Executive Committee
Agenda

Date: Wednesday, August 5, 2020
Time: 9:00 am
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

			Pages
1.	CALL TO ORDER		
2.	APPROVAL OF AGENDA		
	2.1	Introduction of New Items	
	2.2	Approval of Agenda	
		2.2.1 Agenda Context Notes	4 - 4
3.	ADOPTION OF MINUTES		
	3.1	July 8, 2020	5 - 13
4.	FOLLOW UP ACTION LIST AND UPDATES		
	4.1	Follow Up Action List/Director/CAO Updates	14 - 19
	4.2	Local Trust Committee Chair Updates	
	4.3	Islands Trust Conservancy Liaison Update	
		4.3.1 Islands Trust Conservancy July Report	20 - 21
		4.3.2 ITC/EC Liaison Meeting July 14 draft minutes	22 - 27

Presented for information.

5. BYLAWS FOR APPROVAL CONSIDERATION

5.1 Hornby Island LTC Bylaws No. 161 & 162 (OCP / LUB amendments) 28 - 213

1. THAT the Islands Trust Executive Committee approve Hornby Island Local Trust Committee Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", in accordance with Section 27 of the *Islands Trust Act*.

2. THAT the Islands Trust Executive Committee approve Hornby Island Local Trust Committee Bylaw No. 162, cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019”, in accordance with Section 27 of the *Islands Trust Act*.

6. DELEGATIONS

6.1 CPAWS-WCEL 214 - 242

Canadian Parks and Wilderness Society - West Coast Environmental Law

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

7.2 Local Planning Services

7.3 Administrative Services

7.4 Trust Area Services

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.1.1 Executive

8.1.1.1 Holding of an electronic UBCM 2020 Islands Trust Session - RFD 243 - 244

8.1.1.2 Strategic Plan Implementation through LTC's and Projects - Discussion 245 - 245

8.1.1.3 Quorum of Local Trust Committees - Discussion 246 - 247

8.1.2 Trust Area Services

8.1.3 Local Planning Services

8.1.3.1 Development Application Volumes May-July - Briefing 248 - 249

8.1.4 Administrative Services

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 COVID-19 / Safety Plan Update - Briefing 250 - 259

8.2.1.2 North Pender LTC request to EC re: holding APC meetings - Discussion

See 2.2.1 Agenda Context Notes

8.2.2 Trust Area Services

8.2.2.1 Missing and Murdered Indigenous Woman and Girls Calls for Justice - Briefing 260 - 266

8.2.3 Local Planning Services

8.2.3.1 Clarifying Local Trust Committee Procedures - Briefing 267 - 268

8.2.4 Administrative Services

9. NEW BUSINESS

9.1 Executive/Trust Council

9.2 Trust Area Services

9.2.1 LTC Chairs Report on Local Advocacy Topics

9.3 Local Planning Services

9.4 Administrative Services

10. CORRESPONDENCE (for information unless raised for action)

10.1 W. Sudmant email dated July 7 re: Islands Trust Welcomes Court Ruling news release 269 - 269

10.2 Trustee Wright email dated July 22 re: Islands Trust taglines 270 - 270

10.3 UBCM The Compass Newsletter issues dated July 8, 15, 22 & 29, 2020 271 - 276

10.4 Honourable Minister Anne Kang response re: call for redress of historical wrongs against Japanese Canadians dated July 29, 2020

10.5 Oceans Protection Plan Newsletter - email dated July 30th 277 - 277

11. WORK PROGRAM

11.1 Review and amendment of current work program 278 - 280

12. NEXT MEETING

13. CLOSED MEETING (if applicable)

That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

14. RISE AND REPORT DECISIONS FROM CLOSED MEETING (if applicable)

15. ADJOURNMENT

Agenda No.	From	Context Notes
8.2.1.2	North Pender Island LTC	At its July 30 business meeting, North Pender Island Local Trust Committee passed a resolution requesting the Executive Committee address the matter of allowing Advisory Planning Commissions to hold electronic meetings.
11.		In accordance with the Executive Committee (EC) policy (2.4.vi), correspondence items are for information only, unless raised for action by a member of the EC. In some instances, correspondence to others is included, if it relates to the Executive Committee's business.
12.1.		The Executive Committee work program is amended before each meeting with suggested priorities proposed by staff. By resolution, the Executive Committee can provide direction regarding new items or the order of priorities.

Executive Committee
Minutes of Regular Meeting

Date: July 8, 2020
Location: Regular Electronic meeting
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Members Present:
Peter Luckham, Chair, Thetis Island
Dan Rogers, Vice Chair, Gambier/Keats Island
Laura Patrick, Vice Chair, Salt Spring Island
Sue Ellen Fast, Vice Chair, Bowen Island Municipality

Staff Present:
Russ Hotsenpiller, Chief Administrative Officer
David Marlor, Director Local Planning Services
Clare Frater, Director, Trust Area Services
Kate Emmings, A/Manager, Islands Trust Conservancy
Sonja Zupanec, Island Planner
Dilani Hippola, Senior Policy Advisor
Gillian Nicol, Program Coordinator
Robert Barlow, Legislative Services Clerk/Recorder

Public Present: There were two members of the public present via telephone call-in or Zoom webinar options

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:03 a.m. and acknowledged that the meeting was being held on traditional territory of the Coast Salish First Nations.

All members and staff participated electronically via Zoom.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

The following items were presented for consideration to add to the agenda:
7.1.1.2 Livestreaming
7.1.1.3 Islands Trust Safety Plan
9.7 Correspondence from Trustees Rockafella and Wolverton dated June 25, 2020

2.2 Approval of Agenda

By general consent the agenda was approved as amended.

2.2.1 Agenda Context Notes

Presented for information.

3. ADOPTION OF MINUTES

3.1 June 15, 2020

By general consent the June 15, 2020, Executive Committee draft minutes were adopted as presented.

3.2 Resolutions Without Meeting (RWM) Report

The RWM report was received for information.

4. FOLLOW UP ACTION LIST AND UPDATES

4.1 Follow Up Action List (FUAL) and Updates from CAO and Directors

Chief Administrative Officer (CAO) Hotsenpiller spoke to the status of FUAL items and recent discussions with the Ministry of Municipal Affairs and Housing, the June Trust Council meeting, the All Staff meeting (at which the focus was the Safety Plan), and climate action planning. CAO Hotsenpiller clarified that Stage 1 of the Safety Plan - staff doing site visits - is now in place. Stage 2, staff working in offices, is about to happen and Stages 3, offices open to the public, and Stage 4, holding public meetings, are conditional on provincial health authorities' direction in regards to the COVID-19 pandemic.

Director of Local Planning Services (DLPS) Marlor gave an update on the status of his items. He emphasized that no Islands Trust office is open to the public at this point. He also noted that a competition for a planner on Salt Spring Island is currently in progress and that he is involved in discussions in regards to Bill 15, the *Agricultural Land Commission Amendment Act, 2019*.

Director of Trust Area Services (DTAS) Frater gave an update on the status of her items. Executive Committee confirmed that they wish to continue to write to the Minister of Transportation and Infrastructure regarding recently announced service cuts to B.C. Ferries' sailings in the Trust Area.

4.2 Local Trust Committee Chair Updates

Chairs of their local trust committees gave verbal updates on recently attended meetings and developments in their communities. Comments included noting that new and advanced affordable housing projects are in progress; that Bowen Island has created a new welcome sign referring to the Squamish First Nation's word for the island "Nexwlélexwm"; and that Bowen Island has recently received a $7.96 million grant for a community centre.

By general consent the order of business on the agenda was varied to address items 5.1 and 5.2 after item 4.2 and before item 4.3.

5. BYLAWS FOR APPROVAL CONSIDERATION

5.1 Delegation to Item 5.2 - Simon Palmer

Mr. Palmer addressed the Executive Committee speaking to his correspondence in regards to DE-RZ-2018.1 Denman Housing Association and Backup Water Supply.

5.2 Denman Island LTC Bylaws No. 235 & 236 – RFD

Planner Zupanec presented the request for decision (RFD), noting that the proponents have presented new information that they propose the primary and back up source of potable water to support the subdivision and development would be rainwater collection and no water licence for an on-island groundwater supply would be pursued.

Discussion included whether the new system would meet the requirements of "potable water" as defined by provincial regulatory authorities and whether the bylaw would reduce the requirement for proof of water for a subdivision to zero rather than to some lower reasonable amount as indicated in Executive Committee resolution EC-2020-003. It was noted that the new proposal requests no proof of water but the Province has not indicated any willingness to waive a proof of water and the Province accepts only groundwater, not rainwater.

EC-2020-078
It was Moved and Seconded,
that the Executive Committee respond to the Denman Island Local Trust Committee that the changed Affordable Housing proposal does not affect the advice previously given in Executive Committee resolution EC-2020-003.

CARRIED

Executive Committee recessed at 11:11 a.m. and reconvened at 11:18 a.m.

