2011

C. MacDonald *pm*
REG. FB434463 REGISTRAR

SCALE: 1:1250 (METRIC)



ALL DISTANCES ARE GROUND LEVEL, HORIZONTAL, IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 560 mm
IN HEIGHT BY 432 mm IN WIDTH (C SIZE) WHEN
PLOTTED AT A SCALE OF 1:1250.

LEGEND:

BEARINGS ARE ASTRONOMIC AND ARE DERIVED
FROM PLAN VIP86089.

- STANDARD IRON POST FOUND
- STANDARD IRON POST SET

ALL DISTANCES ARE IN METRES AND DECIMALS
THEREOF UNLESS OTHERWISE NOTED.

OWNER: *David Paul Wiseman*
DAVID PAUL WISEMAN

OWNER: *Joan Harris*
JOAN HARRIS

WITNESS: *Laurie Nixon*
2435 W. Carmichael Rd. Hornby Is.
ADDRESS OF WITNESS
Bookkeeper
OCCUPATION OF WITNESS
Laurie Nixon

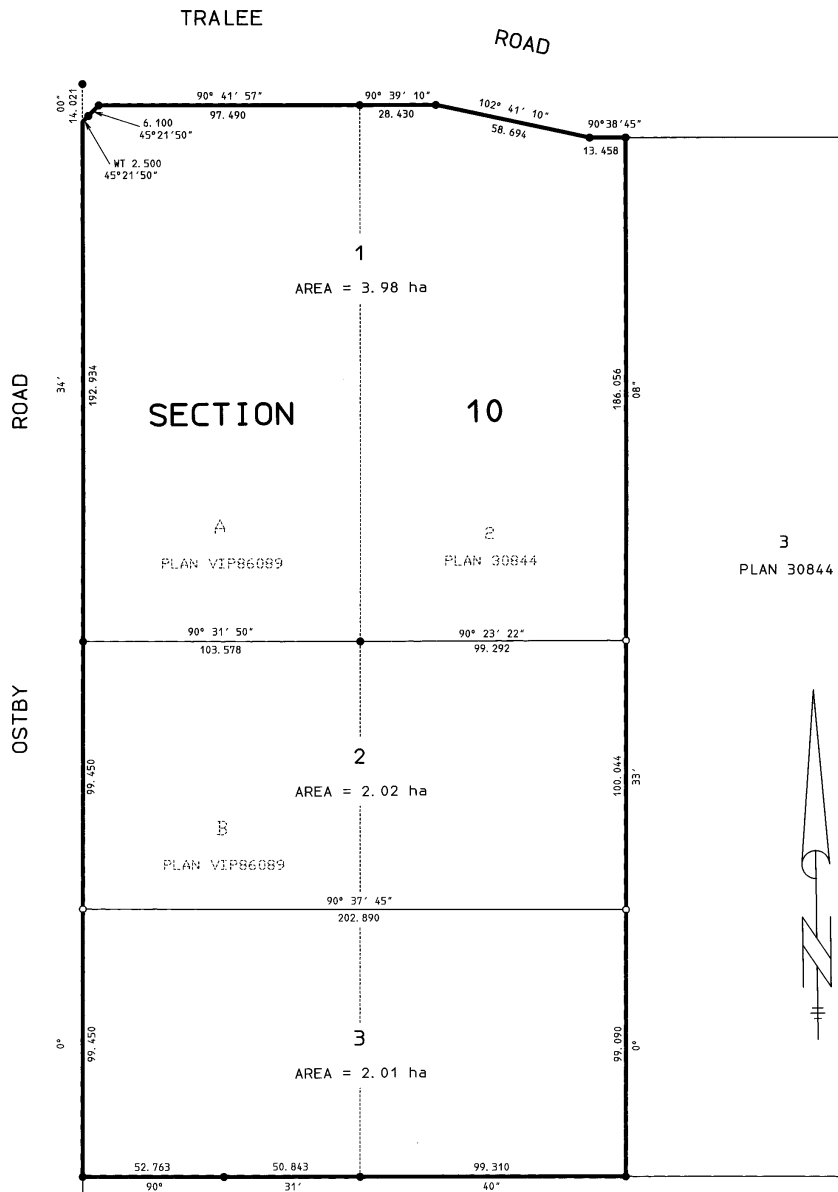
APPROVED UNDER THE LAND TITLE ACT
DATED THIS 30 DAY OF August, 2011.

R. W. H.
APPROVING OFFICER FOR THE MINISTRY OF
TRANSPORTATION AND INFRASTRUCTURE.

THIS PLAN LIES WITHIN THE COMOX
VALLEY REGIONAL DISTRICT.

I, STEVEN R. HOERBURGER, A BRITISH COLUMBIA LAND SURVEYOR
CERTIFY THAT I WAS PRESENT AT AND PERSONALLY
SUPERINTENDED THE SURVEY REPRESENTED BY THIS
PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT.
THE FIELD SURVEY WAS COMPLETED ON THE 26th DAY OF
JULY, 2011. THE PLAN WAS COMPLETED AND CHECKED,
AND THE CHECKLIST FILED UNDER #125929, ON THE 2nd
DAY OF AUGUST, 2011.

Steven R. Hoerbuerger
B. C. L. S.



HOERBURGER LAND SURVEYORS
COMOX, B. C.
(250) 890-0100
FILE: 1375502/132.27 FB61/98 USB3

original

HOME OCCUPATION REGULATIONS

- 9.8.12 Despite Section 4.1.2, no person may be employed in any home occupation who is not a permanent resident of the lot on which the home occupation is located.

9.9 RURAL RESIDENTIAL (R3) ZONE (Large Lot Residential areas)

PERMITTED USES

BL 143

- 9.9.1 In the Rural Residential (R3) Zone the following uses are permitted, subject to the regulations set out in this Section 9.9 and to the general regulations set out in Part 3.0, and all other uses are prohibited:

- 9.9.1.1 Residential
- 9.9.1.2 Agriculture
- 9.9.1.3 Silviculture
- 9.9.1.4 Home occupation
- 9.9.1.5 Bed and breakfast
- 9.9.1.6 Accessory uses.
- 9.9.1.7 Vacation Home Rental Use

PERMITTED DENSITY

BL 109

- 9.9.2 One residential dwelling unit is permitted per lot, and one additional residential dwelling unit is permitted for each 4 ha (9.8 acres) of lot area over 4 ha (9.8 acres).
- 9.9.3 One secondary dwelling unit is permitted on each lot having an area greater than 3.5 ha (8.6 acres).
- 9.9.4 Despite Sections 9.9.2 and 9.9.3, two residential dwelling units are permitted per lot over 4 hectares on residential lots created from the subdivision of Lot A, Plan VIP58906, Section 12, Hornby Island, Nanaimo District.
- 9.9.5 Lot coverage must not exceed 10% of any lot having an area of 1 ha (2.5 acres) or more nor 15% of any lot having a smaller area.
- 9.9.6 The total floor area of any accessory building on a lot must not exceed 200 m² (2152 ft²).

MINIMUM SETBACKS

- 9.9.7 Buildings and structures must be set back
- 9.9.7.1 at least 15 m (49.2 ft) from and 1.5 m (5 ft) above the natural boundary of any lake, watercourse or the sea;
 - 9.9.7.2 at least 8 m (26.2 ft) from a front lot line;
 - 9.9.7.3 at least 8 m (26.2 ft) from a rear lot line, or 6 m (19.6 ft) in the case of a lot having an area less than 4000 m² (1 acre);

9.9.7.4 at least 6 m (19.6 ft) from an interior side lot line, or 3 m (9.8 ft) in the case of a lot having an area less than 4000 m² (1 acre); and

9.9.7.5 at least 8 m (26.2 ft) from an exterior side lot line, or 6 m (19.6 ft) in the case of a lot having an area less than 4,000 m² (1 acre).

9.9.8 Where fill is used to achieve the elevation required in Section 9.9.6, no portion of the fill slope may be less than 15 m (49.2 ft) from the natural boundary and the face of the fill slope must be adequately protected against erosion by floodwaters.

9.9.9 Buildings and structures must be set back at least 15 m (49.2 ft) from the edge of any cliff, or at least 10 m (33 ft) if the owner provides to the Islands Trust a certification signed by a professional engineer with experience in geotechnical engineering that the siting of the building or structure is safe.

9.9.10 Satellite dish antennas and parabolic reflectors must be set back at least 8 m from all lot lines.

BL 133

9.9.11 Feeding troughs, manure piles, buildings and structures for housing animals must be set back at least 30 m (98.4 ft) from the natural boundary of any lake, watercourse or the sea.

9.9.12 The keeping of livestock or birds and the siting of buildings or structures used for housing livestock or poultry is prohibited within 15 m (49.2 ft) of the natural boundary of any lake, watercourse or the sea.

9.9.13 Feeding troughs, manure piles and buildings and structures for housing animals must be set back at least 8 m (26.2 ft) from all lot lines.

9.9.14 Buildings and structures used for the commercial growing of mushrooms, the commercial raising of fur bearing animals or more than 100 birds, and commercial feedlots must be set back at least 61 m (200 ft) from any highway, 46 m (150 ft) from any lot line, and 30 m (98 ft) from the natural boundary of any lake, watercourse or the sea.

9.9.15 All privies must be set back at least 8 m (26 ft) from all lot lines.

MINIMUM AND AVERAGE LOT SIZE

9.9.16 No lot having an area less than 1 ha (2.5 acres) may be created by subdivision, and the average size of lots created by any subdivision must be at least 4 ha (9.8 acres).

PARKING AND SCREENING REGULATIONS

9.9.17 Motor vehicle parking spaces must be provided for all permitted uses in accordance with Part 5.0 of this bylaw.

9.9.18 Outdoor storage and parking areas must be screened in accordance with Part 6.0 of this bylaw.

AGRICULTURAL USE REGULATIONS

- 9.9.19 Commercial raising of domestic animals and poultry is not permitted on lots having an area less than 1 hectare (2.5 acres)

BL 127

SITE SPECIFIC ZONING VARIATION- R3(a)

The purpose of the R3(a) site-specific zoning variation is to provide regulations for larger lots with two-owners and owned in common since 1991.

- 9.9.20 The regulations listed in this table apply to the land identified on Schedule B (the zoning map) by the site-specific variation zoning code listed below on the left:

Site-specific Zoning Code	Site-specific Regulations
R3(a)	1. Despite Subsection 9.9.1.2, Agriculture is permitted accessory to a residential use. 2. Despite subsection 9.9.1.3, Silviculture is permitted accessory to a residential use. 3. Despite Subsection 9.9.2, on lots less than 4.0 hectares in area, a maximum of one residential dwelling unit is permitted per lot, on lots 4.0 hectares or larger a maximum of two residential dwelling units are permitted per lot. 4. Despite Subsection 9.9.3, secondary dwelling units are not permitted. 5. Despite Subsection 9.9.16, the minimum size of lots created by subdivision is 1.0 hectares (2.5 acres) and the minimum average lot size must be at least 1.6 hectares (4.0 acres).

9.9A LARGE LOT RESIDENTIAL/WATER RESOURCE PROTECTION (LR/WSPA) ZONE

BL 111

PERMITTED USES

BL 143

- 9.9A.1 In the Large Lot Residential/Water Resource Protection (LR/WSPA) zone the following uses are permitted, subject to the regulations set out in this Section 9.9A and to the general regulations set out in Part 3.0, and all other uses are prohibited:

9.9A.1.1	Residential
9.9A.1.2	Agriculture
9.9A.1.3	Silviculture
9.9A.1.4	Home occupation
9.9A.1.5	Bed and breakfast
9.9A.1.6	Accessory uses.
9.9A.1.7	Vacation Home Rental Use

PERMITTED DENSITY

- 9.9A.2 One residential dwelling unit is permitted per lot.

DATE OF MEETING: April 27, 2018

TO: Hornby Island Local Trust Committee

FROM: Teresa Ritemann, Planner 2
Northern Team

SUBJECT: Vacation Home Rental Policy Review Project –
Vacation Home Rental Enforcement and Community Education Campaign Project

RECOMMENDATION

1. That the Hornby Island Local Trust Committee remove the completed “Vacation Home Rental Policy Review Project” from the Top Priorities List and replace with a “Vacation Home Rental Community Education and Bylaw Enforcement Campaign” project.
2. That the Hornby Island Local Trust Committee endorse the Project Charter for the Vacation Home Rental Community Education and Bylaw Enforcement Campaign, version 1 [as amended].
3. That the Hornby Island Local Trust Committee allocate \$750 from the Hornby LTC Special Projects 2018-19 budget to cover costs associated with the Vacation Home Rental Community Education and Bylaw Enforcement Campaign.
4. That the Hornby Island Local Trust Committee adopt the following Standing Resolution:
 1. That the Hornby Island Local Trust Committee suspend enforcement actions against unlawful Vacation Home Rentals until January 1, 2019.

REPORT SUMMARY

This purpose of this report is to update the Hornby Island Local Trust Committee (LTC) on the status of the Vacation Home Rental (VHR) Policy Review Project, and to outline a potential plan for a VHR Community Education and Bylaw Enforcement Campaign to help manage VHRs on Hornby Island. It is recommended that the LTC formalize this project by adding it the Top Priorities list, and to allocate funding related to implementation.

BACKGROUND

One of the VHR Policies in the OCP states that, “*The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017*”. In response to this, the LTC added a policy review of VHR regulations to the Top Priorities Project in January 2017. A revised Project Charter was endorsed by the LTC in July 2017 (see Attachment 1), and a Community Outreach Survey was conducted in August/ September 2017. At the December 1, 2017 regular business meeting, the LTC passed the following resolution:

HO-2017-060

That the Hornby Island Local Trust Committee request Staff to research and provide options to address Vacation Home Rentals in the context of Official Community Plan policies, focusing on:

- a) education and advocacy on best practices, particularly with respect to water use and waste proposal in consultation with the Islands Trust Freshwater Specialist and relevant agencies;
- b) information and possible enforcement approaches to address existing regulations, particularly with respect to occupancy levels; and
- c) adjustment to existing regulations where these have not been administratively effective.

To address the LTC's request of Staff in the above resolution, the remainder of this report proposes a potential next step for the VHR Project on Hornby Island by way of a public education and bylaw enforcement campaign.

ANALYSIS

Following analysis of the results of the 2017 survey, it became apparent that the use of VHRs is an ongoing issue that continues to divide the community. Although most survey respondents felt that all types of VHRs had an overall positive impact in the community in many ways, the community was most concerned about the negative impacts of number of issues (namely water use, waste generation/disposal, ferry waits/lineups, potential nuisances, and availability of permanent housing for residents). General survey responses indicated:

- The community supports VHRs because of the financial boost that vacationers bring to the local economy. They want to continue to have a sustainable, viable community and economy, complete with services and jobs.
- The community enjoys the current flexibility and option of renting their homes to vacationers for additional income, and that feels that the current VHR regulations are adequate but must be enforced fairly and consistently for all VHRs.
- The community wants to continue to enjoy Hornby Island's beauty and uniqueness, and wants vacationers to be informed and respectful of the "Hornby way" (local community values and culture).
- The community does not want VHRs to be an overall detriment to:
 - The available and affordable housing options for year-round residents (especially to encourage and enable families and young people to remain on Hornby either by renting or owning their own homes);
 - The state of the environment (amount of freshwater resource use, amount of garbage/waste generated/disposed of, septic capacity of a property);
 - The overall character of their residential neighbourhoods (nuisances such as noise, odour, pets, property encroachments, parking, risk of fire etc.); and
 - The population and carrying capacity of the island, especially in terms of ferry waits and line-ups (negatively affecting community members' ability to travel/commute).

Now that a review of the VHR regulations has taken place with the community (as per the OCP policy), it is clear that there is community support that the current VHR regulations are likely adequate; however, that the existing VHR regulations need to be enforced fairly and consistently, which likely goes hand-in-hand with public education for a clear community understanding of what the current VHR regulations and OCP policies are.

Issues and Opportunities

Bylaw Enforcement

Without a proactive education and enforcement campaign, VHR owners/operators may operate unlawfully, and visitors may use VHRs without an understanding of “best practices” of vacation rentals on the island. The education and enforcement plan outlined in this report is intended to create greater compliance with LTC bylaws by reducing the number of unlawful VHRs, increasing the number of VHRs operating under best practices, and therefore reducing the number of potential complaints. Should the LTC move forward with this campaign, resources from Bylaw Enforcement may need to be reallocated; however, the recommended short-term suspension of bylaw enforcement action, via a Standing Resolution to permit the education and communication aspects of this VHR campaign strategy should provide adequate time for voluntary compliance without the immediate risk of enforcement.

