



## Hornby Island Local Trust Committee Minutes of Special Meeting

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

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

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

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

### 1. OPEN HOUSE

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

### 2. CALL TO ORDER

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

### 3. APPROVAL OF AGENDA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**6. UPCOMING MEETINGS**

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

**7. ADJOURNMENT**

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

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Laura Busheikin, Chair

Certified Correct:

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Vicky Bockman, Recorder