4.3 Islands Trust Conservancy Liaison Report

Vice Chair of the Islands Trust Conservancy, Municipal Trustee Fast, provided an update.

5.3 Bowen Island Municipality Bylaw No. 521 (OCP amendment) - RFD

Director of Local Planning Services (DLPS) Marlor spoke to the bylaw referral.

EC-2020-079
It was Moved and Seconded,
that the Islands Trust Executive Committee advise Bowen Island Municipality that Bylaw No. 521, cited as "Bowen Island Municipality Official Community Plan Amendment Bylaw No. 521, 2020" is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

6. TRUST COUNCIL MEETING REVIEW

6.1 Executive

6.1.1 Roundtable

Executive Committee and Staff reviewed the three-day June Trust Council meeting outcomes. Discussion included the need to provide all delegation presentations within the agenda package so that all trustees are able to review the presentation prior to the meeting; the need for standard motions to be in the agenda to facilitate the resolution process; the impact and efficacy of holding the Trust Council meeting electronically rather than in person; and the need to focus the roundtable section of the meeting to issues and pertinent information.

6.1.2 Islands Trust Council Highlights

Executive Committee reviewed the draft document and the following amendments were suggested:

- Tracking and Collecting Staff Hours – add the phrase: "to inform the discussion in regards to the review of application fees";
- Support for Bowen Island Municipality – replace the phrase: "subject to Bowen Island's Municipality First Nations consultation" with "subject to consultation with First Nations".

By general consent the amendments were adopted to be reflected in the Highlights, the FUAL and the Minutes.

6.1.3 Trust Council Follow-up Action List (FUAL)

The FUAL was received for information.

6.1.4 Trust Council June 16-17 Draft Minutes

The draft minutes were offered for comment. They will be formally reviewed at the September Trust Council meeting. It was noted that item 9.3 be corrected to indicate that Dr. Martin was the presenter rather than Dr. Penn.

Executive Committee recessed at 12:17 p.m. and reconvened at 12:40 p.m.

6.2 Local Planning Services - None

6.3 Administrative Services- None

6.4 Trust Area Services- None

7. EXECUTIVE COMMITTEE PROJECTS

7.1 Trust Council Initiated

7.1.1 Executive

7.1.1.1 Ministerial Order 139 re: Islands Trust meetings – Briefing

CAO Hotsenpiller presented the briefing for information.

7.1.1.2 Livestreaming

CAO Hotsenpiller indicated that Staff are working on developing administrative procedures for Livestreaming and Video on Demand. A number of trial runs have taken place and it is expected that the first official Livestreaming will occur with the Thetis Island LTC meeting of July 21. It is expected that Livestreaming and Video on Demand will continue into the future if or when public meeting restrictions are lifted.

7.1.1.3 Islands Trust Safety Plan

CAO Hotsenpiller spoke to the briefing, noting that employees will be able to work in the offices starting in the next week or two once all safety materials and procedures are in place.

7.1.2 Trust Area Services - None

7.1.3 Local Planning Services

7.1.3.1 Local Planning Services Delivery – Briefing

Director of Local Planning Services (DLPS) Marlor spoke to the briefing that provided information on the current allocation of planner resources, progress of service delivery changes and implementation of the Local Planning Services renewal. DLPS Marlor noted that Islands Trust planners typically provide more education and support to applicants than other local governments normally would.

EC-2020-080
It was Moved and Seconded,
that the Executive Committee request staff to update and refer the briefing on Local Planning Service Delivery to Local Planning Committee and ask them to provide comments and feedback to the Executive Committee with a view of the report being forwarded to Trust Council.

CARRIED

7.1.3.2 Crown Land Referrals and Reconciliation – Briefing

Director of Local Planning Services (DLPS) Marlor presented the briefing.

EC-2020-081
It was Moved and Seconded,
that the Executive Committee request a meeting with the Minister with specific concerns around Crown land issues and First Nations reconciliation, and the role of cooperation with Provincial agencies in building relationships and trust with First Nations in the Islands Trust area.

CARRIED

7.1.3.3 Approval of Local Trust Committee (LTC) meeting agendas – Discussion

Director of Local Planning Services (DLPS) Marlor opened the discussion in regards to ensuring the Chairs of the local trust committees were approving agendas before they were published.

By general consent the Executive Committee requested staff to clarify the procedures in regards to the review and approval of draft agendas for LTC meetings and to communicate those procedures to all Trustees and appropriate Staff.

7.1.4 Administrative Services - None

7.2 Executive Committee Initiated

7.2.1 Executive - None

7.2.2 Trust Area Services - None

7.2.3 Local Planning Services

7.2.3.1 Options for Advisory Planning Commission (APC) Meetings during Pandemic – Briefing

Director of Local Planning Services (DLPS) Marlor presented the briefing which provided options for holding Advisory Planning Commission meetings during the pandemic.

By general consent the Executive Committee requested staff to advise LTCs and APCs that they should re-start in-person meetings, provided they meet all provincial health requirements.

7.2.4 Administrative Services - None

8. NEW BUSINESS

8.1 Executive/Trust Council

8.1.1 What is a Community Information Meeting (CIM) – Discussion

Director of Local Planning Services (DLPS) Marlor opened the discussion, noting that there exists no formal policy in regards to CIMs; that they are intended to provide information and discussion by all attendees, including members of the public; and that LTCs can decide how best to utilize CIMs.

8.2 Trust Area Services

8.2.1 LTC Chairs Report on Local Advocacy Topics – None

By general consent the order of business on the agenda was varied to address items 8.2.2 after item 9.6 and before item 9.7.

8.3 Local Planning Services - None

8.4 Administrative Services - None

9. CORRESPONDENCE

9.1 Salish Seas Shared Waters Forum / Virtual Meeting - October 15-16, 2020

Director Frater stated that she would be attending the forum and will forward to all Trustees, any pertinent information or material from the forum.

9.2 Michael Sketch re: June Trust Council delegation email w/attachments dated June 30, 2020

Received for information.

9.3 UBCM 2020 - Meeting Requests with the Premier, Provincial Cabinet Ministers and MAH Minister

Chair Luckham requested the three Vice Chairs to indicate to Staff which Ministers and provincial staff the Executive Committee should meet with at UBCM.

EC-2020-082
It was Moved and Seconded,
that Staff send an information package regarding individual trustees attending Union of British Columbia Municipalities and Association of Vancouver Island Coastal Communities, and include a link to Policy 6.12.2(2.2).

CARRIED

EC-2020-083
It was Moved and Seconded,
that the Executive Committee request staff consult with the Chair and provide recommendations for meeting with ministers at the Union of British Columbia Municipalities in September.

CARRIED

9.4 UBCM - The Compass dated June 30, 2020

Received for information.

9.5 UBCM - The Compass dated June 17, 2020

EC-2020-084
It was Moved and Seconded,
that the Executive Committee request a staff report with options regarding Missing and Murdered Indigenous Women and Girls Calls for Justice for the August 5, 2020, Executive Committee meeting.

CARRIED

9.6 UBCM - The Compass dated June 10, 2020

Received for information.

8. NEW BUSINESS

8.2 Trust Area Services

8.2.2 Climate Action Project Charter - Briefing

Acting Senior Policy Advisor Hippola advised that the purpose of the project is to develop a strategic and integrated Islands Trust Climate Action Plan to be jointly endorsed by both Trust Council and the Trust Conservancy Board. A further briefing will be provided at the joint Executive Committee/Islands Trust Conservancy Board meeting scheduled for July 14, 2020.

9. CORRESPONDENCE

9.7 Trustees Wolverton and Rockafella re: June Trust Council

EC-2020-085
It was Moved and Seconded,
that the Executive Committee request staff to investigate education opportunities to address the responsibilities of Trustees in terms of public comments related to staff and staff work product, and the role of Trustees or Trust Council as an employer.

CARRIED

By general consent Trustee Rogers will reply to Trustees Wolverton and Rockafella.

The meeting recessed for a break at 3:19 p.m. and reconvened at 3:27 p.m.

10. WORK PROGRAM

10.1 Review and amendment of current work program

By general consent the work program was received as presented.

11. NEXT MEETING

The next Executive Committee (EC) business meeting is August 5, 2020.

EC-2020-086
It was Moved and Seconded,
that the Executive Committee move its September 15th pre-Trust Council business meeting to September 14th starting at 9:00 AM.

CARRIED

12. CLOSED MEETING

EC-2020-087
It was Moved and Seconded,
that the meeting be closed to the public subject to Sections 90(1)(a)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

CARRIED

At 3:30 p.m. the meeting was closed to the public.

13. RISE AND REPORT DECISIONS FROM CLOSED MEETING - None

14. ADJOURNMENT

By general consent meeting was adjourned at 4:33 p.m.