Communications Plan

To further the objectives of this proposed campaign, the following table identifies the actions, responsibilities, and a suggested timeline (as noted in the proposed new Project Charter, Attachment 2):

Action	Details	Responsibility	Timeline
Compile a list of current VHR operators	- Review existing enforcement files - Identify on-line listings for unlawful VHRs - Map locations of existing VHRs	Bylaw Enforcement	May – June 2018
Prepare communications media	- Create and update a VHR Campaign webpage - Prepare a Frequently Asked Questions (FAQ) document - Prepare communications to be included in the newspaper	Planning Staff	May – June 2018
Distribute public communications and informational letter to VHR operators	Send informational letter to individuals who may be operating a VHR: - Explain existing VHR regulations of LUB and OCP Policies - Include information/suggestions for best practices to address water usage, waste generation and disposal, ferry waits and lineups, potential nuisances, and the availability of permanent housing for residents.	Planning Staff	Summer 2018
Distribute Bylaw Enforcement Letters	- Enforcement letter to operators who have not applied for TUP or rezoning or ceased the STVR - Issue warning notices	Bylaw Enforcement	December 2018 – January 2019
Enforcement of unlawful VHRs	Assess outstanding unlawful STVRs and issue Bylaw Violation Notices when necessary	Bylaw Enforcement	February 2019 – ongoing

Consultation

Community education and communication methods, resources, and timelines would follow the above table. However, the LTC may decide to consult the community further.

Rationale for Recommendation

Following the conclusion of the policy-review portion of this VHR Project, implementing a plan to move forward with a VHR Community Education and Bylaw Enforcement Campaign could help make the current VHR regulations more widely-known in the community, help ensure they are fairly and consistently enforced, and also address the community's top concerns about VHRs, as recommended on page 1 of this report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

2. Direct Staff to Propose Alternate Next Steps for the VHR Policy Review Project

The LTC may have other ideas for the next steps of this project. In this case, the LTC should direct staff to propose alternate next steps. Staff would then amend the VHR Policy Review Project Charter accordingly.

NEXT STEPS

Assuming a VHR Community Education and Bylaw Enforcement Campaign proceeds, Staff will advance the Project according to the Project Charter.

Submitted By:	Teresa Ritemann, MCIP, RPP Planner 2	April 10, 2018
Concurrence:	David Marlor, MCIP, RPP Director, Local Planning Services	April 10, 2018

ATTACHMENTS

1. VHR Policy Review Project – Project Charter v.2.1 – Endorsed by LTC July 7, 2017
2. VHR Community Education and Bylaw Enforcement Campaign – Draft Project Charter v.1

Vacation Home Rental Policy Review Project Charter v. 2.1

Hornby Island Local Trust Committee

Date: July 7, 2017

Purpose This project will review, with the community, the recent policies and regulations implemented to permit Vacation Home Rentals on Hornby Island, to identify improved approaches through education, regulation and enforcement.

Background In 2012, the Hornby Island Official Community Plan (OCP) and Land Use Bylaw (LUB) were amended to provide policies and regulations respecting vacation home rental (VHR) use. The OCP states, *"The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017"*.

Objectives

- Identify and analyze the impacts of Vacation Home Rentals on Hornby Island
- Engage the Hornby Island community for "on the ground" feedback on Vacation Home Rentals
- Improve balanced enforcement of Vacation Home Rentals
- Possible improvements to Vacation Home Rental policies and guidelines

Scope & Deliverables

- Community consultation to identify benefits and impacts of Vacation Home Rentals (VHRs) and solicit input on range of options for approaches to managing VHRs
- Recommendations for adjustments to policies and guidelines in the OCP and LUB

Workplan Overview

Deliverable/Milestone	Date
Conduct community survey to compile baseline information on benefits and drawbacks of VHR uses, on current & best practices/approaches for managing VHRs	Summer 2017
Report to LTC and community presenting results of the survey, e.g. CIM/other	Fall 2017
Staff assessment of administrative/permitting/enforcement issues, best practices and potential additional tools	Fall - Winter 2017
Community and agency consultation to solicit community input on recommended options for adjustments to policies and regulations, e.g. focused consultation with APC and other relevant community groups.	Winter 2017
LTC consideration of community input and staff recommendations	Spring 2018

Project Team

Hornby Island Planner	Project Manager
Wil Cottingham, Office Admin Asst.	Meeting arrangement

RPM Approval:

Ann Kjerulf

Date: June 30, 2017

LTC Endorsement:

Date: July 7, 2017

Budget

Budget Sources: Vacation Home Rental Policy Review 2017-18 & Special Projects 2017-2018

Fiscal	Item	Cost
17/18	Community Survey	\$500
17/18	Community consultation	\$500
	Total	\$1000

Vacation Home Rental Community Education and Bylaw Enforcement Campaign

— **DRAFT** Project Charter v.1

Hornby Island Local Trust Committee

Date: April 27, 2018

Purpose to undertake an education and enforcement process to increase community awareness of and compliance with Hornby Island Local Trust Committee (LTC) bylaws for Vacation Home Rentals (VHRs).

Background This campaign is a result of the completion of the VHR Policy Review Project in 2017-2018. The LTC bylaws provide for the regulation of VHRs. The Hornby LTC wishes for an increased community awareness of the existing bylaws, as well as more fair and consistent enforcement of the VHR regulations.

Objectives

- Provide information to VHR operators and the general public about existing VHR regulations, as well as best practices around minimizing water use, waste generation, and potential user nuisances.
- Reduce bylaw enforcement complaints and staff resources to deal with unlawful VHR operators
- Improve balanced enforcement of Vacation Home Rentals and achieve 100% compliance with VHR regulations

In Scope

- Creation/updating of a VHR Campaign webpage
- Communications (information letters) to known VHR operators
- Communications to the general public via local news media and Campaign website
- Preparation of a VHR FAQ document and/or brochure
- Enforcement of non-compliant VHR operations

Out of Scope

- Community Information Meetings
- OCP or Land Use Bylaw amendments

Workplan Overview

Deliverable/Milestone	Date
Compile a list of current VHR operators	May-June 2018
Prepare communications media, including create/update VHR Campaign webpage and FAQ/brochure	May-June 2018
Distribute public communications and informational letter to VHR operators	Summer 2018
Bylaw Enforcement Letter to VHR operators	Summer 2018
Bylaw Enforcement of VHRs	January 2019 — ongoing

Project Team

Teresa Ritemann, Planner 2	Project Manager
Ian Cox, Planner 1	Planning Support
Miles Drew	Bylaw Enforcement Support
Wil Cottingham, Office Admin Asst.	Admin Support

Director Approval:

David Marlor

Date: April 10, 2018

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Sources: Hornby LTC Special Projects

Fiscal	Item	Cost
2018-19	Newspaper insert, letter mailouts, brochure production	\$750
	Total	\$750



Top Priorities

Hornby Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Relationship building with Komoks First Nation	Move towards possible OCP amendments to address First Nation interests that might include "Background" of OCP, marine issues, and place names.	12-Feb-2016	Marnie Eggen Laura Busheikin Tony Law Alex Allen Fiona MacRaild	
2	Housing amendments	Develop a housing agreement with the Islanders' Secure Land Association.	10-Jun-2016	Rob Milne	
3	Vacation Home Rental Policy Review	Implement the Project Charter for reviewing vacation home rentals	10-Jun-2016	Marnie Eggen Teresa Ritemann	
4	Communication with residents/owners.	Identifying opportunities to provide information to new residents and property owners with respect to Islands Trust, Official Community Plan and Land Use Regulations.	14-Oct-2016	Marnie Eggen Pamela Hafey Tony Law Alex Allen	

**Projects****Hornby Island**

Description	Activity	R/Initiated
Environmentally sensitive areas	Review of environmentally sensitive areas OCP map schedule (D2) as a stand alone mapping project or addition to the community profile; and Review community profile by adding further information on environmentally sensitive areas and important habitat and including information in Schedule D2 of OCP.	26-Apr-2013
Residential density review	Establish a community process to review residential density to address community housing needs following the completion of the official community plan and land use bylaw reviews.	07-Jun-2013
Beach access inventory	Conduct an inventory and assessment of beach access and other unopened road allowances	12-Jul-2013
Marine / shoreline protection information and education	Provide information and education to the public with respect to the marine environment and shoreline protection	07-Feb-2014
Groundwater protection and water conservation tools	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.	
Farm policy and regulatory review	Develop and implement a project to support accessible opportunities for small-scale farming and address farming activities on non-ALR land involving consultation with relevant agencies and review of applicable policies and regulations.	
Ford Cove Consultation	Conduct a consultative process for the Ford Cove area	
Public Use area planning	Support collaborative planning process for Public Use areas	27-Mar-2015
Coastal Douglas Fir and associated ecosystem conservation		12-Feb-2016

Projects

Hornby Island

Description	Activity	R/Initiated
Communication with residents/owners	Identifying opportunities to provide information to new residents and property owners with respect to Islands Trust, Official Community Plan and Land Use Regulations	14-Oct-2016
Development Procedures Bylaw	Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications.	03-Feb-2012
GHG Emissions Reduction	Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.	03-Feb-2012

OVERVIEW

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

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

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

SUMMARY NOTES FROM FEBRUARY 27, 2015 SESSION

Trustee Responses to "Wish List" Brainstorm

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

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

“What Else” List:

- Address home occupation use on non-resident lot

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

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

NEXT STEPS

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

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

Hornby Island LTC Work Program

Suggestions for LTC Discussion

Communication Strategy for Revised Official Community Plan and Land Use Bylaw

Suggested elements:

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

Prioritization of Issues Identified for Possible Future Projects.

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

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

Tony Law – 21 September 2015



Islands Trust

Print Date: April 19, 2018

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.1	Peter Mason Land Surveying Planner: Jaime Dubyna	12-Jan-2018	PID: 023-773-260 Subdivision Civic address: 1150 Central Road, Hornby Island, BC
Planning Status			
Status Date: 15-Feb-2018 Planner reviewing application.			

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2017.2	Matthew, Jim Planner: Madeleine Koch	17-Aug-2017	Crown leased property; Building new Arts Centre on Sollans Road, Hornby Island.
Planning Status			
Status Date: 31-Jan-2018 Site Visit Nov. 6 2017			
Status Date: 31-Jan-2018 Waiting to hear from applicant regarding Crown Lease amendment			

File Number	Applicant Name	Date Received	Purpose
HO-DP-2018.1	MATTHEW R FREDBECK Planner: Teresa Ritemann	21-Mar-2018	PID: 005-574-285. Owner plans to lower floor for handicap access and change roof line to accommodate solar panels. Civic address: 10835 Central Road, Hornby Island.
Planning Status			
Status Date: 10-Apr-2018 Planner reviewing application.			

Development Variance Permit

**Applications**

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2017.3	Hoerburer Land Surveying	09-Jun-2017	PID: 027-126-323, 009-651-268, 009-651-110 Civic address: 4555 and 4755 Fowler Road, Hornby Island Consolidation of 3 lots into 2 larger lots to support agricultural operation.

Planner: Madeleine Koch**Planning Status****Status Date:** 31-Jan-2018

Waiting on applicants to advise on how they would like to proceed (proposal may change)

Status Date: 06-Nov-2017

Site visit conducted Nov. 6 2017

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2018.1	MATTHEW R FREDBECK	26-Mar-2018	PID: 005-574-285. Owner plans to lower floor for handicap access and change roof line to accommodate solar panels. Civic address: 10835 Central Road, Hornby Island.

Planner: Teresa Rittemann**Planning Status****Status Date:** 10-Apr-2018

Planner reviewing application.

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
HO-LCB-2017.2	Fossil Beach Farm Ltd.	15-Nov-2017	PID: 011-189-037 Special Events Endorsement Civic: 750 Savoie Road, Hornby Island, BC

Planner: Teresa Rittemann**Planning Status****Status Date:** 10-Apr-2018

On agenda for LTC discussion at Apr 27 2018 meeting

Status Date: 25-Jan-2018

Planner reviewed application. On agenda for LTC discussion at Feb 9 2018 meeting.



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2018.1	DAVID P WISEMAN	10-Jan-2018	PID:028-737-245 Rezoning to allow for subdivision Civic address: 5020 Fowler Road, Hornby Island, BC
Planner: Madeleine Koch			
Planning Status			
Status Date: 31-Jan-2018			
Planner analyzing application file			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2018.6	JAMES H MASON LEANNE C MASON	26-Mar-2018	PID: 003-027-325 5220 Kirk Road, Hornby Island Single family dwelling and accessory building
Planner: Jaime Dubyna			
Planning Status			
Status Date: 16-Apr-2018			
Applicant will be forwarding finalized sewage disposal field site plans at a later date. Location of well will be selected following the siting of the sewage disposal field, in order to meet the requirements of Regulation 3.3(7) of the Land Use Bylaw - sewage disposal field setback of 30 m from any well.			
Status Date: 13-Apr-2018			
Planner reviewing application.			

Subdivision

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

Applications

Planning Status

Status Date: 28-Mar-2018

Covenant registered under CA6702434

Status Date: 02-Jan-2018

Covenant being prepared for signature by LTC representatives and to be registered on title. PLA given. Final letter sent to MOTI

Status Date: 21-Jun-2017

Updated referral response completed and sent to MOTI; applicant requires a 10% frontage waiver by LTC and registration of restrictive covenant limiting subdivision of Lot 1. All other requirements of LUB met.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.1	Hoerbarger Land Surveying	16-Nov-2016	PIDs: 027-126-323; 009-651-110; 009-651-268. Road closure application. Subdivision to adjust lot lines to follow, via MoTI referral. Civic: 4555 and 4755 Fowler Road, Hornby Island, BC.

Planner: Madeleine Koch

Planning Status

Status Date: 31-Jan-2018

DVP application received. Subdivision file being held in abeyance.

Status Date: 25-May-2017

Monitor to see if the applicant will submit a DVP application. Will bring forward to June 22, 2017 and contact MOTI if we have not received anything by then.

Status Date: 11-May-2017

The lot line adjustment part of this subdivision application cannot proceed without an approved DVP to vary the section of the LUB that disallows split lot subdivisions. HO LTC resolved to not support closure of Fowler Road as the proposal is inconsistent with the Hornby OCP and public input does not support the proposal

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.2	BENJAMIN T LONES	28-Apr-2017	PID: 002-747-774 2 lot subdivision. Civic address: 4685 Central Road, Hornby Island.

Planner: Madeleine Koch

Planning Status



Status Date: 08-Jun-2017
Referral response sent to MOTI

Print Date: April 19, 2018

Applications

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending February 2018

635 Hornby	Invoices posted to Month ending February 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	750.00	552.44	197.56
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,750.00	2,481.61	268.39
65210-635	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-635	LTC - Local Exp - Communications	1,000.00	496.30	503.70
65230-635	LTC - Local Exp - Special Projects	500.00	10.70	489.30
TOTAL LTC Local Expense		<u>4,750.00</u>	<u>2,988.61</u>	<u>1,761.39</u>
Projects				
73001-635-4067	Hornby First Nations Relations	500.00	618.57	-118.57
73001-635-4083	Hornby Short Term Vacation Rental (STRV) Review	500.00	154.30	345.70
73001-635-4084	Hornby LUB Community Housing Amendments	1,000.00	0.00	1,000.00
TOTAL Project Expenses		<u>2,000.00</u>	<u>772.87</u>	<u>1,227.13</u>

Hornby Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017	HO-011-2017	Enforcement actions against three specific properties for unlawful dwellings	HO-2017-011 that the Hornby Island Local Trust Committee adopt the following Standing Resolution: 1. That whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as: a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road); b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road) shall be held in abeyance; 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2018 or when the residential density review project is complete, whichever is the sooner.



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality January 2018



Election of the Trust Fund Board Chair

Trustee Tony Law was nominated and elected by acclamation as the Trust Fund Board (TFB) Chair for 2018.

Re-appointment of Robin Williams

The Minister has approved the re-appointment of Robin Williams to the TFB for two years. Trustee Williams will continue to represent the TFB on the Financial Planning Committee.

New 'Salish View' Conservation Proposal, Lasqueti Island

The TFB received and accepted a conservation proposal submitted by the Lasqueti Island Nature Conservancy, (LINC) regarding the acquisition of the property known as 'Salish View'. The TFB agreed to contribute \$32,000 from the Lasqueti Island Acquisition Fund to purchase Salish View, on the condition that the primary donors to this Fund support the use of the funds for this project. Staff will be working with LINC on fundraising and communications for the campaign, and if the campaign is successful, the land will be protected by the TFB as a nature reserve, with a covenant held by LINC.

Regional Conservation Plan (RCP)

The TFB approved the final 2018-2027 Regional Conservation Plan (RCP). The Board is referring the RCP to Trust Council for endorsement at the March Trust Council meeting. The TFB also reviewed a three-year work plan that builds on the approved RCP. The RCP will be used by the TFB to evaluate conservation proposals, to direct communications and fundraising efforts and to guide property management work. The three-year work plans will be used by staff and board members to guide their work and measure progress towards achieving the larger goals of the ten-year RCP. The final RCP will be posted on the Islands Trust Fund (ITF) website after the March Trust Council meeting and a news release will be issued.

Fairyslipper Forest campaign

Fairyslipper Forest is now protected as a TFB nature reserve. A board-to-board celebration event will be held in Cowichan Valley on February 24, 2018 to celebrate the successful completion and protection of Fairyslipper Forest Nature Reserve on Thetis Island. Public celebration events will be held on Thetis Island on April 21-22, 2018.

Report on Islands Trust Meeting with the Minister

The TFB discussed possible follow-up actions emerging from the recent Islands Trust meeting with the Minister of Municipal Affairs and Housing regarding the requested change to the Islands Trust Act to change the name of the Islands Trust Fund.