_____
Peter Luckham, Chair

Certified Correct:

_____
Robert Barlow, Legislative Services Clerk/Recorder

Islands Trust

Print Date: July 30, 2020

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.	Russ Hotsenpiller	Meeting: 12-Sep-2017 Target: 05-Dec-2017	In Progress
2 That the Executive Committee ask staff to come back with a report on council committee options to bring to Trust Council.	Russ Hotsenpiller	Meeting: 30-Jan-2019 Target: 27-Feb-2019	In Progress
3 that the Executive Committee request staff to investigate education opportunities to address the responsibilities of Trustees in terms of public comments related to staff and staff work product, and the role of Trustees or Trust Council as an employer.	Russ Hotsenpiller	Meeting: 08-Jul-2020 Target: 15-Sep-2020	In Progress

Director, Local Planning Services

Activity	Responsibility	Dates	Status
1 At March TC - Trust Council requested Executive Committee follow up with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) around forest management.	Clare Frater David Marlor	Meeting: 12-Mar-2020 Target: 15-Apr-2020	In Progress
2 Trust Council request EC to explore the budget implication of enhanced or additional bylaw enforcement and bring that back to Trust Council in September.	David Marlor	Meeting: 16-Jun-2020 Target: 15-Sep-2020	In Progress

Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
3 Trust Council requested Staff implement a system of tracking and collecting all local planning service staff hours associated with processing applications , beginning as soon as possible, for a three-month period to inform the discussion in regards to the review of application fees .	David Marlor	Meeting: 17-Jun-2020 Target: 15-Sep-2020	Completed
4 that the Executive Committee respond to the Denman LTC that the changed Affordable Housing proposal does not affect the advice previously given in EC Resolution 2020-003.	David Marlor	Meeting: 08-Jul-2020 Target: 06-Aug-2020	Completed
5 that the Islands Trust Executive Committee advise Bowen Island Municipality that Bylaw No. 521, cited as "Bowen Island Municipality Official Community Plan Amendment Bylaw No. 521, 2020" is not contrary to or at variance with the Islands Trust Policy Statement.	David Marlor	Meeting: 08-Jul-2020 Target: 31-Jul-2020	Completed
6 that the Executive Committee request staff to update and refer the briefing on Local Planning Service Delivery to Local Planning Committee and ask them to provide comments and feedback to the Executive Committee with a view of the report being forwarded to Trust Council.	David Marlor	Meeting: 08-Jul-2020 Target: 29-Jul-2020	Completed
7 that the Executive Committee request a meeting with the Minister with specific concerns around Crown land issues and First Nations reconciliation, and the role of cooperation with Provincial agencies in building relationships and trust with First Nations in the Islands Trust area.	Clare Frater David Marlor	Meeting: 08-Jul-2020 Target: 15-Sep-2020	In Progress

Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
8 the Executive Committee requested staff to clarify the procedures in regards to the review and approval of draft agendas for LTC meetings and to communicate those procedures to all Trustees and appropriate Staff.	David Marlor	Meeting: 08-Jul-2020 Target: 15-Sep-2020	In Progress
9 the Executive Committee requested staff to advise LTCs and APCs that they should re-start in-person meetings, provided they meet all provincial health requirements.	David Marlor	Meeting: 08-Jul-2020 Target: 15-Sep-2020	Completed
10 that the Executive Committee request staff consult with the Chair and provide recommendations for meeting with ministers at the Union of British Columbia Municipalities in September.	Clare Frater David Marlor	Meeting: 08-Jul-2020 Target: 15-Sep-2020	Completed

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Introduction, Part I, Part II and Schedule 1.	Clare Frater	Meeting: 21-Jun-2017 Target: 31-Mar-2019	In Progress
2 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 17-Apr-2019	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
3 that staff be requested to draft a letter to BIM Council encouraging them to engage with First Nations consistent with the Islands Trust reconciliation declaration.	Clare Frater	Meeting: 02-Oct-2019 Target: 30-Oct-2019	In Progress
4 Authorize a grant of $4,500 (from History and Heritage Grants) to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman and Gabriola Islands, subject to support of local trustees and affected local trust committees. Screening on HOLD due to COVID.	Clare Frater	Meeting: 26-Feb-2020 Target: 25-Mar-2020	In Progress
5 Staff contact the Coast Guard and other federal entities and offer our data sets for their local consideration plans and bring this issue back to April 15th meeting	Clare Frater	Meeting: 25-Mar-2020 Target: 15-Apr-2020	In Progress
6 That staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to a Dust n Bones screening event on Salt Spring Island. On HOLD due to COVID.	Clare Frater	Meeting: 10-Mar-2020 Target: 15-Apr-2020	In Progress
7 At March TC - Trust Council requested Executive Committee follow up with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) around forest management.	Clare Frater David Marlor	Meeting: 12-Mar-2020 Target: 15-Apr-2020	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
8 Trust Council requests the Executive Committee to conduct advocacy in opposition to the recently announced service cuts to B.C. Ferries' sailings in the Trust Area.	Clare Frater	Meeting: 16-Jun-2020 Target: 15-Sep-2020	Completed
9 Chair write to the Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), and the Honourable Selina Robinson, Minister of Municipal Affairs and Housing (MAH), and the Honourable Scott Fraser, Minister of Minister of Indigenous Relations and Reconciliation, requesting amendments to the Private Managed Forest Land Act that would enable local trust committees to regulate, but not prohibit, forest activities on land within the Islands Trust Area.	Clare Frater	Meeting: 17-Jun-2020 Target: 15-Sep-2020	Completed
10 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.	Clare Frater	Meeting: 17-Jun-2020 Target: 15-Sep-2020	In Progress
11 that the Executive Committee request a meeting with the Minister with specific concerns around Crown land issues and First Nations reconciliation, and the role of cooperation with Provincial agencies in building relationships and trust with First Nations in the Islands Trust area.	Clare Frater David Marlor	Meeting: 08-Jul-2020 Target: 15-Sep-2020	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
12 Director Frater stated that she would be attending the Salish Seas Shared Waters Forum and will forward to all Trustees any pertinent information or material from the Forum.	Clare Frater	Meeting: 08-Jul-2020 Target: 15-Sep-2020	In Progress
13 that Staff send an information package regarding individual trustees attending Union of British Columbia Municipalities and Association of Vancouver Island Coastal Communities, and include a link to Policy 6.12.2(2.2).	Clare Frater	Meeting: 08-Jul-2020 Target: 15-Sep-2020	Completed
14 that the Executive Committee request staff consult with the Chair and provide recommendations for meeting with ministers at the Union of British Columbia Municipalities in September.	Clare Frater David Marlor	Meeting: 08-Jul-2020 Target: 15-Sep-2020	Completed
15 that the Executive Committee request a staff report with options regarding Missing and Murdered Indigenous Women and Girls Calls for Justice for the August 5, 2020, Executive Committee meeting.	Clare Frater	Meeting: 08-Jul-2020 Target: 05-Aug-2020	In Progress

ISLANDS TRUST CONSERVANCY

Islands Trust Conservancy Report
to Local Trust Committees
and Bowen Island Municipality
July 14, 2020

Islands Trust Conservancy Board News

The Islands Trust Conservancy Board endorsed proposed adjustments to the 2020 annual monitoring program for nature reserves and conservation covenants due to the COVID-19 pandemic.

The Board and the Executive Committee shared a liaison meeting, July 14, 2020 and discussed:

- Working with the Province, including potential changes to Natural Area Protection Tax Exemption Program (NAPTEP) legislation and a Provincial funding request
- Working with Trust Council, including work associated with the Climate Change Emergency Declaration, ITC Budgets and ITC work towards a strategic charitable giving program
- Other items as per the agenda at http://www.islandstrustconservancy.ca/about-us/meetings/

The liaison meeting occurs annually as per Islands Trust policy.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

Islands Trust Acting Senior Policy Advisor presented a brief overview of the Climate Action Plan (CAP) currently in development by the Climate Policy Working Group (CPWG). The CPWG supports joint collaboration and communication between Trust Area Services, Local Planning Services and ITC for incorporating climate change into policy guidance. Resources will be used from both Trust Area Services and Islands Trust Conservancy.

Goal 2 – Strong relationships with First Nations

The ITC Board considered ways to advance engagement with First Nations through considerations in all of its land management and acquisition decisions.

Goal 3 – Protection of core conservation areas

Property Management

Staff are conducting a reduced monitoring season to accommodate travel restrictions due to COVID-19.

The ITC Board approved conservation covenant management plans for Winter Wren Wood on Denman Island (see island updates below).

Land Acquisition and Covenants
The ITC Board approved the transfer of 3.4 ha of land on Keats Island which will become the Sandy Beach Nature Reserve. This will be the ITC's 30th Nature Reserve and was a requirement of rezoning as directed by the Gambier Island Local Trust Committee.

The ITC approved a small covenant on Salt Spring Island which will provide a buffer area for the Lower Mount Erskine Nature Reserve which is managed by the ITC.

Goal 4 – A strong voice for nature conservation
The Board directed staff to prepare a histogram showing the size distribution of Island Trust Conservancy nature reserves and covenants.

Activities by Local Trust Area/Island Municipality

Denman – The Board approved the Denman Conservancy Association's update of the Management Plan for Winter Wren Wood dated April 18, 2020 with the recommendation that the Denman Conservancy seek assistance from ITC staff or First Nations such that the property management becomes inclusive of climate change and reconciliation.

Gambier – The Board directed the Chair to sign the Transfer Agreement, between the Convention of Baptist Churches of British Columbia and the Islands Trust Conservancy, for the transfer of Sandy Beach. The Board directed staff to bring recommendations to the Board regarding the use of the required $12,000 contribution from the Convention of Baptist Churches.

Salt Spring – The Board authorized the Chair to sign a conservation covenant over a small area adjacent to the Lower Mount Erskine Nature Reserve which is managed by ITC.

Please feel free to contact the Islands Trust Conservancy for more details.
Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca

Islands Trust Conservancy - Executive Committee

Liaison Meeting

DRAFT Minutes of Regular Meeting

Date:	**Tuesday, July 14, 2020**
Time:	**1:05 pm**
Location:	**Electronic Zoom Meeting**
Islands Trust Conservancy (ITC) Board Members Present:	**Kate-Louise Stamford, Chair** **Sue Ellen Fast, Vice Chair and EC Member** **Linda Adams** **Donald Clarke (left the meeting at 2:01 pm)** **Doug Fenton** **Susan Hannon**
Executive Committee (EC) Members Present:	**Peter Luckham, Chair** **Laura Patrick** **Dan Rogers**
Staff Present:	**Kate Emmings, ITC Acting Manager** **Russ Hotsenpiller, Chief Administrative Officer** **Clare Frater, Director, Trust Area Services** **David Marlor, Director, Local Planning Services** **Carla Funk, ITC Acting Communication and Fundraising Specialist** **Dilani Hippola, Acting Senior Policy Advisor (left the meeting at 2:45 pm)** **Kathryn Martell, ITC Acting Ecosystems Protection Specialist** **Alexandra Trifonidis, Acting Administrative Assistant**

1. CALL TO ORDER

The meeting was called to order at 1:05 pm. Chair Stamford acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

1.1 Introductions and context for annual meeting

Chair Stamford welcomed the Executive Committee guests and initiated introductions. Trustee Clarke introduced himself as a new member of the ITC Board. Trustee Hannon introduced herself as an appointed Trustee to the ITC Board.

The Executive Committee warmly welcomed the new ITC Board members and individually introduced themselves.

Staff were introduced as meeting attendees.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

2.1 Agenda Context Notes

The Agenda Context Notes were received for information.

3. MINUTES/COORDINATION

3.1 Review of the July 16, 2019 Meeting Minutes

The Islands Trust Conservancy Board received the July 16, 2019 meeting minutes for information.

4. BUSINESS

4.1 Items for Information

4.1.1 Introductions:

- Islands Trust Conservancy (ITC)

  See item 1.1

- Executive Committee (EC)

  See item 1.1

- Review of ITC\EC roles

  ITC Acting Manager gave a brief overview about the logistics of the EC\ITC liaison meeting and their structures.

4.2 Items for Discussion/Direction

4.2.1 Working with the Province

- Trust Council Strategic Plan Item

  ITC Acting Manager gave a background overview of the NAPTEP program. In September 2019, the ITC Board requested that Trust Council increase the property tax exemption rate for NAPTEP. Trust Council included amendment of the exemption rate in its strategic plan as a means of protecting forest cover.

  Islands Trust Chief Administrative Officer updated the group that there has been very little conversation about this item between senior management and the Executive Committee, noting that the COVID-19 pandemic has delayed this item from moving forward.

  Discussion ensued on the following:

  - Amending NAPTEP legislation to be compliant with UNDRIP (apple orchards, colonial history are optional cultural areas for protection, but

First Nations cultural sites are not eligible – with the exception of culturally modified trees)
  - Target goal of 100% tax exemption

- Provincial Funding Request

  Islands Trust Chief Administrative Officer update – this item is delayed due to COVID-19. Specific strategies will be developed soon. The conversation with ministry staff will be initiated.

4.2.2 Working with Trust Council

- COVID-19 Updates (verbal)

  ITC has modified its annual property monitoring due to COVID 19 and the newly developed *Islands Trust Recovery and Safety Plan for COVID-19*. No ITC Nature Reserves were closed due to COVID. Assisted by its island partners, ITC was able to monitor the safety of visitors to lands that it manages.

  The ITC is following the *Islands Trust Recovery and Safety Plan for COVID-19* for all its work, including monitoring and site visits on islands.

- Strategic Planned Giving

  ITC fund development planning started in the 1990's. One approach to fund development that ITC is pursuing is Strategic Planned Giving. The Acting Communications and Fundraising Specialist described the ITC's approach to planned giving noting building relationships is key which has been hard due to social distancing.

  Trust Council Chair Luckham spoke about community and conservation aspects of living on the islands. Community centers and other island initiatives also need funding. Giving is significant on islands in different ways. Raising the profile of ITC is needed.

  Discussion ensued on the following:

  - How can we expand the strategic planned giving more broadly? For example, beyond island residents and landowners to groups such as island visitors.
  - The ability to have a planned giving program that is not in competition with island conservancies; ways of developing mutual supports.

- Climate Change Emergency Declaration

  1. FireSmart and Ecology / Fire Risk Management
  2. Climate Change Projections Report
  3. Climate Action Plan

  The ITC Acting Manager spoke to the context notes provided.

Discussion ensued on the following:

- Scientific reports within the Trust Area – Of note, there are different reports for climate change within certain areas of the Trust but not one covered the whole of the Trust Area which is why ITC commissioned the CCPR.
- Bringing awareness about the CCPR – There is value in bringing the CCPR to Local Trust Committees (LTC) as useful information for locals (for example, farmers could possibly benefit from the information providing how projected growing days could change into the future)

- Referrals and communication

  1. Between TC and ITC
  2. Between Committees and ITC

  Discussion ensued on the following:

  - Overall communications between Islands Trust and ITC have been streamlined over the last few years. There are still possibilities for bringing more items to the attention of the ITC.
  - Land use planning – planned preservation. Reconsider how things are done. What mechanisms do we have in place now and should there be new ones added? Major shift in thinking.
  - ITC's response to LTC referrals – How does ITC respond? What is the capacity of the ITC to respond to these referrals? There are set procedures on how ITC responds to LTC referrals outlined in IT and ITC policy. ITC is typically brought in on Official Community Plan reviews.
  - More ITC resources will be needed if an increase in referrals is considered
  - Ecological awareness
  - LTC's supportive to preserve and protect mechanism
  - Co-management with First Nations in the Trust Area

- Budget:

  1. Fire Risk Assessment
  2. Property Management Formula

  Discussion ensued on the following:

  - ITC is currently working on new budget formula for property management.
  - ITC is exploring a possible budget request for Fire Risk Assessment on ITC lands; alternatives for partnerships with external agencies are also being explored to keep costs low.
  - ITC revenue reporting –Highlight the donation side of the Conservancies revenue rather than just expenditures in Islands Trust budget reporting.

- Canada Nature Fund (verbal)

  The ITC Acting Manager gave an update on the status of the Canada Nature Fund request, submitted by ITC, stating the request for funding is still active but no news has been received.

- Regional Conservation Plan Update

  The ITC Acting Manager gave an update on the ITC Regional Conservation Plan noting that the first three-year work plan will come to an end in December 2020. The RCP is a 10-year plan broken down into three, three year increments, with a final year for assessment and planning of the next RCP. The plan is designed this way so staff are able to adjust work items if needed.

- Ecosystem Based Management

  1. Ecological Research Network (ERN)

     Dr. Hannon, a member of the ERN, provided insight into who is involved, why it was created and what the network does. The ERN is a Salt Spring based group comprised of many talented islanders with a broad range of expertise in the field. The group is volunteer run and provides information such as environmental reports, brings forward climate change awareness, and has access to cutting edge information and research.

     Discussion ensued on the following:

     - Do we need to do things differently?
     - Review of how land planning is done.
     - Next meeting - discuss ecology of gulf islands (fire)
     - Should the ERN be available to all of the Trust Area?
     - Ways to manage properly/co manage/be responsive in a timely manner

4.2.3 Working with Local Trust Committees

- LPS\ITC policy
- CDF Tool Kit

The ITC Acting Manager shared that ITC has processed 6 referrals from Local Trust Committees in the last year. See agenda item *Referrals and Communication* for more detailed discussion points on referral communications between ITC and LTC's.

4.2.4 Working with First Nations

- Reconciliation Declaration and Action Plan
- Crown Land Policy

Staff noted that reconciliation action is outlined for the Trust Council in the Reconciliation Action Plan and the ITC is contemplating development of its own Reconciliation Action Plan. ITC's current reconciliation actions are described in its Regional Conservation Plan and through associated staff work programs. The ITC staff have recently participated in two retreats with the Island Trusts Senior Intergovernmental Policy Advisor to educate and reflect on how ITC can include reconciliation into ITC work.