Agricultural Land Commission (ALC) Review

Trustee Tony Law attended the a regional stakeholder meeting held by the Minister of Agriculture's Advisory Committee on the Revitalization of the Agricultural Land Reserve and Agricultural Land Commission on February 6, 2018 in Nanaimo.

Summary of Current Island-by-Island Activities

Denman

Staff attended an open house on January 27, for public consultation on the revised management plan for Morrison Marsh Nature Reserve, to be completed by April 2018. Invasive species removal and trail clearing, sign installation, tree caging for forest restoration continues at all three TFB nature reserves.

Gabriola

Construction is almost complete on the boardwalk around the large western redcedar tree. Notice of the work went into the local paper and social media, and the RCMP was notified to deter vandalism. Construction of boardwalk over a wet area on one section of the existing trail will begin in February.

Galiano

Invasive species removal and trail clearing is in progress on the Laughlin Lake and Vanilla Leaf Nature Reserves. The Board received and approved a request from a

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

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

Master's student to perform research on pollinators and microclimates on Retreat Island Covenant provided that conditions for ecological integrity and stakeholder approval are met.

Lasqueti

Riparian restoration and nesting box maintenance is in progress at the John Osland Nature Reserve.

North Pender

Public consultation, including a questionnaire and open house scheduled for February 17, 2018, are underway for a revised management plan for the Medicine Beach Nature Sanctuary, to be completed by April 2018.

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to Local Trust Committees
and Bowen Island Municipality
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Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca



**Trust Fund Board Report
to Local Trust Committees
and Bowen Island Municipality
April 2018**



‘Salish View’ Acquisition Project, Lasqueti Island

Following the successful conclusion of the Fairyslipper Forest acquisition partnership on Thetis Island, our next joint campaign is underway on Lasqueti Island. The Trust Fund Board and Lasqueti Island Nature Conservancy have signed an agreement to frame the campaign to purchase and protect “Salish View”, an 11.6 hectare property contiguous to Squitty Bay Provincial Park. Look out for the upcoming official launch of this campaign and visit the Lasqueti Island Nature Conservancy website (<http://www.lasqueti.ca/LINC>) to learn how you can support this small community’s ambitious project.

Opportunity Fund Grant for Saturna Wetland Conservation Project

The Trust Fund Board is contributing a grant from the Opportunity Fund to support a phase one environmental assessment for a property containing wetland ecosystems on Saturna Island. This is the first step towards the possible securement of this land, which supports valuable biodiversity. The project is being spearheaded by neighbourhood residents.

Dragonfly Commons Conservation Proposal, Salt Spring Island

There are times when the Trust Fund Board makes the difficult decision to decline a conservation proposal. The Trust Fund Board decisions must balance the protection of biodiversity values in accordance with the Regional Conservation Plan, with potential risks and long-term costs, such as property management challenges. TFB considered a proposal to covenant approximately half of a property to be developed as a high density affordable housing project. The small size, landscape context and complexity of eventual ownership were factors that led to a TFB decision to decline this proposal

Fairyslipper Forest Nature Reserve, Thetis Island

Negotiations are beginning with Thetis Island Nature Conservancy and Cowichan Community Land Trust to establish a conservation covenant on Fairyslipper Forest.

Medicine Beach Nature Sanctuary, North Pender Island

Public consultation for the Medicine Beach nature reserve is now complete and the management plan for this nature reserve is being finalized.

Morrison Marsh Nature Reserve, Denman Island

Public consultation for the Medicine Beach nature reserve is now complete and the management plan for this nature reserve is also being finalized.

First Nations – Regional Conservation Plan

A goal of our new Regional Conservation Plan (RCP) is to strengthen relationships with First Nations to identify and collaborate on shared conservation goals. Letters are being sent to all First Nations with traditional territory in the Trust Area to provide information about the RCP and offer available mapping for sharing. The Islands Trust Fund would like to connect with First Nations that might have an interest in the RCP. If local trust committees or Bowen Island Municipality are developing relationships with First Nations, it would be helpful to explore how ITF can use this opportunity to connect.

Regional Conservation Plan and Local Trust Committees and BIM

The RCP contains a lot of valuable information for local trust committees and Bowen Island Municipality, but it is a large, comprehensive document. Islands Trust Fund will be extracting information and maps pertinent to each local trust area and BIM that can be included on local website pages. The Trust Fund Board encourages LTCs and BIMs to identify how Official Community Plans can be updated to reflect new information contained in the RCP and associated data and mapping. ITF will also be producing a summary brochure on the RCP.

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

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

To:	Local Trust Committees	For the Meeting of:	Various
From:	David Marlor, LPS Karen Hurley, TAS	Date Prepared:	March 2, 2018
SUBJECT:	Land-use planning implications of Fisheries and Oceans Canada <i>Integrated Geoduck Management Framework 2017</i>		

PURPOSE: To inform local trust committees about the land-use implications of the of Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017*

BACKGROUND:

At the November 2, 2017 meeting the Executive Committee requested that:

Local Planning Services and Trust Area Services staff collaborate on the preparation of a briefing for local trust committees about the land-use planning implications of the DFO 2017 Integrated Geoduck Management Framework.

The Fisheries and Oceans Canada (DFO) *Integrated Geoduck Management Framework 2017* (IGMF) guides the management of geoduck clam aquaculture, including siting guidelines for new applications for inter-tidal and sub-tidal geoduck aquaculture, as well as for applications for size increases to existing shellfish aquaculture operations.

Currently in the Islands Trust Area, most shellfish aquaculture tenures are limited to Baynes Sound because this area has the best conditions for the raising of these types of shellfish. Wild geoduck clams are more widespread in the Islands Trust marine areas, and, under the IGMF, there is potential for geoduck clam aquaculture operations to be installed in wild geoduck habitats. As a result, staff expects that Geoduck clam aquaculture tenures could be applied for in many other locations throughout the Trust Area but would be influenced and/or limited by:

- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck clam aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework 2017, applicants are now able to apply for aquaculture licenses throughout the B.C. coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck clams among many possible species that could be implemented at this time on many Gulf Islands, including: Lasqueti, Hornby, Salt Spring, and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck clams; however, operators could apply to have them added to the license, including: Thetis (5), Gabriola (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman.

Attached are maps of the Islands Trust Area, indicating areas that currently permit aquaculture and/or limited aquaculture.

Under IGMF 2017, there is also the potential for the opening up of wild geoduck areas to DFO applications for both intertidal and subtidal geoduck clam aquaculture licenses in various sites in the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas on attached maps).

DFO staff, however, is not expecting a large number of new or amendment applications for geoduck clam aquaculture and have advised that throughout BC there “are currently 57 facilities licensed for geoduck. Of this, 25 are licensed for intertidal, of which only 6 have approved harvest plans, and only 2 have ever reported production, the last being in 2015.” DFO staff has also confirmed that “the addition of geoduck to an existing licence requires an amendment with full DFO review. Any proposed addition of non-standard infrastructure (including geoduck tubes) would also trigger a review of the application by the BC government.

Implications of the IGMF

In British Columbia, the province has responsibility for issuing tenures for aquaculture and the federal government has responsibility for issuing licenses for the operation and management of aquaculture.

Under s.479 of the *Local Government Act*, local trust committees have the authority to zone the surface of the marine areas. However, aquaculture is a federally regulated industry and local zoning cannot infringe on the federal authority. Therefore, local trust committees are limited to determining the location that it deems suitable for aquaculture operations but cannot restrict the species grown in the tenure area. Local trust committees could regulate siting and size of buildings and structures as part of its s.479 authority, provided that such regulations do not restrict the aquaculture operations as licensed by the federal government.

Any areas suitable for geoduck clam aquaculture that are already zoned for aquaculture uses could be used to grow and harvest geoduck. Operator licenses may already include geoduck clams, or they could be added to the aquaculture license, likely without a referral process.

Areas that are not zoned for aquaculture would require a rezoning application before they could be used for aquaculture (including geoduck clams).

ATTACHMENT(S):

1. 2018 Island Trust water zoning maps (with index map)
2. Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area, November 12, 2017
3. Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017* (IGMF)
4. IGMF Maps associated with Islands Trust Area -- Pacific Fisheries Management Areas: attached and at DFO website
 - a. 14 South - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - b. 16 - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - c. 17 - Gabriola, Galiano, Mudge and Thetis Islands
 - d. 18 - Saturna, Salt Spring Islands (all SSI Conditional Closure)
 - e. 19 - James, Sidney Islands

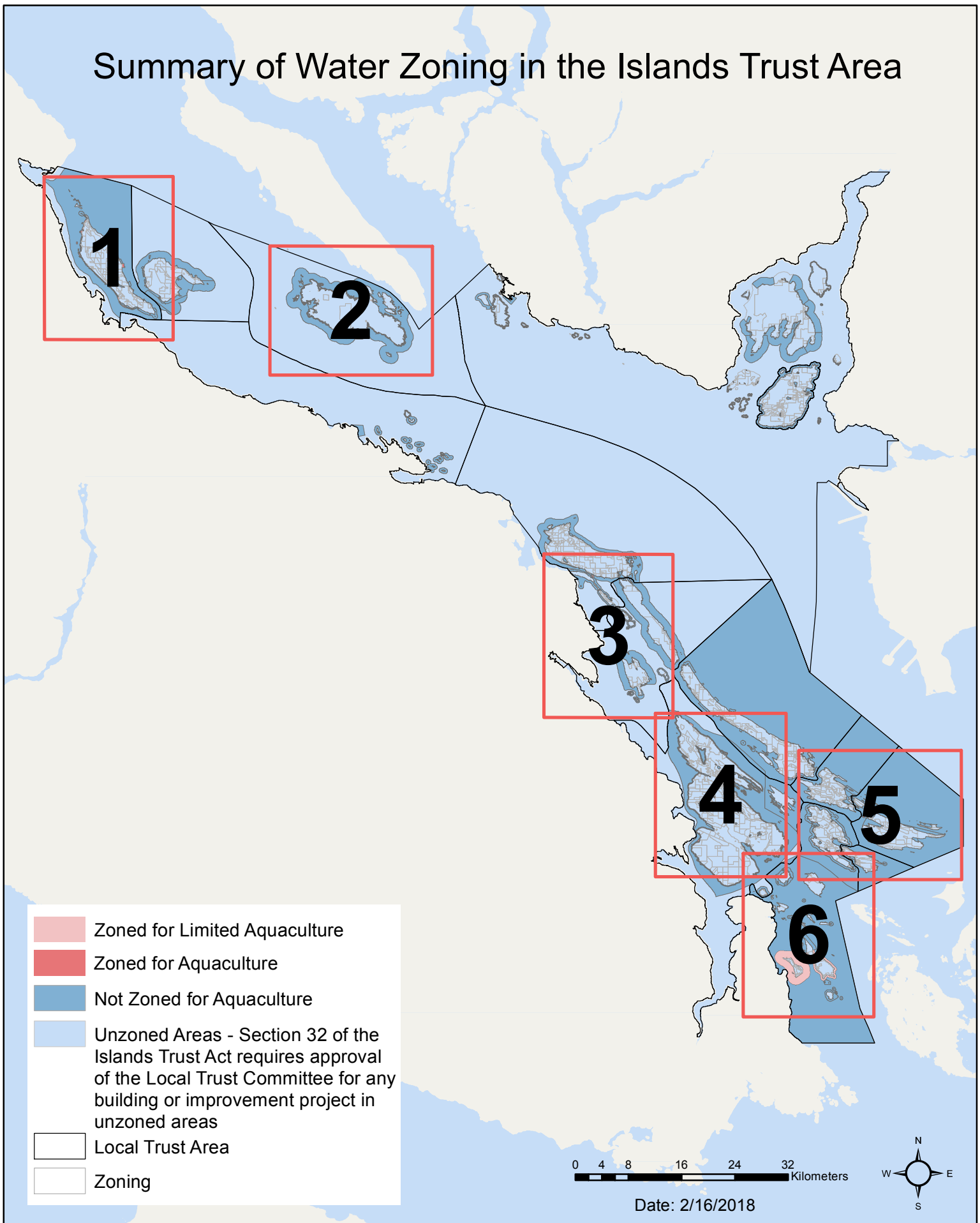
FOLLOW-UP:

TAS staff will continue to monitor any new information on geoduck clam aquaculture. Further follow-up at the direction of Local Trust Committees.

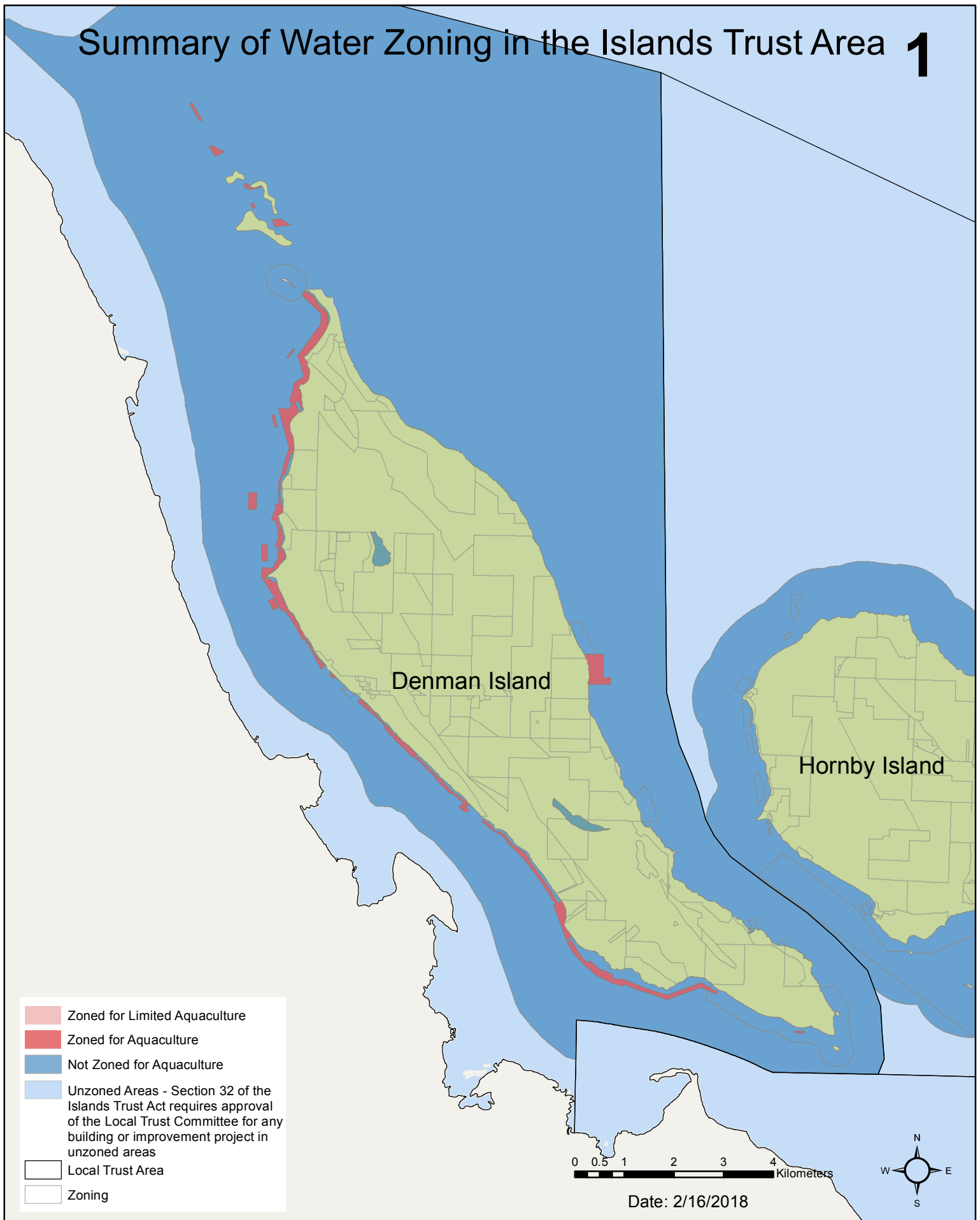
Prepared By: David Marlor, Local Planning Services
Karen Hurley, Trust Area Services