Staff continue to have a work item to review Trust Council Procedure 2.1.12, Administration of the Crown Land Acquisition Initiative to better reflect engagement with First Nations. The program is a Trust Council Program that is administered in collaboration with the ITC. ITC continues to receive interest from the islands to move forward with Crown land acquisition, but has currently paused actions while awaiting procedure review.

4.2.5 Working with the Public

- Website (verbal)

  The Director of Trust Area Services updated the meeting attendees on the progress of the website. The new website will be merging three existing sites: MapIT, ITC and IT. The design work is done. Training sessions have been provided to staff; however, more training will be needed in the future to better equip staff on how to use the new software to its full potential. Prior to the launch of the site, a user testing experience will be offered to multiple groups that are known to use the site often: trustees, real estate professionals and landowners to name a few.

5. NEXT MEETING

To be determined in late 2020; in Victoria.

Of note, there was mention of the possible need for ITC and EC to meet more often. Specific items on today's agenda will likely need to be addressed before the next annual liaison meeting.

6. ADJOURNMENT

By **general consent**, the meeting was adjourned at 2:56 pm.

_____

Kate-Louise Stamford, Chair

Certified Correct:

_____

Recorder

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: HO 6500-20
HO Bylaw No. 161
(Official Community Plan/Land Use Bylaw Technical Review)

DATE OF MEETING:	August 5, 2020
TO:	Islands Trust Executive Committee
FROM:	Sonja Zupanec, Island Planner
SUBJECT:	Hornby Island Local Trust Committee – Bylaw No. 161 (OCP Bylaw Amendment)

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Hornby Island Local Trust Committee Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

The Hornby Island Local Trust Committee (LTC) has referred Bylaw No. 161 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational: The key aspect of Bylaw No. 161 is to amend the Official Community Plan to correct numerous typographical errors, outdated legislation titles, language and citations and minor numbering errors.

Financial: Not applicable.

Policy: Bylaw No. 161 is consistent with the Islands Trust Policy Statement.

Implementation/Communications: If approved by the Executive Committee, Bylaw No. 161 will be forwarded to the Ministry of Municipal Affairs and Housing for approval.

PURPOSE

The purpose of this Request for Decision is to provide the Executive Committee with a summary of the proposed amendments to Hornby Island Local Trust Committee Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019" and request approval of this bylaw.

BACKGROUND

Hornby Island Local Trust Committee Bylaw No. 161

The Hornby Island Local Trust Committee (LTC) initiated Phase 1 of a 'Official Community Plan/Land Use Bylaw Technical Review Project' in 2019. The scope of the first phase of the project included correcting numerous typographical errors, outdated legislation titles, language and citations and minor numbering errors.

Bylaw No. 161 was given three readings and found to be "not contrary to or at variance with the Islands Trust Policy Statement".

Issues Relating To Provincial Interest:

N/A

Issues Relating To Resources and Enforcement:

N/A

Issues Relating To First Nation Interest:

N/A

Public Comments to Executive Committee
Public comments were solicited through a Community Information Meeting and Public Hearing. No changes were made to the bylaw resulting from the public input received.

Staff Comments

Staff is recommending approval of Bylaw No. 161 as it is deemed to be consistent with the *Islands Trust Act* and *Local Government Act* and the Islands Trust Policy Statement.

KEY ISSUES/CONCEPTS

- Open and transparent governance

RELEVANT POLICY

- Section 38 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- 1.3.i Policy Statement Implementation Policy

ALTERNATIVE

THAT the Executive Committee request that staff advise the Hornby Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Hornby Island Local Trust Committee on the steps needed to address the specified issues.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	July 17, 2020
Concurrence:	David Marlor, MCIP, RPP Director of Local Planning Services	July 30, 2020

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 161

Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Hornby Island Local Trust Committee Bylaw No.: HO-161

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 26-Jun-2020

☒ Bylaw Submission Checklist attached

☒ Policy Statement Checklist attached*
* not required for administrative bylaws

☒ Summary of Bylaw Intent Attached

Recieved by Islands Trust Secretary:

Signature: _____ Date: _____
Secretary

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numberically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee _____
Director, LPS _____
Local Trust Committee _____
Planner _____
Planning Clerk _____

Islands Trust

Print Date: July 20, 2020

Bylaw: HO-161

Trust Area: Hornby Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: HO-161
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes
Technical Staff: No

First Reading Date: 08-Nov-2019
Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 20-Nov-2019

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: McErlean, Becky
Date: 10-Jun-2020
File complete and ready for Public review: No

Public Hearings:

Location: Electronic Public Hearing
Proofread By: McErlean, Becky

Legal Paper: Hornby Tribune
First Publish Date: 10-Jun-2020
Second Publish Date: 17-Jun-2020

Alternate Paper:
First Publish Date:
Second Publish Date:

Mailout Date:
Delivery Notices: 13-Jun-2020
Date Public Hearing Held: 26-Jun-2020
Second Reading Date: 26-Jun-2020
Third Reading Date: 26-Jun-2020

Islands Trust

Print Date: July 20, 2020

Referrals: Bylaw HO-161

Agency	Sent	Received
Comox Valley Regional District *600 Comox Road:* Ton Trieu	14-Jan-2020	
School District 71 *607 Cumberland Raod:* Tom Demeo	14-Jan-2020	

ISLANDS TRUST POLICY STATEMENT
DIRECTIVES ONLY CHECKLIST

File No.: 6500-20
File Name: Hornby Island OCP/LUB Amendments. Bylaw 161

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

✓ if the bylaw is consistent with the policy from the Policy Statement, or
✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT		NO.	DIRECTIVE POLICY
OCP	**LUB**	**3.1**	**Ecosystems**
✓	✓	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	✓	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	✓	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
OCP	**LUB**	**3.2**	**Forest Ecosystems**
✓	✓	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
OCP	**LUB**	**3.3**	**Freshwater and Wetland Ecosystems and Riparian Zones**
✓	✓	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
OCP	**LUB**	**3.4**	**Coastal and Marine Ecosystems**
✓	✓	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	✓	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT		NO.	DIRECTIVE POLICY
OCP	**LUB**	**4.1**	**Agricultural Land**
✓	✓	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	✓	**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 affects on agricultural land.
✓	✓	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	✓	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
✓	**N/A**	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
OCP	**LUB**	**4.2**	**Forests**
✓	✓	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
✓	✓	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
✓	✓	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT		**NO.**	**DIRECTIVE POLICY**
OCP	**LUB**	**4.3**	**Wildlife and Vegetation**

OCP	LUB	4.4	Freshwater Resources
✓	✓	**4.4.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor 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, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	✓	**4.4.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.
OCP	**LUB**	**4.5**	**Coastal Areas and Marine Shorelands**
✓	✓	**4.5.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
✓	✓	**4.5.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	✓	**4.5.10**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	✓	**4.5.11**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
OCP	**LUB**	**4.6**	**Soils and Other Resources**
✓	✓	**4.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT		NO.	DIRECTIVE POLICY
OCP	**LUB**	**5.1**	**Aesthetic Qualities**
✓	✓	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
OCP	**LUB**	**5.2**	**Growth and Development**
✓	✓	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	✓	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	✓	**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.
✓	✓	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
OCP	**LUB**	**5.3**	**Transportation and Utilities**
✓	✓	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
✓	✓	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
✓	✓	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	✓	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
OCP	**LUB**	**5.4**	**Disposal of Waste**
✓	✓	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT		**NO.**	**DIRECTIVE POLICY**
OCP	**LUB**	**5.5**	**Recreation**

✓	✓	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	✓	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓	✓	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	✓	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
✓	✓	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
OCP	**LUB**	**5.6**	**Cultural and Natural Heritage**
✓	✓	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	**N/A**	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
OCP	**LUB**	**5.7**	**Economic Opportunities**
✓	✓	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
OCP	**LUB**	**5.8**	**Health and Well-being**
✓	✓	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

		POLICY STATEMENT COMPLIANCE
OCP	**LUB**	
✓	✓	***In compliance with Trust Policy***
		Not in compliance with Trust Policy for the following reasons:

Bylaw: HO-161

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Sonja Zupanec

Status

Date Resolution Referred to Exective Committee: 26-Jun-2020

Reading:

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 161

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, BYLAW NO. 149, 2014

The Hornby Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. Citation

   This bylaw may be cited for all purposes as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019".

2. Hornby Island Local Trust Committee Bylaw No. 149, cited as "Hornby Island Official Community Plan Bylaw No. 149, 2014", is amended as follows:

   2.1 Schedule A – Bylaw Text, is replaced in its entirety with Appendix 1, attached to and forming part of this Bylaw.

READ A FIRST TIME THIS	1ST	DAY OF	NOVEMBER	, 2019
PUBLIC HEARING HELD THIS	26TH	DAY OF	JUNE	, 2020
READ A SECOND TIME THIS	26TH	DAY OF	JUNE	, 2020
READ A THIRD TIME THIS	26TH	DAY OF	JUNE	, 2020

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
XX DAY OF , 20XX

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS
XX DAY OF , 20XX

ADOPTED THIS XX DAY OF , 20XX

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 161

APPENDIX 1

SCHEDULE A
HORNBY ISLAND OFFICIAL COMMUNITY PLAN

SECTION I — BACKGROUND

1.1 Context and Interpretation

This Plan is an update to the Hornby Island Official Community Plan Bylaw No. 104, 2002 and has been assigned a new bylaw number to denote the update. An update, in contrast to a review of the plan, focuses on updates to legislative references and clarification of the text where previous use of objectives or policies have identified lack of clarity. A review was undertaken of Section VI – Objectives and Policies for Sustainable Land Use with a focus on housing and the economy and amendments are incorporated into this Plan. Other areas of review included new objectives and policy on wind energy and amendments to land use designations on some properties.

The Plan update distinguishes between "Policies" and "Advocacy Policies". "Policies" are those that are within the authority of the Hornby Island Local Trust Committee to implement. Community goals and objectives included in this Bylaw that address matters that are outside the jurisdiction of the Hornby Island Local Trust Committee are considered "advocacy policies". These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the Plan. This Bylaw cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

Properties are noted with a land use designation on Schedule B attached to this Plan. Each designation is referenced in the text of this Plan with stated objectives and policies. In addition there are sections of the text of this Plan that apply to all properties on Hornby Island. If a property has more than one land use designation as defined on Schedule B of this Plan, then the objectives and policies applicable to each designation shall apply to that property.

The term "Information Note" is used periodically within the Plan. An information note is not part of the official community plan bylaw. An information note is added to the published bylaw document after adoption of the bylaw to assist in the understanding and interpretation of the Plan.

1.2 Purpose

The purpose of this Official Community Plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policies for the Hornby Island Local Trust Area. This Bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the Hornby Island Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area.

1.3 Islands Trust Authority

The *Islands Trust Act* gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be submitted to the Islands Trust Executive Committee for approval and must not be approved if they are contrary to or at variance with the Islands Trust Policy Statement. In the case of Official Community Plans, approval by the Ministry of Municipal Affairs and Housing is also required before adoption by the Local Trust Committee.

The Hornby Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the Hornby Island Local Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry out the object of the Islands Trust which is:

> *To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.*

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. The Islands Trust Policy Statement is a general statement of policies to carry out the object of the Trust. Local Trust Committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

1.4 Historical Perspectives

Someone has said "a people without a history can have no vision". The people of Hornby Island are standing on history. It is to be found in the remnants of snake fences, and in the derelict orchards, in the blackened shell-flecked soil around the shores, and in the indigenous trees and shrubs from which the first people took their sustenance. It is to be found in the soil and in the sandstone and conglomerate sedimentary rocks, in the pebbles on the beaches, and in the basement rock on which the Island rests.

The rocks of Hornby Island are part of the island arc Wrangellia, which started its life as molten lava, three hundred and fifty million years ago, south of the equator. The arc, the result of one ocean plate meeting another and subducting, journeyed north on the back of the Pacific Plate, eroding gathering limestone. On reaching the latitude of present-day Mexico, about one hundred and seventy million years ago, another set of volcanic eruptions added more volcanic rock to the terrain.

From these two major geological events came the Island's basement rock, and later, 65 to 70 million years ago, most of the ingredients for the Island's sedimentary rock, the pebbles in the conglomerate and the eroded rock from the tumbling hillsides, came from the recycled substance of Wrangellia's earlier geological history. Also in the sediment are found fossils of sea creatures, and pieces of petrified wood dating from trees that grew at that time.

Continuing tectonic plate pressure first folded and then faulted the layers of sedimentary rock. The movement of glaciers and the rising and falling of seas in the interglacial periods, scoured the rock and then padded the dips and valleys with clay, sand, and glacial till. Some of the boulders and cobbles were brought from as far away as the Coast Range Mountains.

Ten thousand years ago, three thousand years after the last glacier retreated, the receding seas started slowly to reveal Hornby Island with much the same shape that it is today. Vegetation started to grow and by five thousand years ago people from Deep Bay were visiting the Island gathering the Island's bounty and fishing from its shores.

During the 1860's Hornby Island was virtually empty of people. It was the sight of the island on fire at the end of the decade that decided George Ford, one of the earliest recorded settlers, to move from the settlement in Comox to Hornby Island. Fires made clearing land easier. Other settlers followed. In 1870 a whaling company moved its base of operations to Hornby Island, but in less than two years it went into liquidation and one hundred acres at Whaling Station Bay with wharf, sheds and other buildings were auctioned off.

The early settlers were able to choose land which was sheltered, amply provided with water, and having deep fertile soil. By the turn of the century Hornby had become a fairly prosperous farming community, although many who came to farm found the sale of logs from the clearing of land more profitable than the farming itself.

Hornby Island, like all islands, promised a dream. The Island challenged, dared, and offered an escape. Not everyone who came succeeded and even those who did succeed, often found their children seeking dreams elsewhere. By 1960 most land had changed hands several times. Families had come and gone. Some orchards were derelict and many fields were overgrown. The 150 people on the Island were made up of fishermen, subsistence farmers, resort owners, their children

and one or two retired intellectuals. Towards the end of the sixties developers discovered the Island and three farms were turned into small lot residential subdivisions.

To avoid more indiscriminate carving up of the Island, a policy restricting subdivision to a ten-acre minimum lot size was introduced in 1969 through a provincial cabinet Order-in-Council known as the "Ten-Acre Freeze", applying it to all of the Gulf Islands. The decree permitted no further subdivision creating lots under 10-acres in size, with a maximum of two dwellings per parcel, and was to continue to apply until zoning and subdivision bylaws could be enacted by the local governments for each island. As well, in about 1972, using existing soil analysis mapping, the Province established the BC Agricultural Land Reserve (ALR), and its Commission known as the ALC, covering all the known useable farm and grazing land in BC to prevent further subdivision or development of the Province's remaining farmland, except through application to the ALC (this was estimated to include no more than 3% of the province's land mass). In 1973, the Comox-Strathcona Regional District responded to the call for land use regulation by assisting the Hornby community to develop and pass its first set of local land use and subdivision bylaws (Bylaw Nos. 137 and 139). This coincided with the arrival of the counter-culture people, and the Island flowered with artists, craftsmen and academics seeking a more meaningful life. In 1974 the Islands Trust was formed to preserve and protect the Gulf Islands, which include Hornby Island, against inappropriate use and development. In April 1977, the new Hornby Island Local Trust Committee, following lengthy discussion with Hornby residents, approved the first Official Community Plan for the Island.

Legislation does not ensure the spirit of a place. Hornby Island itself with its beauty, with its history deep into the past, its tranquility, its changing light and seasons, must be allowed to capture the hearts of those who dwell here. Hornby will endure although it has not always been an island and one day may not be again. It has traveled a long way and gone through many changes. It will be here long after the human population has gone. Every person who owns land holds it as a temporary tenant, in trust for future generations.

1.5 The Natural Setting

Terrestrial Ecosystems

Hornby Island is within an ecological region unique in Canada. The Coastal Douglas-fir (CDF) zone is one of the smallest biogeoclimatic zones in British Columbia, occurring only on the Gulf Islands, southeastern Vancouver Island and small portions of the Sunshine Coast and Fraser Delta. It is a region of exceptionally high biodiversity but also one that has been profoundly and adversely affected because of its accessibility for logging and suitability for settlement. Less than 1% of this ecosystem remains relatively undisturbed; 12% of provincial ecosystems are generally considered a minimal protection target to achieve ecological representation. Even if all the remaining remnants of old-growth forest can be preserved, areas of older second-growth forest must also be protected and allowed to recover to an old-growth state to ensure adequate representation of this forest type in the future.

The original Coastal Douglas-fir forests had a relatively open canopy dominated by gigantic Douglas-firs, which can live more than 750 years. About 100 species of other trees, shrubs, vines, herbs and mosses are indigenous to these forests.

On Hornby only about 104 hectares of relatively undisturbed stands of older forest have been identified. This is about 3.5% of the Island’s area. However, there are also at least 572 hectares of older second-growth forest (19% of the Island). As these recovering forests reach about 80 years old, they start to develop a structure and composition that allows much of the natural biodiversity to become re-established. These areas can provide important connectivity, allowing the movement and dispersal of forest, plant and animal species. Within the Coastal Douglas-fir zone, Garry oak woodlands cover about 0.6% of the landscape. They often occur on south-facing slopes where summer moisture is low and shallow soils are common.

These open woodland ecosystems support a very high biodiversity of plants. Less than 5% of the historic Garry oak woodlands remain and many of these are seriously degraded. The woodlands provide habitat for a variety of birds, rare moths and butterflies and the Northern Alligator Lizards. This ecosystem includes 93 species at risk.

On Hornby, the Garry oak ecosystem is near the northern extremity of its range. There are about 16 hectares of woodlands, the principal sites being west of Helliwell Park and above the Ford Cove Hill. There are many other smaller stands of Garry oaks.