Reviewed By/Date: Clare Frater, Trust Area Services, March 5, 2018

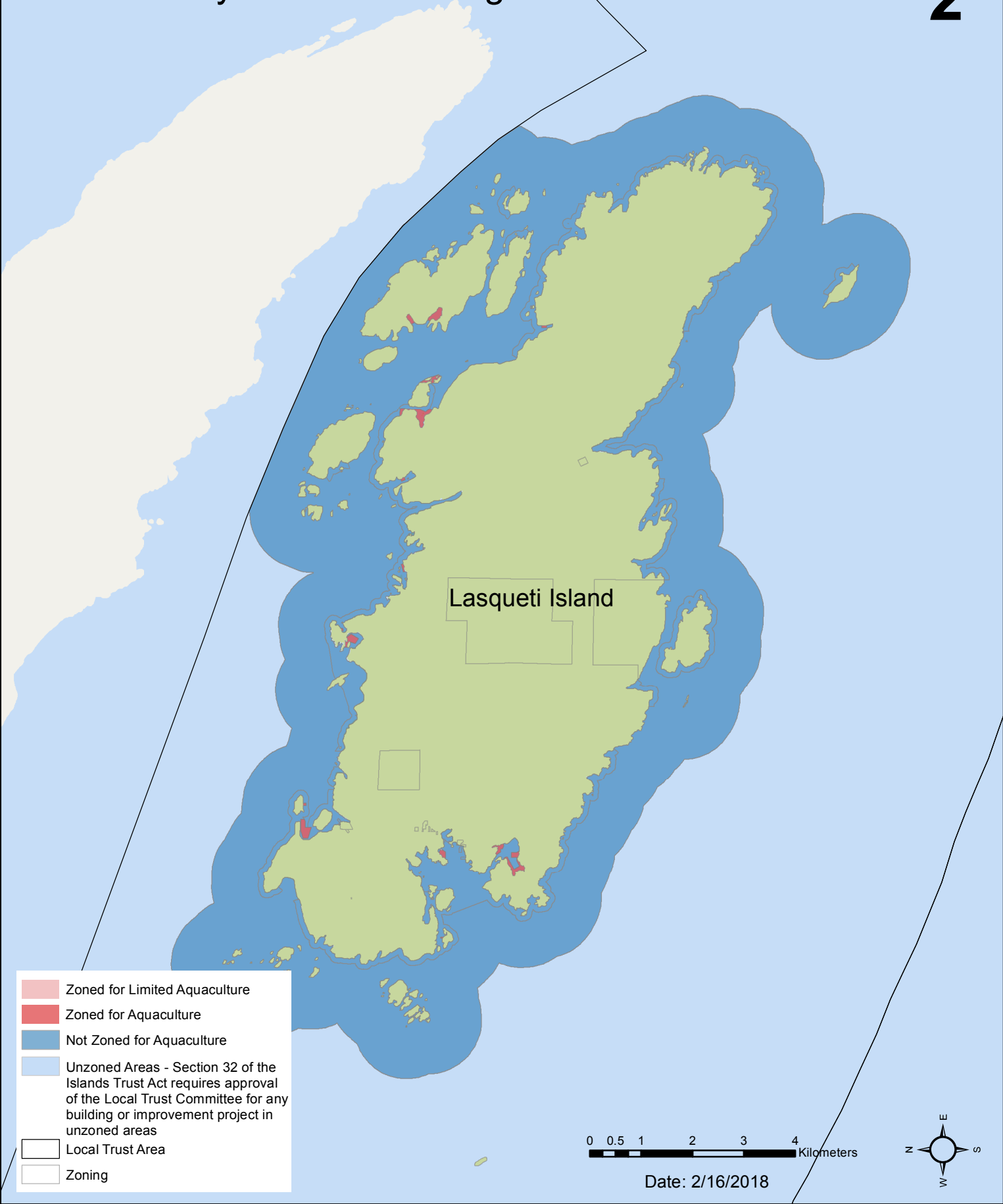
Summary of Water Zoning in the Islands Trust Area



Summary of Water Zoning in the Islands Trust Area 1



Summary of Water Zoning in the Islands Trust Area **2**



Summary of Water Zoning in the Islands Trust Area **3**

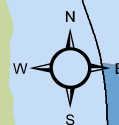
Gabriola Island

Thetis Island

-  Zoned for Limited Aquaculture
-  Zoned for Aquaculture
-  Not Zoned for Aquaculture
-  Unzoned Areas - Section 32 of the Islands Trust Act requires approval of the Local Trust Committee for any building or improvement project in unzoned areas
-  Local Trust Area
-  Zoning

0 0.5 1 2 3 4 Kilometers

Date: 2/16/2018



Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area

**By Karen Hurley, PhD, Senior Policy Advisor
November 12, 2017**

On June 21, 2017, the Islands Trust Council requested Executive Committee to investigate the potential impacts associated with geoduck aquaculture in the Islands Trust Area and, as appropriate, initiate advocacy.

This report has been produced using review of the latest scientific peer-reviewed research on impacts from geoduck clam aquaculture, as well as conversations and meetings with staff from the Department of Fisheries and Oceans (DFO), the BC Ministry of Agriculture, the BC Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD), Vancouver Aquarium and members of the Association of Denman Island Marine Stewards. *Given the limited staff time available for this project, and the lack of definitive science, this report offers only an overview of potential impacts and highlights area worthy of further study.*

During a review of the issue, two major themes emerged: there is uncertainty as to the expected scale of the industry now that DFO's 2017 Geoduck Integrated Management Framework is in force and therefore there is uncertainty about the, scale of the potential impacts. There is also uncertainty about the extent to which geoduck aquaculture might occur in the intertidal zone.

The potential impacts discussed in this report include damage to habitat vital to other species including herring, reduced bird foraging, microplastic contamination, human health, chemical contamination, garbage and ocean acidification.

It is worth noting at the outset that, to date, there are no studies that evaluate the potential impacts of geoduck aquaculture at the ecosystem level or the cumulative impacts of an expanded industry in the Salish Sea, though most researchers call for this level of study to be done.

A description of geoduck clam aquaculture practice is attached as Appendix 1.

Geoduck aquaculture has taken place in British Columbia since the early 1990s. In that time, interest in geoduck aquaculture has continued to grow as demand for the giant clam, especially in China, has sent prices soaring. Many, including Trust Area First Nations, see the emerging geoduck aquaculture industry as a significant opportunity for economic development and long-term employment for local residents. Compared to Washington State the industry in BC is at an early stage, but with the recent approval of a DFO Integrated Geoduck Management Framework 2017 (IGMF) is poised to expand.

There are concerns in island communities that DFO has insufficiently considered ecosystem and cumulative impacts. In creating the IGMF, DFO chose to limit their consideration and scientific analysis geoduck aquaculture at the policy level to the principle of 'conservation', which was narrowly defined: "conservation and long-term sustainability of wild geoduck stocks is the first priority." No mention is made in the IGMF of protection of the marine environment, fish habitat or human health. DFO staff advises that broader ecological impacts will be assessed at the licence application level. This raises concern that assessment at the individual licence will result in insufficient consideration of cumulative impacts regionally.

Concerns about geoduck aquaculture impacts are not new. In 2007, the BC Legislature’s Special Committee on Sustainable Aquaculture [recommended](#) that:

“No new species are to be approved for commercial aquaculture without a consensus of independent peer-reviewed science demonstrating that the potential impact on the marine environment is minimal”. (7.5)

Recently approved geoduck clam tenures must be rescinded until conditions in Recommendation 7.5 are met”. (7.6)

Staff’s review of the available science did not result in an impression that there is scientific consensus that the potential impacts of intensive aquaculture in the Trust Area, including geoduck aquaculture, are certain to be minimal. Staff noted that many articles conclude with calls for additional research. As far as staff knows at this time, the 2007 recommendation to rescind the approved geoduck clam tenures was not acted on.

There are also strong feelings in island communities about aquaculture impacts generally. Residents are concerned that, in the past, aquaculture operators have not taken responsibility for lost equipment/garbage and that DFO is insufficiently monitoring and enforcing conditions of the licenses. Residents also seem to have a lack of trust in the adequacy of the federal government’s oversight of aquaculture, due to changes to the *Fisheries Act* in 2012 that significantly [weakened](#) the federal government’s role in fish habitat protection. There also appears to be a lack of clarity with members of the public regarding the respective roles and authorities of DFO, FLNRORD and Islands Trust.

Potential impacts of geoduck clam aquaculture

A summary of potential impacts identified by staff is below:

1. Potential damage to habitat vital to other species, including herring

There is limited local data available about habitat impacts associated with the geoduck industry so staff reviewed articles about impacts in Puget Sound, a nearby region that has more experience with intensive geoduck clam aquaculture. A review of the scientific literature related to geoduck aquaculture in Puget Sound reveals that there is an active debate among scientists as to the severity of the impacts or potential impacts. That said, most of the scientific reports call for additional research on ecological impacts even as geoduck aquaculture intensifies. Key among these are:

- *MacDonald et al.* (2013) report negative impacts on fish and snail habitat by geoduck aquaculture gear and suggest further research to understand impacts to forage fish populations.
- *Dethier et al.* (2007), marine scientists, raised [concerns and questions](#) about geoduck aquaculture impacts to habitat, marine species and ecosystem functions. Staff understands these questions remain unanswered.

In 2013, DFO scientists conducted a one-year study on potential impacts of geoduck clam intertidal aquaculture in a small study area (not a large commercial operation) near Nanoose, BC. This study concluded that there are limited ecologically-significant effects of intertidal geoduck aquaculture. The exceptions found were that after liquefaction of the geoduck site during harvesting the sediment structure took 123 days to recover, and that there was a lack of seasonal increase in infaunal (beings that live in the sand such as forage fish) abundance and richness after harvesting. The study recommended more research on a larger scale.

Robinson et al. (2013) describe how Pacific sand lance do not have a swim bladder, so when they are not foraging they bury into the intertidal or subtidal sand and they also aestivate in the sand (like hibernation) when food is scarce. A reduced number of forage fish and invertebrates living in the sand and finer ocean floor sediments after liquefaction from the stingers (inserted to a one metre depth) is not surprising because their habitat has been significantly changed. As *Dethier et al. (2007)* write: organisms in the intertidal zone are adapted to small scale disturbances – this large scale disturbance with stingers is not part of their evolutionary history.

Staff notes that it remains unclear whether geoduck aquaculture will occur in the intertidal zone. Although not specific to the geoduck industry's activities, a 2002 review of BC shellfish aquaculture in Baynes Sound assigned the impacts of site clearing with a rake and other harvesting activity as High Severity on forage fish intertidal habitat.

Doug Hay, PhD, who spent most of his career as a research scientist with DFO, and who continues to serve as scientist emeritus addressing issues related to herring and other forage fish, cautions that pertinent environmental impact analysis of risks to forage fish species have never been done. He suggests that nobody knows if geoduck aquaculture could jeopardize the amount and quality of spawning habitat for herring or other forage fish species such as surf smelt or sand lance, but that, the loss of vital spawning habitat could lead to declines in abundance of forage fish species, including herring, which in turn could impact other species, especially seabirds. Within the Trust Area, forage fish provide up to 50% of the diet of Chinook salmon that are the primary food of the Southern Resident orcas. Using spawning records back to 1928, Dr. Hay explains that the most important herring spawning areas occur on only 10% of the total BC coastline. *Lambert Channel, between Denman and Hornby Islands, is the largest area of herring habitat in BC with 35% of BC's total herring spawning area.* In addition, Dr. Doug Hay cautions that, collectively, we are all taking herring for granted, especially in the Strait of Georgia, and taking big risks with geoduck aquaculture in herring spawning areas. He recommends additional research on this topic.

The IGMF permits geoduck aquaculture in many parts of the herring spawning area of Baynes Sound and Lambert Channel (Denman and Hornby Islands). This is herring habitat that is defined as Vital by DFO.

2. Potential impacts to species due to reduced foraging

There is also concern that intensive intertidal geoduck aquaculture may negatively impact birds through alienation of foraging habitat in the inter-tidal zone as well as birds being caught in the predator netting. Baynes Sound and other marine areas within the Trust Area are important bird habitats. .

Ferriss et al. (2016) undertook modelling for Puget Sound that found that the gear associated with geoduck aquaculture including PVC pipes and anti- predator nets may, if the already intensive industry more that doubles in that region, have an impact on the Puget Sound food web because of changing forage opportunities including a substantial decrease of most resident birds including great blue herons and reduction in wild salmon.

There is widespread use of netting in the aquaculture industry. Given this, staff was interested to read studies that the anti-predator nets (APN), which were created to reduce bird and crab predation of aquaculture clams, have not been effective in reducing bird foraging behavior or crab predation. In fact, the nets have increased the number of small predatory crabs in Baynes Sound to the point that Dr. Leah Bendell (2014) suggests that “it is likely that maximum bivalve productivity within Baynes Sound has been reached in that any further gains hoped to be achieved through seeding will not be realized as a consequence of predation.”

Staff also learned that in a 2015 study, also focused on Baynes Sound, Dr. Bendell, documents how the anti-predator nets degrades the sediment geochemical characteristics, are hazards to wildlife and humans, and provides a place for sea lettuce to take hold, which contributes to poor water quality and a likely loss of ecological function on the sea bed. More research is recommended by the author.

3. Microplastic contamination

The plastic anti-predator netting and PVC pipes used in inter-tidal geoduck aquaculture may impact the marine environment as they break down in the saltwater and sun exposure. A recent research paper from Washington State explains that the “contribution from larger marine plastic debris to microplastic formation is greatest on beaches where UV light and wave action can enhance degradation.” According to Feldman (2002) PVC is a poorly photostable polymer especially the matt finish PVC, like the ones used in geoduck aquaculture, and can be severely weathered in outdoor uses where weathering is caused by heat, mechanical action (waves), algae and their enzymes (biodegradation). During a visit to Baynes Sound in early August, staff observed abandoned and in-place anti-predator netting and PVC pipe sections that were exposed to wave action and sunlight and, as a result, were in various states of weathering.

A 2014 paper by Jean-Pierre Desforges, Peter Ross, Vancouver Aquarium researcher, and others, documented extremely high levels of microplastics in the Strait of Georgia, of which 80% is fibrous plastics. In a 2015 paper by the same researchers found that zooplankton are eating these microplastic particles. Dr. Ross also explained to staff that researchers have found that the type of microplastic differs according to where you are looking. For example PVC microplastic is denser than water and therefore tends to be found in the sediments, while fibres are more buoyant and are found in the water column. Dr. Bendell argues that aquaculture plastic gear including ‘oyster blue’ rope, netting, and plastic net bags are contributing to the highly fibrous composition of microplastics in Baynes Sound. All of the researchers suggest that additional research is required, especially in terms of ecological consequences.

DFO and the BC Shellfish Growers Association also recognise that aquaculture gear may be a source of microplastics. In 2016 they initiated a collaboratively funded research project to investigate: *Microplastics and Shellfish Aquaculture: Presence, Extent, Potential Impacts and Mitigation Measures* including the type of microplastics and potential sources. The research is expected to be completed by December 31, 2017.

4. Human health

If undertaken, intertidal geoduck clam installations would involve anti-predator nets to protect the juvenile geoducks. There is a human health concern associated with the rebar used to hold the anti-predator nets (APN) in place because it tends to erode quickly at the bend and then break off, forming a point. These points are hazardous if stepped or fallen on – as happened on Denman Island twice in the summer of 2017 in clam tenures.

5. Chemical contamination

Lead line is a product used to attempt to hold the netting in place. This product is used throughout the fishing industry. It is made of a loosely braided nylon with lead balls inside. In the intertidal zone, if the nylon braid erodes there is a risk of [animals or birds ingesting](#) the lead balls. Future research is warranted.

6. Garbage

Garbage and gear abandonment is a long standing aquaculture issue, acknowledged by provincial staff and addressed in the BC Shellfish Growers *Environmental Code of Practice*. Staff observed an unsuccessful geoduck operation intertidal zone on the south end of Denman Island where the gear was obviously abandoned and causing potential danger to humans, marine species and birds.



Abandoned geoduck aquaculture gear in the intertidal zone of Denman Island.



Lead line with anti-predator netting (APN)



APN: a hazard to humans and other species

All images Denman Island. Photo credit: Karen Hurley

7. Ocean Acidification

Marine research by *Bendell et al.* (2014) in Baynes Sound suggests that increased number of clams, including geoduck clams, could further increase acidification of the ocean. Climate change is increasing the [acidification of the ocean](#). Lower pH levels in the ocean threaten sea life, including shellfish, and in turn, acidification of the ocean may speed up climate change.

Emerging activities that will increase understanding of impacts:

On August 10th, 2017 the US Center for Food Safety launched a [lawsuit](#) against the US Army Corp of Engineers for approving a massive expansion of aquaculture, predominantly geoduck aquaculture, in Puget Sound without fully considering cumulative impacts across the state, including the use of pesticides.

As an outcome of the Herring forum hosted in February 2017 by the Association for Denman Island Marine Stewards, various stakeholders are considering possible methods to investigate the cumulative impacts of aquaculture on Baynes Sound. In November 2017, the Trust Programs Committee approved a project charter for a Baynes Sound/Lambert Channel forum project charter. It is expected that geoduck aquaculture will be one of the topics discussed.

There are upcoming opportunities for those involved in geoduck and other aquaculture to work in partnership for the health of marine ecosystems. These include a DFO working group on use of plastics in aquaculture and a planned 2018 Islands Trust/World Wildlife Fund Baynes Sound/Lambert Channel Forum that will bring together First Nations and other governments as well as industry and community stakeholders to identify issues and recommend solutions that will contribute to improving the health of the marine ecosystem.(Project charter attached).

It is possible that new research on this topic may be presented at the 2017 Salish Sea Ecosystem Conference in Seattle in April 2017.

Conclusion:

Staff's initial review of this topic reveals that, although as in any scientific topic there is ongoing debate, there are potential impacts associated with an expanded geoduck industry worthy of further study, particularly if there is to be farming in the inter-tidal zone. These include: negative impacts to herring spawning habitat, bird forage opportunities, contributions to the microplastics load, human health, contamination and garbage. There are also many long-standing requests for research into the potential ecosystem level and cumulative effects of geoduck clam aquaculture.