Terrestrial herbaceous ecosystems (natural grasslands rich in wildflowers) are found in rocky, exposed areas near the shoreline and above coastal bluffs. Hornby has about 24 hectares of these sensitive ecosystems. They contain many rare and uncommon plants—and also support other species, such as the endangered Taylor's Checkerspot Butterfly. However, they are very susceptible to disturbance and degradation because they occur in areas that attract residential development and recreation.

Indigenous human communities have been part of this area's ecosystems as they evolved through shifting climatic conditions since the last ice age. Settlement communities have brought change, not only through logging, development and recreational use but also by interrupting preexisting processes (such as periodic fire) and by introducing invasive non-native species that displace native vegetation. In the 1980s, the non-indigenous Virginia opossum was introduced to Hornby and is likely having a significant impact upon the preexisting ecology of the Island.

Fresh Water

Because Hornby Island has a self-contained hydrological system, fresh water is a critical element of its natural setting. Wetlands are extremely productive ecosystems, supporting a large number of species. They are also holding areas for fresh water which can incrementally recharge surface and groundwater systems during the dry season. Hornby, in common with most of the Gulf Islands, has few wetlands. Many of these have already been drained or damaged as a result of logging, agriculture, road-building and landscaping.

Three of the largest wetlands are on the "bench" above Lambert Channel, near Ford Cove and north of Helliwell Park. There are also significant wetlands in the upland Crown land. The only sizable lake on Hornby was in the Strachan Valley; it was established in the 1990's by beaver activity resulting in a significant increase in biodiversity in the area and a more consistent year-round flow in Ford Creek. The dam has now been abandoned and surface water is categorized as a wetland. Surface drainage is generally through many small seasonal creeks. Only Beulah Creek and Ford Creek (both draining the eastern escarpment of Mount Geoffrey) are fish-bearing. Riparian areas, along the margins of streams, lakes and marshes, are very important in providing habitat for a variety of species and maintaining the productivity of fish-bearing streams. Many of these areas have been affected by logging, road-building and settlement.

Groundwater on Hornby is found in open fractures or breaks within the sedimentary rocks underlying the entire island. These openings occupy less than 1% of the rock volume and allow the water to move from one part of the island to another. About 20% of Hornby's annual precipitation of approximately 1,174 mm, which occurs principally in the fall and winter, infiltrates the subsurface to replenish the groundwater supply.

This is the only source of groundwater recharge. This recharge generally takes place on the higher areas of the island and in stream beds. Outflow is to wetlands, creeks and the ocean. Groundwater is the major source of potable water on the island. In 1989 it was reported that in the main residential areas the demand has reached more than 80% of the available water. Since then, the summer population of the island has expanded to several thousand people. Excessive draw down of aquifers in coastal areas can lead to saltwater intrusion or replacement by contaminated run-off. Over-development, inappropriate land use practices, inadequate waste treatment and improperly constructed or abandoned wells can all have an impact on the quantity and/or quality of groundwater. Most water, used or unused, eventually reaches the ocean and any contamination can negatively affect marine life.

The Marine Environment

The waters around Hornby are part of an internationally recognized Important Bird Area (IBA), designated because the area supports globally significant numbers of waterbirds in winter. The waters also support a high diversity of marine life including a variety of sponges, anemones, sea stars, nudibranchs, crabs and fish. A unique feature of the marine ecology is the presence of six-gilled sharks, normally a deep-water dweller, at relatively shallow depths near Flora Islet.

The Hornby-Denman area is the site of the largest and most consistent herring spawn in British Columbia. This spawning is important to a variety of species, including Stellar and California sea lions (that spend the winter in these waters using rocks and islets to the south-east of Hornby as haul-outs), hundreds of bald eagles that congregate here each spring and the West Coast's largest concentration of Harlequin ducks.

Several species of groundfish are present, including quillback, copper, black, Puget Sound and yelloweye rockfish, lingcod, kelp greenling and cabezon. Rockfish and lingcod are now in serious decline throughout the Strait. There are areas of kelp-covered terrain and eel grass around Hornby that provide excellent habitat for juvenile rockfish. Salmon populations have declined significantly and whales, once fairly common, are now rarely seen.

Hornby has large inter-tidal areas which have a particularly rich ecology. The health of these areas is likely supported by the waters around Hornby being relatively pristine compared to other areas of the Strait, but the accessibility and development of Hornby's shoreline also make it vulnerable to disturbance.

Coastal areas of the island are important for the well-being of many species that are part of the marine ecosystem. Pelagic cormorants roost on rocky bluffs; bald eagles depend on large trees around the island for perching or nesting; herons require a suitable stand in which to establish a heronry; salmon spawn in Beulah Creek; river otters use much of the coastline; Harlequin ducks and other sea birds are susceptible to disturbance from on-shore activity. Pollution originating on land (including from septic seepage) can contaminate bivalve shellfish. Thus there is a strong connectivity between the terrestrial environment and the marine environment of Hornby.

The natural setting of Hornby Island is rich, varied and of provincial importance. Despite heavy impacts from human use over the past century or so, a significant representation of natural ecosystems remains intact, though at risk from development and recreation pressures. The island's year-round population seems to have stabilized but, if Hornby continues to be a popular location for tourists and seasonal residents, protecting these remaining ecosystems—and restoring those already degraded—will be a crucial challenge.

1.6 Socio-economics of Hornby Island

A permanent population of 958 persons in 2011 represents a population decrease of 10.8% since 2001. The population is generally aging with a median age of 58 years. The population is characterized by lower than average incomes and higher than average education. If trends continue, the challenges of ensuring housing affordability and safety, mobility and security will increase and efforts to provide for supportive services will be of concern.

The economy follows a seasonal cycle and is highly dependent on a population of visitors that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses on Hornby Island, of which about 80% operate as home based businesses. Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. There has been a long history of homeowners renting their homes to others for short periods of time (vacation home rentals) as a means of creating an income or to offset some home ownership costs. This activity has made a significant contribution to the island's economy. The construction industry, some public service positions and an increasing number of caregivers rounds out an integrated economy.

The "*Hornby Island Community Profile"* (March 2010) provides more detailed information.

1.7 Principles

The principles behind the development of this Plan are based on the mandate of the *Islands Trust Act*, "to preserve and protect, the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

Based on that mandate, the objectives of the Hornby Island Official Community Plan are somewhat complex and focus on two main priorities. A first priority is to provide a balance between preservation of the natural environment and development associated with human settlement and economic activity. A second priority is to preserve the unique personality of the community while providing for its needs and those of its visitors in a manner and at a scale that does not overburden the limited resources of the Island or its residents.

This Plan helps ensure that decisions related to the use of land on Hornby Island will not be made on the basis of expediency but rather will be based on the features of the natural environment and their inherent capacity to support a particular use

or development. In addition, this Plan helps ensure that any proposed change in land use will be evaluated in terms of its impact on the social environment of the whole Island and on the associated needs of future generations.

Hornby Island offers unusual scenic beauty, sandy beaches, interesting geologic formations, clean air, a gentle climate and a community that has a rural lifestyle. The relative isolation of the Island has contributed to the self-sufficient character of the community. However, the increasing urban density of the lower mainland and eastern Vancouver Island makes the Island attractive to thousands of visitors whose demand for use of the Island threatens the very qualities that make the Island special.

It is recognized that human settlement on Hornby Island is constrained by the Island's size and its limited supply of fresh water. The fragility of its natural environment constitutes another less obvious and less widely understood constraint to development and use by visitors. Hornby Island offers many outstanding natural and historic features valued today by residents and visitors alike. If these features are to be enjoyed tomorrow, they must be protected today. It is only through community concern and understanding along with a sense of stewardship and responsibility that the Island will be effectively protected and preserved. This Plan presents a well-defined community consensus about what is valued and should be protected and it is hoped that the Plan will influence governing agencies to respect the policies of the Plan.

These general objectives express the basic values held by the people of Hornby Island:

(1) To ensure that all human activities on the island respect the natural environment and preserve the fragile ecosystems.

(2) To ensure the quality and quantity of the groundwater is not compromised through human activities.

(3) To maintain a rural community that is safe, creative, self-reliant and diverse.

(4) To develop and support the Official Community Plan to guide the actions and decisions of residents, visitors and all levels of government with respect to Hornby Island.

From these general values, the Official Community Plan gives detailed objectives and policies to ensure that changes are suitable in the long term and have broad community support.

Since the original preparation of this Plan the Hornby community has also developed a collective vision titled the "*Ideal Hornby Island in the year 2020"* that is contained in the "*Hornby Island Community Profile"* (listed in Schedule G). This statement of vision transcends land use planning and encompasses the broader vision of a community that is invaluable as a reference as decisions are made. The community vision statements can provide a useful reference in amplifying the meaning behind the principles, objectives and policies of this Plan.

SECTION II — PRIMARY OBJECTIVES AND POLICIES

2.1 Broad Community Objectives

The following statement of general objectives express the values that are significant to the people of Hornby Island and together with the specific objectives listed in each topic area sets the direction to be followed when interpreting and implementing the policy statements.