Attachments:

1. Appendix 1: How does geoduck clam aquaculture work?
2. Appendix 2: What part of the Trust is, or could be, available for geoduck aquaculture?
3. Appendix 3: Baynes Sound/Lambert Channel 2018 forum project charter
4. Link: [Integrated Geoduck Management Framework 2017](#)
5. Link: [Maps: Integrated Geoduck Management Framework](#)
6. Link: [Herring Spawning Map Lambert Channel and Baynes Sound](#)
7. Link: [April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework](#)

Appendix 1

How does geoduck clam aquaculture work?

The geoduck is the world's largest burrowing clam and one of the longest lived species: maximum age recorded is over 140 year. It is now a lucrative wild fishery in the luxury food market. It is generally not consumed locally, but predominantly flown to consumers in China, and therefore, is expected to have a very high carbon footprint.

Aquaculture trials have been underway in BC for 18 years and geoduck hatcheries exist in BC, including Baynes Sound. It is unknown at this time what type of geoduck aquaculture will be conducted within the Islands Trust Area. DFO and FLNRO staff have indicated that there will likely not be much intertidal geoduck aquaculture, especially on the large scale conducted in Puget Sound but that small intertidal areas are possible, and subtidal aquaculture could be conducted. Both are untried methods in the Islands Trust Area and staff observed a failed and abandoned geoduck intertidal installation on Denman Island.

Geoduck aquaculture in the intertidal zone involves placing hatchery-raised juvenile geoduck clams into PVC pipes (that have been inserted into the sand with an auger), sometimes each PVC pipe is covered with a fine net under a rubber band, and then the entire area is covered with anti-predator nets (APN). Attempts are made to hold the APN in place with bent rebar and sometimes with lead line. The intertidal PVC pipes and predator nets are kept in place for 18 months to two years. Subtidal geoduck aquaculture, involves divers placing the hatchery juvenile geoducks in the sand and then installing a mesh 'canopy net' over the area. Industry standards do not exist yet for subtidal geoduck aquaculture as it is a new method.

The geoducks are then left to grow for five to seven years. During this time the site should be maintained to ensure that the netting is intact and not covered with algae or seaweed. In both intertidal and subtidal geoduck aquaculture (and similar to wild geoduck), once they reach suitable maturity the geoducks are removed by liquefying the sand with high pressure water from a 'wand' or 'stinger' and then removing the geoducks alive by hand. Adult geoducks may be buried to a depth of 1m and sediment liquefaction may occur down to such depths.

In Puget Sound, Washington geoduck clam aquaculture has been financially successful resulting in large areas of the intertidal zone being used by aquaculture companies.



Puget Sound geoduck aquaculture. Photo from *Aquaculture North America* magazine. February 4, 2014

At this time, BC does not have a large geoduck aquaculture industry and according to staff at DFO and in the geoduck industry, most geoduck aquaculture trials in BC have not been successful. A 2012 report prepared for DFO includes a profitability ratio that indicates a -2.5% rate of return after 10 years and 1.7% rate of return after 15 years. A BC Ministry of Agriculture and Lands 2005 report assessed the economics of subtidal geoduck aquaculture and concluded that because of the high costs of the juvenile geoducks and the placement and removals by divers "the results could range from highly successful businesses to unfortunate business failures. Prospective geoduck farmers [operators] will need to carefully consider the opportunities and risks associated with developing a sub-tidal geoduck enterprise."

Appendix 2

What part of the Trust Area is, or could be, available for geoduck aquaculture?

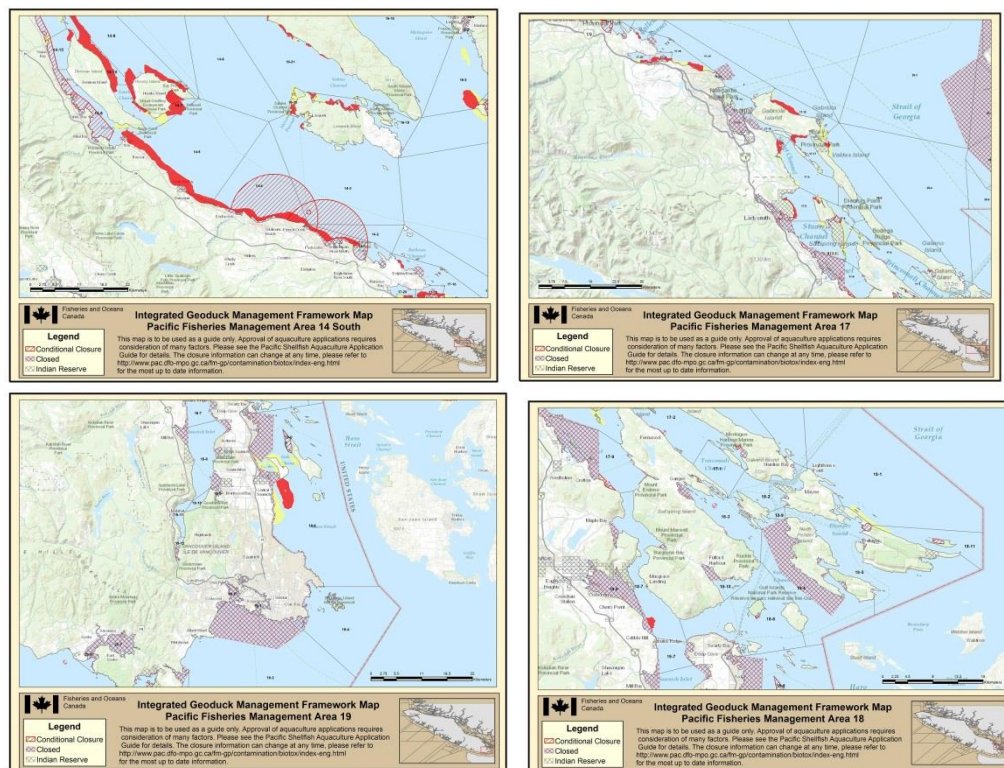
Although aquaculture impacts are now felt most strongly on Denman Island, geoduck aquaculture has the potential to be more prevalent Trust Area wide. Geoduck aquaculture could occur in various places throughout the Trust Area but would be influenced and/or limited by:

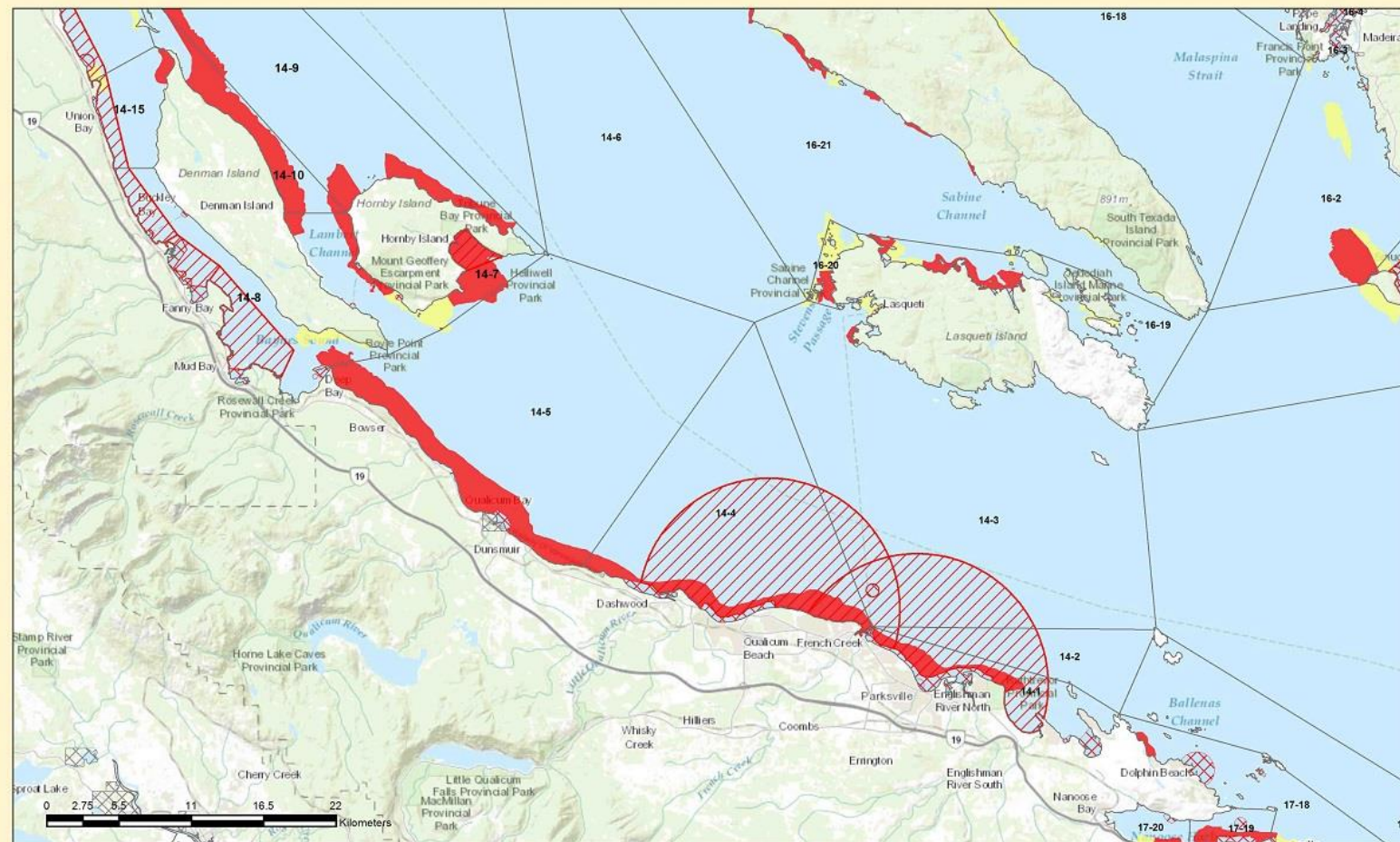
- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework (IGMF) 2017, applicants are now able to apply for aquaculture licenses throughout the BC coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The Province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck among many possible species that could be implemented at this time on many Gulf Islands, including Lasqueti, Hornby, Salt Spring and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck; however, operators could apply to have them added to the license. These islands include Thetis (5), Gabriola, (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman. April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework (attached) includes mapping Islands Trust Area that indicates current zoning in the permits aquaculture and/or limited aquaculture.

Under DFO's IGMF 2017 there is also the potential for the opening up of wild geoduck areas for both intertidal and subtidal geoduck aquaculture zones throughout the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas). [IGMF maps](#).





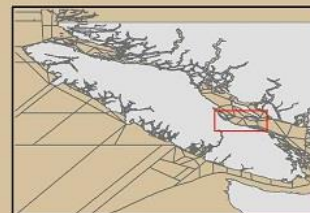
Fisheries and Oceans
Canada

Legend

- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 14 South

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





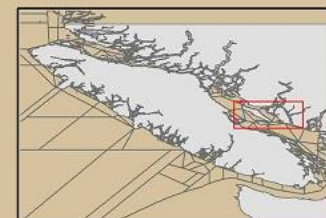
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Canada

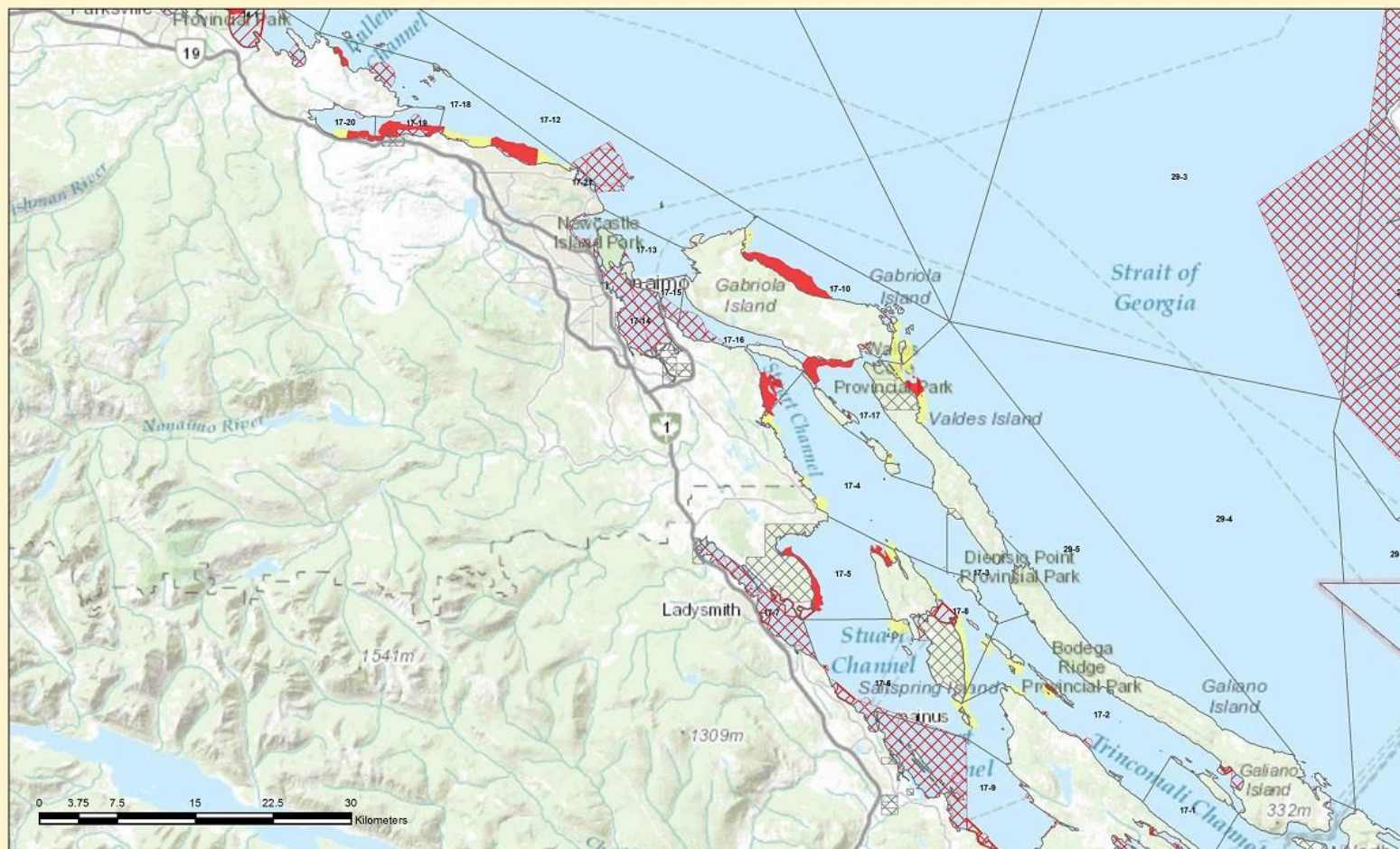
Legend

- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 16

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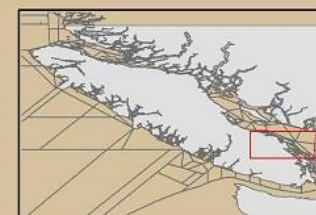
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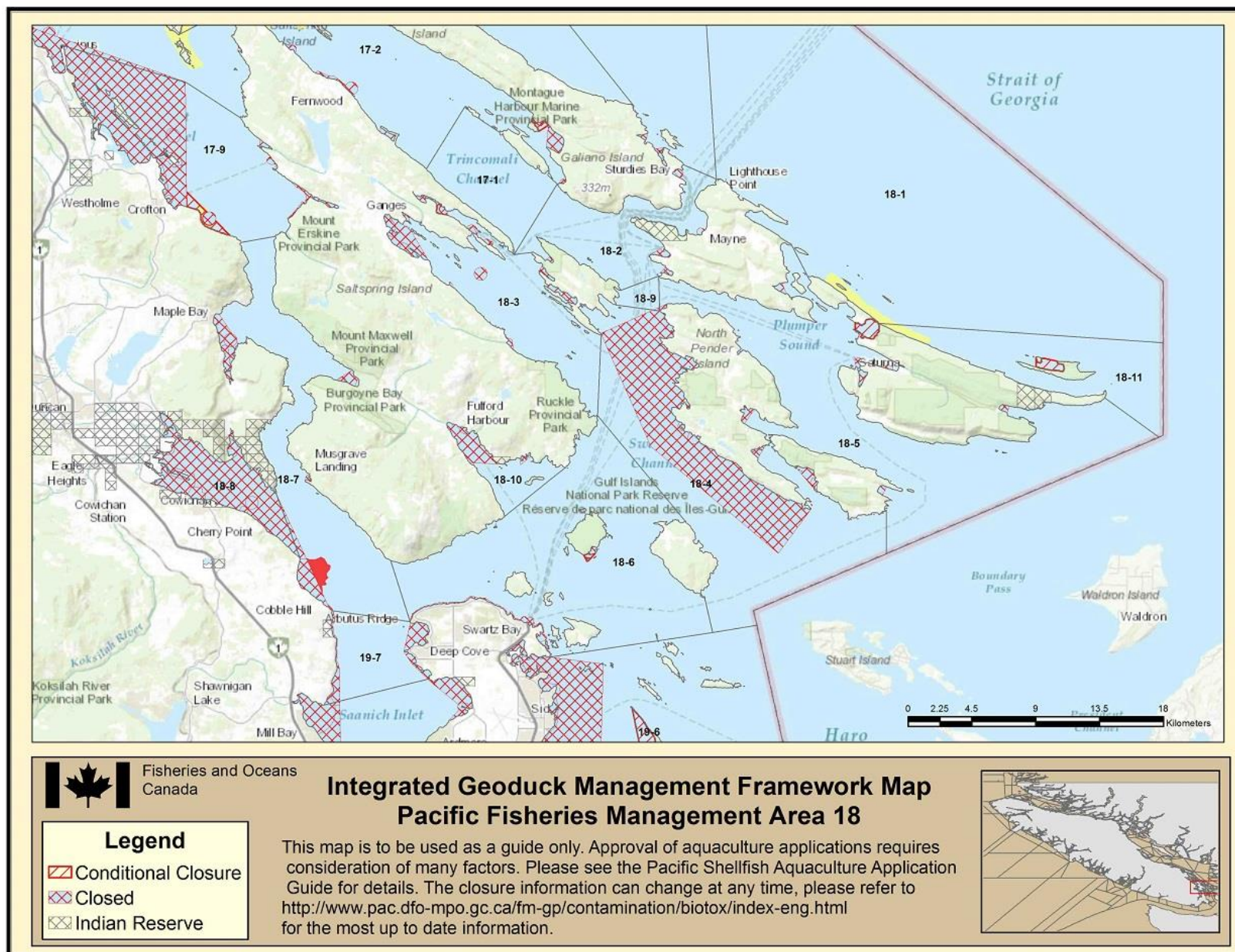
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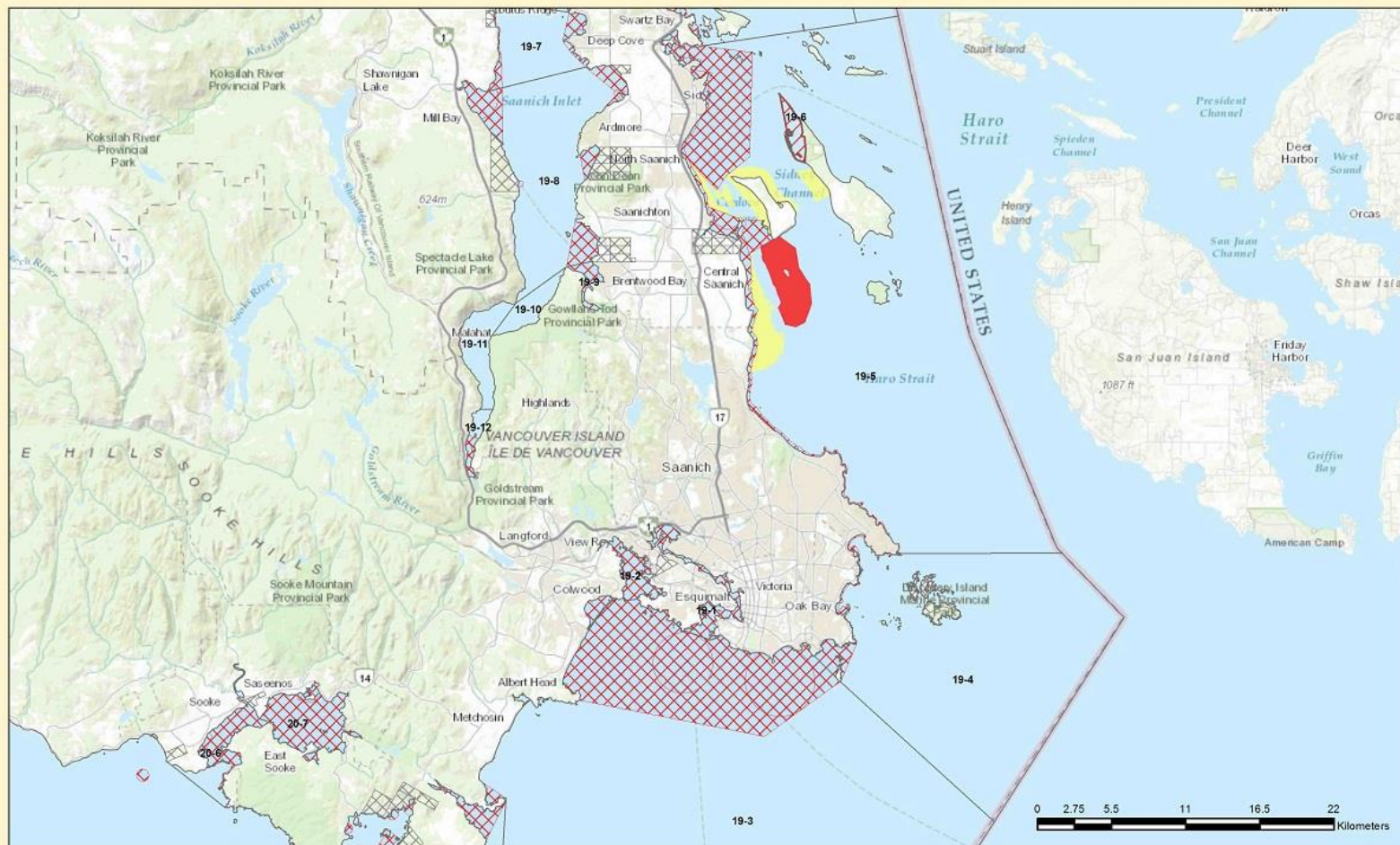
-  Conditional Closure
-  Closed
-  Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 17

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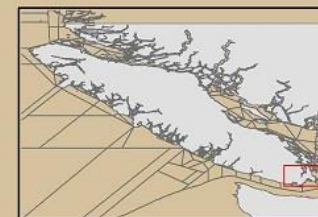
Fisheries and Oceans
Canada

Legend

- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 19

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File No.:

DATE OF MEETING: April 27, 2018 Hornby Local Trust Committee
TO: Local Trust Committees and Bowen Island Municipality
FROM: David Marlor, Director of Local Planning Services

SUBJECT: Approval Process for Water Supply Systems on Salt Spring Island

PURPOSE

At its regular business meeting on February 7, 2018, the Executive Committee received the report “Approval Process for Water Supply Systems on Salt Spring” from the Salt Spring Island Local Trust Committee. The Executive Committee passed the following resolution:

that staff forward the report on approval processes for water supply systems on Salt Spring Island to local trust committees and Bowen Island Municipality.

ATTACHMENTS

1. Attachment 1: Approval Process for Community Water Systems on Salt Spring Island

BRIEFING

To: Executive Committee **For the Meeting of:** February 7, 2018

From: Susan Palmer, MCIP, RPP **Date Prepared:** January 11, 2018
SLP Consulting
Salt Spring Island Team

SUBJECT: Issue Paper: Approval Processes for Water Supply Systems on Salt Spring Island, January 11, 2018, amended

PURPOSE:

Salt Spring Island Local Trust Committee (SSI LTC) referred the attached report (*Approval Processes for Water Supply Systems on Salt Spring Island*) at its meeting on January 18, 2018 to the Executive Committee for information. The key purpose of the report was to inform the SSI LTC of the agencies involved in approving water supply systems and to propose options for implementing Official Community Plan policy regarding water supply and the following Islands Trust Policy Statement policy that:

neither the density or intensity of land use is increased in areas known to have a problem with the quality or quantity of the supply of freshwater.

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee forward the “Approval Process for Water Supply Systems on Salt Spring Island” report to Executive Committee for information.

ATTACHMENT(S):

1. Report: Approval Process for Water Supply Systems on Salt Spring Island

Prepared By: Susan Palmer

Reviewed By/Date: David Marlor, Director of Local Planning Services/Jan 31, 2018

V3 Water Paper.docx

SLP Consulting

1/18/2018 – including amendment submitted at the Salt Spring Island Local Trust Committee Meeting

EXECUTIVE SUMMARY

In response to an application to rezone land to allow for a multi-family residential project, the Salt Spring Island Local Trust Committee (LTC) directed staff at its meeting on October 5, 2017 to:

Report back regarding the findings of an investigation of the approval process for water supply and water quantity requirements for multi-unit residential developments.

Key findings of the investigation are:

- Islands Trust Policy Statement Policy 4.4.2 stipulates the importance of ensuring an adequate supply of water prior to increasing the density or intensity of land use ('neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater')
- the Salt Spring Island Official Community Plan (OCP) reinforces the importance of ensuring an adequate supply of water to support proposed increases in density; the OCP supports the use of alternative water sources such as groundwater, rainwater and greywater
- Islands Trust does not have a role in approving water supply systems
- the approval process(es) for water supply systems involves several provincial and local government agencies (Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD), Vancouver Island Health Authority (VIHA) and Capital Regional District Building Inspections (CRD))
- different sources of water may be used to meet demand for different types of water use (e.g., rainwater may be used for irrigation)
- indoor water use (potable water) may be met through groundwater or surface water sources approved by VIH
- demand for indoor water use is calculated on a per capita basis and the approving agencies (VIHA and CRD) have guidelines and/or regulations that stipulate the occupancy rates used to calculate water demand. Both agencies have the ability to exercise discretion in the application of the guidelines and/or regulations to address situations where the occupancy rates may not be typical
- generally, approval of a water supply system would occur after zoning is in place due to the level of detail needed and the high cost of preparing the application (e.g., engineered design of the water supply system)
- housing for special needs populations may have different occupancy rates than those set out in provincial guidelines and may require VIHA to exercise discretion in determining an appropriate occupancy rate from which to assess the proposed water supply system.

Six options for implementing Islands Trust and Salt Spring Island Official Community Plan policy regarding land use and water supply were evaluated. Five options are consistent with Islands Trust

mandate (land use planning) and the tools available to implement policy and enforce bylaws. All five options require that the water supply system be capable of supporting the proposed number of dwelling units prior to adoption of the rezoning bylaw. An option to cap occupancy rates through a legal mechanism such as an affordable housing agreement or a restrictive covenant is not recommended because Islands Trust does not have a legislative tool to enforce occupancy. That is, occupancy cannot be enforced through the land use bylaw.

APPROVAL PROCESSES FOR COMMUNITY WATER SYSTEMS ON SALT SPRING ISLAND

Due to the moratorium placed by North Salt Spring Water District (NSSWD) on adding new connections to their water system, the Salt Spring Island Local Trust Committee (LTC) has received numerous rezoning applications for multi-unit housing projects that rely on alternative water sources to service the proposed developments. All of the proposed projects include affordable housing either for the entire project or as an amenity bonus. The LTC has identified provision of affordable housing as a priority issue and therefore has indicated its desire to give serious consideration to these proposals.

Providing water to multi-unit housing developments using alternative water sources (groundwater, rainwater and water conservation) is treading into new territory for the LTC and raises numerous questions about how such applications should be assessed. In addition to Trust and OCP policies, there are numerous provincial guidelines and regulations that regulate water source and the design, construction, operation and maintenance of a water supply system.

On October 5, 2017, the LTC directed staff to:

Report back regarding the findings of an investigation of the approval process for water supply and water quantity requirements for multi-unit residential developments.

The purpose of this report is to:

- clarify the approval process for an independent water supply system and the approval agencies involved
- review Official Community Plan (OCP) policy regarding the use of groundwater, rainwater and water conservation (e.g. greywater) as it relates to the determination of density
- identify the criteria used by approval agencies to determine demand for water for multi-unit residential developments
- propose options for implementing OCP water supply policy
- assess proposed options
- make recommendations for a consistent approach to assessing rezoning applications based on new water supply systems and the use of alternative water sources
- test the proposed approach using the Croftonbrook rezoning application (SS-RZ-2017.4) as an example.

1. APPROVING AGENCIES AND SEQUENCE OF WATER SUPPLY SYSTEM APPROVALS

Development proposals that require rezoning based on a community water supply system using groundwater must receive approval from four different agencies before they can proceed to the construction phase. First, approval of a groundwater license from the Ministry of Forest, Lands Natural Resource Operations and Rural Development (MFLNRORD) is required to support the rezoning application. Rezoning is the next phase of the approval process and decisions on rezonings are made by the LTC. The third phase involves Vancouver Island Health Authority (VIHA) which is responsible for issuing construction and operating permits for water supply systems. The final phase of a project requires issuance of a building permit from CRD Building. Table 1 elaborates on the mandate for each

agency and provides an overview of the criteria and conditions considered before a license or permit is approved. Figure 1 illustrates the approval sequence for rezoning based on a rural residential community water supply system and the approving agencies involved.

A. Well Water License (MFLNRORD)

Application to the Water Authorization Section of the MFLNRORD for a well water license is a first step for approval of a water supply system. This determines the amount of groundwater that may be withdrawn without impacting long-term sustainability of the water supply for the proposed development as well as supply to neighbouring wells and water sources that support fish habitat. The SSI OCP also requires that agricultural activities not be impacted.

Water quality is also determined at this stage and any measures required to ensure the water supply meets Canadian drinking water guidelines are identified.

B. Zoning (LTC)

The rezoning phase is a preliminary design phase that sets the basic parameters for the development – primarily land use, density and/or intensity of use, built form, access and traffic circulation among other things. The rezoning application is assessed in terms of how well it addresses Trust Policy Statement directives and OCP policy. Applicants must demonstrate that there is sufficient water to support the proposed development based on provincial regulations. As well, community input is invited and the LTC considers all of the relevant information at a public hearing before proceeding with third reading of a bylaw. A schematic plan is often provided at this stage to assess whether the site is suitable for the proposed land use.

C. Community Water Supply System (VIHA)

VIHA defines a water supply system as a system which services more than one dwelling unit.

Water supply systems must be designed and operated to ensure that there is sufficient water to service the proposed development and that the quality of water meets the Guidelines for Canadian Drinking Water Quality. The focus is on ensuring a safe drinking water supply.

There are two main considerations regarding water supply systems – water demand and water source.

i. Water Supply System Construction Permit

The Drinking Water Protection Regulation requires that a construction permit be obtained from a Public Health Engineer or Drinking Water Officer prior to construction of the water supply system (VIHA). The Guidelines for the Approval of Water Supply Systems recommend that application for a construction permit should be made at least 60 days before construction is anticipated to begin. Applicants are advised to refer to the

MFLNRORD Design Guidelines for Rural Residential Community Water Systems, 2012 (Design Guidelines) prior to designing the system and applying for a construction permit.

ii. **Water Supply System Operating Permit**

The Drinking Water Protection Regulation requires that an operating permit be obtained from a local Environmental Health Officer or the Drinking Water Officer before the water source(s) can be used. This permit would be issued after a water supply system has been constructed.

D. Building Permit (CRD Building)

Before the Building Inspector can issue a building permit they must ensure a sufficient supply of water to meet all water demand requirements of the specific project. This includes water for indoor use, irrigation and fire protection. If a community water supply system is proposed, issuance of a construction permit by VIHA must be confirmed. In the event that water for fire protection is being provided by a water district, confirmation from the relevant agency (i.e., North Salt Spring Water District – NSSWD) must also be received.

The BC Building Code makes provision for consideration of alternative solutions including:

- the use of greywater for toilet flushing
- the use of rainwater for irrigation
- alternative occupancy rates for determining indoor use water demand
- enhanced water conservation features.

Alternative solutions must be supported by evidence provided by a code consultant and/or a report from a professional engineer certifying that the alternative proposal is appropriate for the specific situation.

2. TRUST AND OCP POLICY

Broad land use policy is established in the entire Trust area in the Islands Trust Policy Statement. Policy (4.4.2) requires that Official Community Plans (OCP) and regulatory bylaws (e.g. zoning bylaws) ensure that:

‘neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater’.

This statement is reinforced by OCP objectives and policies aimed at protection of water resources (Policy A.4.2.2) and ensuring that proposed developments have an adequate supply of potable water and water for fire protection (Policy B.2.2.3.b). The SSI Official Community Plan (OCP) supports the use of rainwater and water conservation programs to supplement the use of groundwater to meet the demand for water for proposed projects (Policies C.3.2.2.1 and C.3.3.2.2). (See Attachment 1 for OCP

Policies) That is, the policy supports using greywater and rainwater catchment in order to achieve higher densities than would otherwise be possible.

3. CRITERIA USED BY APPROVING AGENCIES FOR ASSESSING WATER SUPPLY

Criteria used in determining water demand for a project varies dependent on the mandate of each agency and the stage of the proposal. Different agencies also have different roles in evaluating the appropriateness and capacity of the proposed supply. Following is an overview of agency mandate, evaluation criteria and conditions.

A. Water Demand

i. LTC

Land Use Bylaw 355 does not specifically address standards for water supply unless a subdivision is involved. In that context, it notes that a proposed water supply system is subject to provisions of VIHA regulations (LUB Sec 5.5.2) (See Attachment 2). Trust and SSI OCP policy require that the SSI LTC ensure an adequate supply of water at the rezoning stage. Options for establishing criteria for a rezoning application are provided in the following section (Section 4).

ii. VIHA (Water Supply System – Construction)

MFLNRORD's *Design Guidelines for Rural Residential Community Water Systems* (2012) identify four basic demand parameters for the design of a new water system:

- a. Average Day Demand (ADD) is used *"to verify source capacity in form of license limitations; to derive peak demands from metering data"*
- b. Maximum Day Demand (MDD) is a *"critical design parameter for sizing reservoirs, pumps and treatment works between source and balancing storage..."*
- c. Peak Hour Demand is used to size *"pipes, pumps and treatment works between balancing storage and customers"*
- d. Fire Flow Demand is a *"critical design parameter for determining maximum network flows, verifying minimum system pressures, sizing pipes/pumps/treatment works between fire storage and customers/fire hydrants."*

MDD is the *"single highest total 24 hour daily consumption occurring over a one year period"* and is comprised of the following components:

- a. Indoor demand – is calculated based on a **per capita demand of 230 Litre/day and occupancy rates based on the BC census (e.g., 2.5 persons per multi-family dwelling)**

Indoor water demand is further broken down as follows:

- Drinking
 - Sanitary
 - Toilets
 - Showers/bathwater
 - Dishwashing, household cleaning
 - Laundry
- b. Irrigation demand – is dependent on a number of factors such as climatic zone, evapotranspiration, size of area, soil type, type of crop, etc.
- c. Water loss allowance- is calculated based on physical design parameters such as length of mains, number of service connections, average operating pressure
- d. Fire flow demand - is based on the Fire Underwriters Survey.

The *Design Guidelines* state that when groundwater is the proposed source, the **Maximum Day Demand (MDD) must not exceed total developed groundwater capacity or the dependable yield of the well**. Total water demand for a project is determined in accordance with Table 2: Water Demand.

iii. CRD Building

BC Building Code bases all design parameters on two persons per bedroom. An applicant can propose alternative solutions (e.g., different occupancy rates per bedroom) under seal of a professional engineer (civil).

B. Water Source

If not connected to a public water utility, groundwater is typically the major source for supplying water to service a development. A well water license is issued by MFLNRORD which will specify how much water may be withdrawn on a daily basis. If the availability of groundwater is not sufficient to meet the needs of the development, supply may be supplemented by water from a water district for fire protection and/or the use of rainwater and/or greywater as allowed by provincial regulations. However, use of these latter two water sources is limited as follows:

- Rainwater – irrigation
- Greywater – toilet flushing.

Demand for water can also be reduced through other water conservation measures such as metering, low- flush toilets, composting toilets, low-flow plumbing fixtures, and water efficient appliances (washing machines and dishwashers).

Highlights of the approval process for the use of a water source are outlined in Table 3: Water Source.

4. OPTIONS FOR IMPLEMENTING OCP POLICY

Islands Trust mandate is land use planning and Trust policy is clear that proposals must have sufficient water to support proposed density and intensity of land use. Tools available to Islands Trust for managing density and intensity relate to the built form and include factors such as number of dwelling units, floor area, site coverage, building height, and building envelope. Proposals that require more water than is available through groundwater sources alone (e.g., rainwater, greywater, etc.), pose a dilemma at the zoning stage since approval of a water supply system is granted by other agencies after zoning is in place. It is generally not feasible to design a water supply system until zoning is secured due to the level of detail the design entails and the costs involved in engineering the design of the system.

VIHA and CRD Building play important roles in ensuring a sufficient supply of water for developments that propose to service the development through a community water supply system. At a minimum, an approved water construction permit will take into account indoor use based on the number of dwelling units and water loss allowance. A building permit cannot be issued unless there is a proven supply of water sufficient to meet all water demands generated by a specific project design (e.g. indoor use, water loss allowance, irrigation and fire protection). Both agencies use occupancy rates as the basis for determining water demand for indoor use for residential projects. Occupancy rate refers to the number of people per dwelling unit or bedroom.

If the well water license authorizes daily withdrawal that is less than that required in the Subdivision Regulations for dwelling units, submission of a preliminary water study by a civil engineer is needed in order to confirm that the Maximum Day Demand (MFLNRORD *Design Guidelines*) will not exceed the dependable yield of the well. The content recommended for the water report is outlined in Section 6 (Recommendations for Implementing Trust and OCP Policy).

5. ASSESSMENT OF OPTIONS

Assessment of rezoning applications that rely on alternative water sources requires the following information in addition to a hydrogeological report:

- Confirmation that a well water license has been issued from MFLNRORD
- submission of a preliminary water study prepared by a civil engineer that:
 - confirms there is sufficient groundwater available to support all water demand types for the proposal (i.e., Maximum Day Demand does not exceed the licensed daily withdrawal amounts), or
 - where MDD would exceed the sustainable yield as set out in the well water license, the preliminary water study shall:
 - identify all proposed water sources

- identify how each type of water demand will be serviced (i.e., which water source will service which water demand type)
- estimate the total number of residents the available groundwater will support based on the sustainable yield of the well (as approved in the well water license) and use of supplementary water sources (e.g., greywater, rainwater)
- estimate how many dwelling units the proposed water supply system would service based on occupancy rates set out in MFLNRORD's *Design Guidelines for Rural Residential Community Water Systems*.

Six options were developed to test how Trust and OCP policy regarding density and the adequacy of water supply could be satisfied under different conditions (Table 4: Assessing Alternative Options for Implementing Trust and OCP Water Policy). The options were developed during discussions with the applicant for the Croftonbrook proposal. Analysis of the options was prepared by SSI Islands Trust staff and planning consultant. Two key situations were tested:

- occupancy rates are based on those set out in provincial guidelines and regulations
- occupancy rates are lower than those set out in provincial guidelines and regulations.

Options One to Three rely on occupancy rates set out in provincial guidelines and regulations (MFLNRORD Design Guidelines and BC Building Code) as the basis for determining how many dwelling units (density) the supply of water can support. **These options are all consistent with the Trust mandate, the number of dwelling units there is sufficient water for would be known or confirmed prior to bylaw adoption.** All of these options can be enforced through the bylaw. Options Four to Six are based on occupancy rates that relate to a specific project design and/or target occupant type (e.g., those at risk of homelessness).

Options Four and Five are proposed in order to allow consideration of proposals that have unique household and water supply characteristics (e.g., small household size and use of alternative water sources). Option Four sets density based on built form parameters (e.g. dwelling unit size) intended to limit total occupancy. The number of dwelling units there is sufficient water for would be known at the public hearing stage.

Option Five proposes that third reading be given to the bylaw and that final bylaw adoption be withheld until confirmation has been received from VIHA that a water supply system construction permit has been issued that would support the proposed density. This option has the advantage of providing the applicant with the comfort that the rezoning will proceed provided the condition for proof of sufficient water supply has been met. It further ensures that density would not be increased unless the water supply system construction permit verifies a sufficient supply of water to service the proposed development. If a permit is issued for a lower density, the applicant would need to request that third reading be rescinded and re-read with the lower density consistent with the approved water supply system construction permit.

6. RECOMMENDATIONS FOR IMPLEMENTING OCP POLICY

Trust and OCP policy require the applicant to demonstrate there is sufficient water for the density (number of dwelling units) they are seeking approval for. In situations where there is insufficient groundwater to meet all water demand types in accordance with the Subdivision Regulations, then consideration of the use of rainwater for irrigation and greywater for toilet flushing would be consistent with OCP policy. As well, water for fire protection purposes may, subject to their approval, be supplied by NSSWD for proposals that are within the service area. Use of these other water sources reduces the demand for groundwater so that only drinking water and sanitary requirements (except potentially for toilet flushing) need be provided for.

It is *recommended* that rezoning proposals that rely on alternative water sources be assessed based on information that can be confirmed at the time of public hearing (Options 1-4). Alternatively, LTC could consider giving third reading of a bylaw and withhold final adoption pending confirmation from VIHA that there is a sufficient supply of water to support the proposed development. In all cases, information required prior to public hearing would include a preliminary water study submitted by a professional engineer (civil). The study should:

- identify all proposed water supply sources
- identify the amount of water available from each water supply source
 - if the proposal relies on NSSWD to supply water for fire protection purposes, written confirmation of the agreement is required from the District
- identify which water source will supply each type of water demand
- estimate how much water is required to service each type of water demand
- estimate how many residents the net water supply will support based on demand for indoor use (VIHA standards - 230 l/person/day)
- calculate how many dwelling units the proposed water supply system would support based on occupancy rates set out in MFNLRORD Design Guidelines.

Note: The MDD must not exceed total developed groundwater capacity as set out in the well water license.

It is noted that preparation of a preliminary water study by a professional engineer does not guarantee that the approving agencies would accept it without modification. However, SSI Islands Trust staff is comfortable that it is reasonable to rely on the conclusions of such a report at the public hearing stage based on reliance on professional standards. If the LTC wants to consider situations where there is insufficient water to meet MDD based on MFLNRORD occupancy rates, there are two recommended options for advancing a bylaw.

- i. The bylaw would be drafted with specific parameters defining the maximum number of dwelling units, maximum floor areas for specific unit types and the maximum number of dwelling units based on floor area (Option 4). The number and size of units should be calculated based on an occupancy rate of 2 persons per bedroom as per the BC Building Code. This approach is consistent with the Trust mandate for land use and would be enforceable through the bylaw. It poses a slight risk that overcrowding may occur that may lead to overuse of the groundwater. This approach limits the applicant's flexibility to vary the design of the project as they get into the more detailed design phases of the project.
- ii. Final adoption of the bylaw is withheld until a water supply system construction permit has been issued by VIHA (Option 5). This option has the advantage of providing assurance to the applicant that the rezoning will be finalized pending confirmation from VIHA that the water supply system is sufficient to meet the water demands of the proposal. It also gives LTC the tools to implement ITPS and OCP policy by withholding final bylaw adoption if confirmation of sufficient water supply for the proposed density is not confirmed through the VIHA approval process. In this event, LTC has the option to rescind third reading of the bylaw and, subject to the applicant's consent, to re-read it with a density consistent with that set out in the VIHA water supply construction permit.

7. CROFTONBROOK: HOW MUCH DENSITY CAN THE WATER SUPPLY SUPPORT

The Croftonbrook proposal for the provision of water is relatively complex – it relies on a combination of groundwater, greywater, and rainwater to meet water needs for indoor use, toilet flushing and irrigation respectively. NSSWD has confirmed that they will provide water for fire fighting and suppression – i.e., a sprinkler system as well as fire hydrants. With respect to supply, the MFLNRORD *Design Guidelines for Rural Residential Community Water Systems* stipulate that the “total developed groundwater capacity or dependable yield of well(s) must equal or exceed the Maximum Day Demand”.

A. Supply:

A preliminary water study prepared by Stantec is based on the following information and assumptions for water supply:

- A maximum of 19.2 cubic metres of water per day or 19,180 litres per day may be withdrawn per day in accordance with the well water license issued by MFLNRORD
- Greywater use for toilet flushing based on LEED Canada data
- Rainwater use for irrigation.

B. Demand:

The Stantec study calculates water demand based on assumptions provided by the applicant (78 residents in 54 dwelling units) and applies MFLNRORD Operations Design Guidelines design parameters to determine Maximum Day Demand (MDD). The calculation for MDD is based on:

- Estimate of water loss allowance based on project design assumptions (e.g., number of connections, pipe length, etc.)
- Groundwater use for all indoor uses except for toilet flushing (assuming 78 residents)
- Greywater use for toilet flushing
- Irrigation demand is met solely through rainwater catchment
- NSSWD provides water for sprinklers and fire hydrants (NSSWD has confirmed they will provide the necessary hook-ups).

Accordingly, the MDD for the project equals 18,240 litres per day. Based on these assumptions, the Stantec preliminary report indicates that there is sufficient water to support 78 residents assuming that greywater is used for toilet flushing.

C. Analysis

The occupancy rates assumed in the Stantec study were provided by the applicant based on the housing director's experience to date managing Salt Spring subsidized housing and the small size of the proposed dwelling units.

These rates are not consistent with those set out in the MFLNRORD's *Design Guidelines* (e.g., 2.5 persons per multi-family dwelling).

i. MFLNRORD's *Design Guidelines*

Using MFLNRORD's occupancy rates, 78 residents would result in the equivalent of 31 dwelling units. Conversely, 54 dwelling units would be assumed to support 135 people.

The Stantec study did not consider how many residents there is sufficient water for if greywater is not used. The following calculations indicate that 71 residents could be supported if greywater is not used for toilet flushing:

Total amount of groundwater available (approved groundwater license): 19,180 L/day
Estimate of water loss (Stantec study): 2,640 L/day

Amount of water available for indoor use: 16,540 L/day

VIHA per capita demand for indoor use: 230 L/day

There is enough water for (16,540/230): 71 residents

ii. CRD Building Code Requirements

The BC Building Code establishes an occupancy rate of 2 persons per bedroom for all design parameters. Based on this criterion, the unit mix in the Croftonbrook proposal would require water for 144 residents.

iii. Alternatives

VIHA and CRD Building both have discretion in applying design parameters related to occupancy rates. With respect to VIHA approvals for a water supply construction permit, it is feasible that the applicant may receive approval for more dwelling units than the usual occupancy rates would yield based on small unit sizes proposed (especially for units less than 400 sq.ft.) and submission of supporting information acceptable to the agency. In this event, the actual number of dwelling units VIHA deems the water system is suitable for would not be determined until after third reading has occurred— when the water construction permit is approved.

Similarly, the applicant can submit an alternative solutions report to CRD Building to support the proposal for a reduced occupancy rate based on the relatively small unit sizes. It would not be known at the public hearing stage whether or not the Building Inspector would approve a building permit based on alternative occupancy rates since a permit cannot be applied for until zoning is in place.

A proposal based on land use planning tools that LTC can employ for converting occupancy rates into dwelling unit density is set out in Attachment 1.

8. CONCLUSIONS

This paper provides an overview of the approval process for water supply systems and examines the various methods for addressing Trust and SSI OCP policy aimed at ensuring there is a sufficient supply of freshwater to support proposed land use density. The tools available to the Trust and LTC to ensure this policy is addressed appropriately are limited to land use and built form parameters and do not include the ability to control occupancy rates. VIHA and CRD Building both play important roles in ensuring that proposed projects have a sufficient supply of water to meet demand. Further, VIHA is also charged with ensuring that water supply systems comply with limits on the amount of groundwater that may be withdrawn on a daily basis.

Six options were assessed for addressing Trust and OCP water policy when a new water supply system is proposed types (Table 4: Assessment of Options for Implementing Trust and OCP Water Policy). Five options explore the situation when there is insufficient groundwater to meet all water demand types. The assessment indicates that there are five viable options (Options 1-5) under the Trust mandate – all rely on submission of a preliminary water study by a professional engineer (civil) that estimates how many residents that water supply will support and converts that number into dwelling units.

The fact that both VIHA and CRD Building must also ensure the sufficiency of water supply for a specific project, does not relieve the Trust and LTC from the obligation to address the Trust Policy Statement directive that:

‘neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater’.

As previously identified in this paper, these agencies have specific mandates to fulfill that are distinct from land use planning. They use design parameters suitable to their mandate, such as occupancy rates, for ensuring that water supply is sufficient. The Trust and LTC must rely on the tools available to them under the *Islands Trust* and *Local Government Acts* for implementing the mandate and policies of the Trust (land use, density, built form, etc.). This has implications for how rezoning proposals that rely on the approval of a water supply system by VIHA can be evaluated by the Trust and LTC. In summary, this means that either:

- the proposal demonstrates a sufficient supply of water for the proposed number of dwelling units based on provincial occupancy rates, or
- final adoption of the bylaw is withheld pending issuance of a water supply system construction permit from VIHA confirming sufficient water supply to service the proposed development.

Figure 1: Sequence of Water Supply Approvals and Approving Agencies

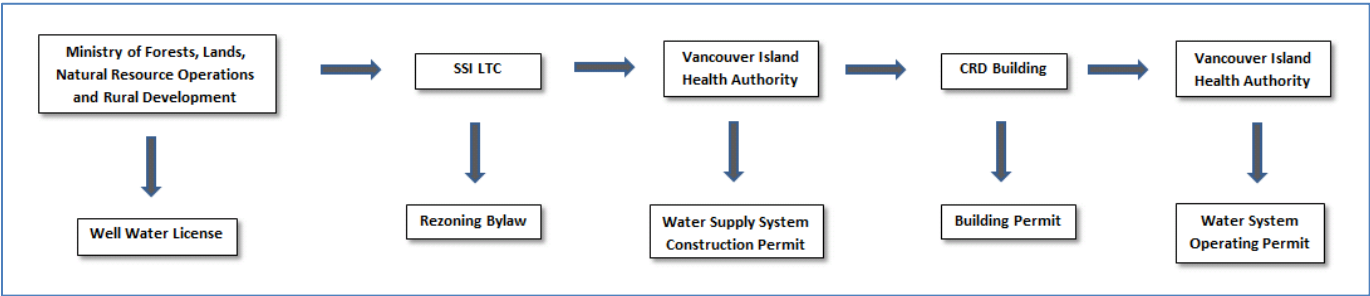


Table 1: Water Supply Systems Approval Process

License/Permit	Approving Agency	Mandate	Considerations and Conditions
Well Water License	MFNRORD – Water Authorization Branch	1. Protect quality and quantity of groundwater source 2. Approve groundwater use for drinking water, irrigation, firefighting, water loss allowance, agriculture, industry, etc.	1. Results of hydrogeological report and drill tests 2. Specifies how much water may be withdrawn on a daily basis 3. Specifies treatment to make water potable (if necessary)
Water Supply System Construction Permit	VIHA-Water Supply Systems Construction	1. Ensure safety of drinking water supply from source to tap	1. Water Quantity: Based on Maximum Day Demand (MDD) a. Indoor Use: Based on per capita demand for drinking water, showers, laundry, household cleaning, toilet flushing b. Average Day Demand (ADD): Used to derive peak demands and to verify source capacity for lake sources c. Water Loss Allowance: Based on specifics of system design and construction d. Irrigation: Based on specifics of land area, climatic zone, soil type, etc. e. Firefighting: Fire Underwriters Survey <i>Note: MDD cannot exceed dependable yield of well.</i> 2. Water Quality: Treatment based on Canadian guidelines for safe drinking water 3. Other: a. Must approve water source b. VIHA requires confirmation from a water district that it will agree to independent system w/l their service area before moving ahead with the application

License/Permit	Approving Agency	Mandate	Considerations and Conditions
Building Permit	CRD	Ensures building code requirements are met for drinking water quality and water quantity needs for indoor, irrigation, and firefighting purposes	1. Requires confirmation from VIHA re water system construction permit. 2. Requires confirmation from NSSWD that water will be provided for firefighting purposes. 3. Determines if greywater can be used for toilet flushing.
Water System Operating Permit	VIHA-Water System Operations	Ensures water supply system is operated according to provincial regulations for safe drinking water	1. Certifies operator – annual renewal required 2. Monitors system operation

Table 2: Water Demand

Water Demand Type	Approval Authority	Permit	Legislation, Regulations and Guidelines	Water Quantity
Indoor Use • Drinking • Sanitary ○ Showers/bathwater ○ Toilet Laundry, dishwashing, etc.	VIHA -Water Supply System	Construction permit for water supply system	Drinking Water Protection Act and Regulations	230L/person/day
	CRD – Building Permit	Building permit	BC Building Code	230 L/day based on 2 persons /bedroom
Water Loss Allowance	Water Supply System – VIHA	Construction permit for water supply system	Drinking Water Protection Act and Regulations	Variable*
Irrigation	Water Supply System – VIHA	Construction permit for water supply system	Drinking Water Protection Act and Regulations	Variable**
	CRD Building	Building permit	BC Building Code	
Fire Protection	CRD Building	Building permit	BC Building Code	NSSWD***
Total	MOTI		Subdivision Regulations	1600L/DU/day

*Factors that determine the water loss allowance relate to specifics of water system design and construction – length of pipes, etc.

**Factors that determine water demand for irrigation include area of land to be irrigated, climatic zone and evapotranspiration rates, crop or planting types, etc.

*** NSSWD has confirmed a commitment to provide water for fire protection purposes (sprinklers and fire hydrant for the Croftonbrook proposal).

Table 3: Potential Water Sources

Water Source	Approval Authority	Legislation, Regulations and Guidelines	Water Demand Type	License/Permit Required
Groundwater	MFLNRORD - Water Authorizations Section	Water Sustainability Act and Regulations	Potentially all	Well water license
Rainwater	Drinking Water Protection Act and Regulations	Drinking Water Protection Act and Regulations	Irrigation	Construction permit for water supply system
	CRD Building	BC Building Code		
Greywater	CRD Building Inspections	BC Building Code	Toilet flushing	Building permit
Water Conservation	Water Supply System – VIHA	Drinking Water Protection Act and Regulations	All	Construction permit for water supply system
	Water Supply Operating – VIHA	Drinking Water Protection Act and Regulations	All	Operating permit for water supply system
	CRD Building Inspections	BC Building Code		Building Permit
Water District	NSSWD	Letters patent	Fire Protection	N/A

Table 4: Assessment of Options for Implementing Trust and OCP Water Policy

All options are for proposals that require construction of a new water supply system in order to provide sufficient water to service a proposed development. In all cases, the proposal would require submission of a preliminary water study prepared by a civil engineer. The options were developed in consultation with the applicant for the Croftonbrook application. The analysis was conducted by SSI Islands Trust staff and planning consultant.

Option 1: There is sufficient groundwater to meet all water demand types – the exception may be that NSSWD has confirmed they will supply water for fire protection (sprinklers and hydrant).

Occupancy rates are as set out in MFLRORD *Design Guidelines for Rural Residential Community Water Systems*.

Option 2: Greywater use is needed in order to supplement groundwater use for indoor water demand. Rainwater is used for irrigation. NSSWD has confirmed they will supply water for fire protection (sprinklers and hydrant) Occupancy rates are as set out in MFLRORD *Design Guidelines*.

Option 3: The engineer's preliminary water study indicates there is not sufficient water (groundwater with or without greywater) available to support the proposed number of dwelling units. The applicant chooses to either drill for more water and/or reduce the density so that there is sufficient water to support the proposed number of dwelling units. If another well is drilled, the new proposal shall be supported by issuance of another well water license and a revised preliminary water study.

Options 5-6: Occupancy rates are lower than those set out in provincial guidelines and regulations. This scenario can be adapted to include the potential use of greywater, rainwater and water from NSSWD for fire protection.

Option	Timeliness	Enforceability	Flexibility	Feasibility
Option 1: Proposed bylaw establishes maximum number of DUs based on preliminary water study	The number or dwelling units there is sufficient water for would be known at PH stage as per professional engineer's report.	Islands Trust would enforce any land use violations. VIHA would enforce regulations regarding water supply.	N/A	Fits well with Trust mandate Clear and transparent with respect to density considered at third reading
Option 2: Proposed bylaw establishes maximum number of DUs based on water supplied with and without use of greywater as per preliminary water study	The number of dwelling units there is sufficient water for would be known at PH stage as per professional engineer's report. Two densities would be proposed based on whether greywater was used.	As above. The number of DUs built would be confirmed at the building permit stage depending on whether greywater was used or not.	Provides flexibility to applicant.	As above.
Option 3: Drill another well and/or reduce the density to align with the supply of water	Application for a wellwater license takes 6-8 months. This may affect project funding.	As above for Islands Trust and VIHA.	This provides another option for applicants to consider.	As above.
Occupancy Rates are Lower than set out in Provincial Guidelines and Regulations				
Option	Timeliness	Enforceability	Flexibility	Feasibility
Option 4: Convert occupancy rates to DUs* (as per Attachment 3)	The number of dwelling units the proposed development is for would be known at public hearing stage.	As above.	Limited – the applicant needs to be confident of the size and type of units they intend to build	As above
Option 4: Convert occupancy rates to DUs* (as per Attachment 3)	The number of dwelling units the proposed development is for would be known at public hearing stage.	As above.	Limited – the applicant needs to be confident of the size and type of units they intend to build	As above
Option 5: Withhold final adoption of bylaw pending VIHA confirmation there is	Confirmation that there is there is sufficient water for the proposed number of dwelling units would not be known at the PH	As above. The construction permit for the water system should clearly indicate the number of dwelling	Reduces risk for the applicant to undertake detailed design of water supply system.	A conditional approval of the bylaw is consistent with normal practice provided the condition is

Option	Timeliness	Enforceability	Flexibility	Feasibility
sufficient water** if VIHA approval is for a lesser density, third reading could be rescinded and re-read with a density consistent with VIHA permit.	stage.	units the approval is for.		identified at the public hearing stage.
Option 6: Occupancy caps written into housing agreement or restrictive covenant	The number of dwelling units there is sufficient water for would not be confirmed at the public hearing stage. Occupancy would be determined by public hearing stage based on the preliminary water study.	Islands Trust does not have a mandate to enforce occupancy. Enforcement would require court action. CRD Building would be required to enforce any Building Code violations.	Islands Trust enforcement options would be limited to court action.	This is not feasible for Islands Trust as it extends beyond the land use planning mandate.

*Converting occupancy rates to dwelling units: This option provides a method for converting the number of occupants into physical design parameters that can be written in a land use bylaw – i.e., maximum number of total units, maximum floor areas per unit type (e.g., studio, one bedroom, 2 bedroom), and the maximum number for each unit type (Attachment 3). The purpose of capping dwelling unit size is to place a zoning bylaw control on the number of occupants each dwelling unit can accommodate.

**After third reading of the bylaw, the applicant would submit an application for a water supply system construction permit based on occupancy rates that are lower than those set out in MFLNRORD's *Design Guidelines*. VIHA would exercise their discretion in determining if the water supply was adequate to meet the water demand for the proposed number of dwelling units.

Final adoption of the bylaw would be withheld until confirmation is received from VIHA that a water supply system construction permit has been issued and that the number of dwelling units serviced is consistent with the proposed bylaw. This process is based on the premise that the Trust and OCP water policy would be satisfied because final adoption of the bylaw would not occur until after the project has been approved for a water construction permit and building permit.

Attachment 1: SSI Official Community Plan Policies

A.4.2.2 To maintain and restore the community's natural capital as represented by such items as our agricultural and forest land base, our potable water supplies, and primary value of our natural and unspoiled rural character.

B.2.2.2.3.b All rezoning applications for affordable housing projects should include evidence of

- a. need for housing
- b. an adequate water supply for potability and fire protection
- c. means of sewage disposal
- d. energy and water efficient building design
- e. not degrading a sensitive ecosystem
- f. not being sited in an area subject to hazardous conditions.

C.3.2.2.1 When the Local Trust Committee receives rezoning applications for land use inside the boundaries of a community water system, it will refer the application to the operators of the affected system. They will ask if water could be supplied to the new development, considering the needs of their existing customers and the provision of water for firefighting, and any properties already zoned for further development. When it considers zoning changes within a community water system, the Local Trust Committee will also consider the amount and percentage of any remaining supply capacity that would be used by the proposed new use. The Committee will not make zoning changes within a community water supply system if the change would mean water could not be supplied (under the existing license) to existing customers. It should not normally make zoning changes if the change would mean water could not also be supplied to vacant or underdeveloped properties already zoned for further development. Should such zoning changes be proposed, the applicant could be encouraged to supplant other water supplies so that the application should be considered. Examples are rainwater catchment, groundwater use or a water conservation program.

The Local Trust Committee should make an exception to the above policy within the North Salt Spring Waterworks District to allow community facilities or affordable housing projects to proceed. However such changes should only be made if the Committee is satisfied that the District is likely to receive a sufficiently larger water license.

C.3.3.2.2 In addition to Policy C.3.2.2.1, the Local Trust Committee should not make zoning changes within the North Salt Spring Waterworks District that could mean that water will not be available (under the District's existing license) for the following projects (in order of priority):

- a. essential services such as hospitals and schools needed within the district to serve the island's projected population
- b. special needs and affordable housing needed in the community.

Attachment 2: SSI Land Use Bylaw Excerpt

Section 5.5.2 Each lot in a proposed subdivision must be supplied with sufficient water to supply all uses, buildings, and structures permitted on the lot by this Bylaw according to the standards set out in Table 1. Where more than one use is permitted on a lot, the amount of water to be supplied is the sum of the amounts required for each permitted use, calculated separately.

Information Note: If more than one dwelling unit is connected to the same source of water, the water system is subject to Vancouver Island Health Authority regulations of water supply systems, the Drinking water Protection Act, and may be subject to the Water Utility Act.

Attachment 3: Converting Occupancy Rates into Dwelling Units

Use of this method requires submission of a preliminary water study by a professional engineer (civil) that:

1. Identifies all proposed water supply sources
2. Identifies the amount of water available from each water supply source
3. Identifies which water source will supply each type of water demand (indoor use, water loss allowance, irrigation, fire protection)
4. Estimates how much water is required to service each type of water demand (Maximum Day Demand (MDD))
5. Estimates how many residents the net water supply will support based on demand for indoor use (VIHA standards - 230 l/person/day).

Note: The MDD must not exceed total developed groundwater capacity as set out in the well water license.

Determination of Maximum Density:

Prepare a proposal based on the maximum number of residents that the water supply system can service:

1. Establish maximum floor areas based on BC Building Code occupancy rates of two persons /bedroom (e.g., two bedroom units would be a maximum of XX m²)
2. Establish the distribution of unit sizes
3. Calculate total occupancy based on the number of units and unit size
4. Total occupancy is not to exceed the number of residents there is sufficient water for as estimated in the engineer's preliminary water study.

Croftonbrook Example

The following calculations are based on the Croftonbrook rezoning proposal in order to test a method for converting occupancy rates into dwelling unit density. The application proposes a maximum of dwelling 54 units and 78 residents. The Stantec preliminary water study provides an estimate of water loss allowance and how much greywater would be used for toilet flushing (Scenario 2).

Scenario 1: Without Greywater

Total amount of groundwater available (approved groundwater license):	19,180 L/day
Estimate of water loss:	<u>2,640 L/day</u>
Amount of water available for indoor use:	16,540 L/day

VIHA per capita demand for indoor use:	230 L/day
There is enough water for (16,540/225):	71 residents

Average occupancy rate for 54 dwelling units (71/54): residents/DU	1.31
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*Single occupant units: Maximum floor area - 400 sq ft.

*Double occupancy units: Maximum floor area – 600 sq.ft.

Distribution: 37 single occupant units – 37 residents

17 double occupant units – 34 residents

Total Occupants: 71

Total Dwelling Units: 54

*These unit sizes need to be confirmed as being appropriate for one and two person occupancies.

Scenario 2: With Greywater (Stantec Study)

Total amount of groundwater available (approved groundwater license):	19,180 L/day
Indoor use (based on 230 L/day for 78 residents):	17,940 L/day
Greywater:	-2,340 L/day
Water Loss Allowance:	<u>+2,640 L/day</u>
Maximum Day Demand:	18,240 L/day

Average occupancy rate for 54 dwelling units (78/54): residents/DU	1.44
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*Single occupant units: Maximum floor area - 400 sq. ft.

*Double occupancy units: Maximum floor area – 600 sq.ft.

Distribution: 36 single occupant units – 36 residents

21 double occupant units – 42 residents

Total Occupants: 78

Total Dwelling Units: 54

*As noted above.

Sources

1. Bahman Sheikh; White Paper on Graywater, 2010
2. <http://www.env.gov.bc.ca/wat/wq/reference/glossary>
3. <http://www.frontcounterbc.gov.bc.ca/pdf/WaterPurposeUses.pdf>
4. Ministry of Forests, Lands, Natural Resource Operations and Rural Development; Design Guidelines for Rural Residential Community Water System, 2012
5. National Collaborating Centre for Environmental Health; Small Drinking Water Systems: Who Does What in British Columbia?, 2014
6. Vancouver Island Health Authority; Guidelines for Approval of Water Supply Systems

REQUEST FOR DECISION

To: Hornby Island Local Trust Committee **For the Meeting of:** April 27, 2018

From: Teresa Ritemann, Planner 2 **Date Prepared:** April 24, 2018

SUBJECT: 2017-2018 ANNUAL REPORT – APPROVAL OF HORNBY ISLAND LOCAL TRUST COMMITTEE SECTION

RECOMMENDATION: That the Hornby Island Local Trust Committee approves the attached text for inclusion in the 2017-2018 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs and Housing.

- 1 PURPOSE:** Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2018 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#). The Executive Committee approved the format and outline of the 2017-2018 Annual Report at its meeting on April 9, 2018.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 19-21 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee on June 6 and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Community Sport and Cultural Development and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about activities with First Nations may be included within committee reports.

OTHER: N/A

- 3 RELEVANT POLICY(S):** Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

RESPONSE OPTIONS

Recommendation: That the Hornby Island Local Trust Committee approves the attached text for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

Alternative: That the Hornby Island Local Trust Committee approves the attached text for inclusion in the 2017-2018 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs and Housing.

Prepared By: Teresa Rittemann, Planner 2

Reviewed By/Date: Ann Kjerulf, Regional Planning Manager (Northern)/April 24, 2018

Hornby Island Local Trust Committee

The Hornby Island Local Trust Committee (HI LTC) held seven regular business meetings in the 2017–2018 fiscal year, as well as one Special Meeting.

Work for this period focused on advancing the HI LTC's priorities to address the following key projects: ongoing relationship-building with K'ómoks First Nation; a review of the Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations for vacation home rentals; Housing Amendments regarding a Community Housing zone; and opportunities to communicate information to new residents and property owners regarding Hornby's OCP Policies and LUB regulations in general.

The HI LTC received and considered applications for: 18 Siting and Use Permits; four Development Variance Permits; three Development Permits, two Crown Referrals, and one rezoning.

The HI LTC, in partnership with the Denman Island LTC, applied for and received a Union of British Columbia Municipalities Community to Community Forum grant to develop a greater understanding of the history and potential shared interests the HI LTC might have with the K'ómoks First Nation. This was achieved through a meeting and site visit boat tour.

As well, HI LTC considered the following draft bylaws:

Bylaw No. 154 to amend the Hornby Island Land Use Bylaw, to create a Community Housing (R3A) zone for Islanders Secure Land Association (ISLA). Bylaw given first reading on January 27, 2017; and

Bylaw No. 155 to amend the Hornby Island Land Use Bylaw, to address housekeeping items for Vacation Home Rentals. Bylaw adopted February 9, 2018.