To promote the conservation, preservation or restoration of:

a) areas of natural, scenic, historical, archaeological or scientific value,

b) watershed and groundwater recharge areas,

c) public land and parks,

d) areas of significant vegetation, the forests, the wildlife and their habitat,

e) land with agricultural potential,

f) shoreline, foreshore and the Island's surrounding marine ecosystem, and

g) water courses and riparian areas.

To ensure all human activities are carried out in a manner that is sensitive to the protection of fresh water resources and to the fragility and interaction of natural ecosystems, are compatible with activities of surrounding neighbours, and are in keeping with the rural scale of land use on the Island.

To minimize pollution of air and water.

To limit or reduce present and future stresses upon natural and community resources, particularly those generated by increasing seasonal uses.

To encourage a self-reliant rural community based on agriculture, low impact businesses and home occupations that are sustainable and non-polluting.

To ensure changes, growth and development are gradual and support the sustainability of the community.

To maintain the community's sense of unity and to promote a residential development pattern consistent with the rural character of the Island.

To encourage residents and visitors to take an active role in the preservation of natural and social values on the Island.

To encourage consultation with and participation of the public in local government decisions and in the management of Provincial resources by appropriate agencies.

To protect through sound long-range planning policies and strategies, the agricultural potential of lands, foreshore and intertidal areas, forested areas and groundwater recharge areas.

To support community awareness and participation in achieving lifestyles and buildings which ensure energy efficiency.

To encourage a relationship with First Nations with interests in Hornby and the surrounding waters.

To preserve the rural character of the Island.

2.2 Objectives and Policies for All Land Use

Background:

The importance of preserving the sensitive ecosystems of the Island and the need to protect the groundwater resource were recurrent themes during the public review of the Official Community Plan.

Sensitive Ecosystems and Biodiversity

Hornby Island is located within the Coastal Douglas-fir biogeoclimatic zone, which is a relatively rare zone within British Columbia, occupying only 0.25% of the province. Sensitive ecosystems are considered sensitive because of their rarity and their fragility to disturbance. The protection of sensitive ecosystems is important to maintain biodiversity. Hornby Island has 573.7 hectares of sensitive ecosystems covering 19.2% of the island. However, the island has the second highest percentage of land in the Trust Area (29%) converted to human use. Garry oak woodlands, herbaceous areas, mature forest stands, cliffs and wetlands provide habitat for a variety of plants and animals, including about a dozen species at risk.

The Islands Trust has used various types of ecosystem mapping for planning and conservation purposes since its inception. Early sources of information were compiled from various studies while more recent efforts focused on development of ecosystem mapping products. The most recent mapping included:

ITEM – Islands Trust Ecosystem Mapping – This mapping was captured from 2000 and 2002 digital orthophotos. There was no groundtruthing and ecosystem features were representative of a bird's eye view of the landscape.

SEI – Sensitive Ecosystem Inventory – This was a joint initiative between the Federal and Provincial Governments to map rare and fragile ecosystems. Information was derived from aerial photos produced in the early 1990s, supported by selective field checking. An audit, done in 2004 using 2002 orthophotos, outlined the loss of sensitive ecosystems that had occurred in the 10 year time span.

SEM – Hornby Island Sensitive Ecosystem Mapping, 2010 – This is the latest initiative and is based upon 2001 aerial photography and recent selective groundtruthing. It is similar to SEI mapping and is based upon Terrestrial Ecosystem Mapping (TEM). It identifies areas which are fragile and/or rare because of diversity of species they support. They are deemed sensitive as they are easily impacted by human activities. The inventory includes old forest, woodland, herbaceous, wetland, cliff and freshwater as sensitive ecosystems; mature forest as a rare ecosystem and young forest, seasonally flooded agricultural fields and non-sensitive areas as other mapped ecosystems. Mapping of mature forest ecosystems, freshwater and wet forest ecosystems and dry soil ecosystems has also been developed based upon the sensitive ecosystem mapping to facilitate analysis.

Other ecosystem resources are listed in Schedule G – List of Community References.

About 25% of Hornby Island is preserved by provincial and regional parks and another 9% is Crown land managed to protect groundwater recharge. The remaining 66% of the island is divided between Agricultural Land Reserve (28%), large lot residential (30%) and small lot residential, commercial activity and community service use (8%).

Achieving sustainable biodiversity throughout the island will require stewardship on the part of landowners based upon having knowledge of the ecosystems and understanding of their importance. Land use bylaw regulations and the establishment of Development Permit Areas can play a role in protecting key features.

Groundwater

Groundwater is the primary source of potable water supply on Hornby Island. Studies have identified the importance of protecting the groundwater supply, ensuring that catchment areas are protected to provide for effective groundwater recharge, that groundwater is not contaminated from development and that the rate and use of groundwater does not exceed the rate of replenishment both in localized areas of the island and for the island in general. Effective planning and land use management are identified as some of the most effective means to address groundwater management.

Over-riding Land Use Objectives:

The objectives that apply to all sections of this Plan are:

(1) to preserve the natural ecosystems and biodiversity of the Island, and

(2) to protect the groundwater resource.

Over-riding Land Use Policies:

Policies 2.2.1 and 2.2.2 apply to all sections of this Plan.

2.2.1 In order to preserve the natural ecosystems and biodiversity 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, rezoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:

i) protecting identified sensitive ecosystems and important habitat from the adverse effects of development;

ii) conserving relatively undisturbed natural areas;

iii) retaining areas of native vegetation on each property wherever possible, especially along lot lines;

iv) managing undeveloped public land so as to maintain or restore natural biodiversity and ecological integrity;

v) securing connectivity between natural areas whenever the opportunity arises;

vi) sustaining the forested areas of the island through timber harvesting practices that retain tree cover and forest ecosystems; and

vii) preventing the spread of invasive species.

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, rezoning 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, modification of natural drainage features, residential, commercial and industrial developments, extensive road development, excavation, quarrying and soil removal, ditching and drainage works;

ii) maintaining the quality of the groundwater resource by preventing contamination from: sewage and grey water, concentrated animal feeding operations, intensive fertilizer or pesticide application, improper use or storage of toxic chemicals, improper waste disposal, such as burning and open dumps, inadequate protection of wells, inadequate sealing of abandoned wells, and over-pumping of groundwater in areas where salt-water intrusion is likely to occur;

iii) maintaining the quantity of the groundwater resource by: limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem, using rainwater catchment and storage systems wherever possible in new and existing developments, establishing water conservation measures and practices; and

iv) supporting the implementation of a groundwater protection plan, including innovative and remedial programs.

SECTION III — OBJECTIVES AND POLICIES FOR PROTECTION OF THE ENVIRONMENT

3.1 Environmental Stewardship

Background:

The Hornby Island Local Trust Committee recognizes the need to protect the environment and finite resources of an isolated and fragile ecosystem from polluting activities in surrounding areas as well as those taking place on the island. Additional pressures are placed on the local natural systems by the influx of visitors in the summer months.

Hornby Island residents are generally aware of the need for personal diligence in minimizing the impact of human activities on environmental systems. The community is always seeking ways to encourage visitors to the Island and senior levels of government with jurisdiction over resources on the Island to adopt the same commitment. There are currently no active mineral claims on the Island and any future development of metal or coal mines on the Island is inappropriate. The community encourages water conservation through water storage, catchment and water recycling.

Area:

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage senior governments to preserve and protect the environment;

(2) to inform residents and visitors of actions necessary to protect the island's ecosystems, freshwater resources, and preserve native biological diversity; and

(3) to ensure that permitted land uses do not threaten the sensitive environment of the Island and its native biological diversity.

Advocacy Policies:

3.1.1 A moratorium on oil and gas exploration in the Local Trust Area is supported.

3.1.2 The Ministry of Energy, Mines and Petroleum Resources is requested to establish a reserve on the entire Island against exploration for mineral or petroleum resources.

3.1.3 The Local Trust Committee should encourage measures to reduce the risk of pollution from transporting dangerous materials by air, sea or land on or near the Island.

3.1.4 The Ministry of Transportation and Infrastructure and utility corporations are requested to replace the application of pesticides and herbicides on road allowances or other transmission routes with non-polluting practices such as manual trimming.

3.1.5 The hydro-electric utility company is requested to consult with the Local Trust Committee on any field operations involving the application of chemicals (such as remedial woodpole treatment programs).

3.1.6 The Comox Valley Regional District is requested to consider affordable and effective measures that will address the problem of uncontrolled dogs on Hornby Island.

3.1.7 The Comox Valley Regional District is requested to continue to maintain and enforce the following:

a) an effective noise bylaw to address noise disturbance originating from sound systems, musical instruments, barking dogs and other sources;

b) an effective unsightly premises bylaw; and

c) the “dark skies” in rural areas lighting standards.

3.1.8 All government and non-government agencies and private businesses involved in providing services for the resident and visiting public are requested to provide adequate toilet facilities and waste recycling containers for their clients and to make information available on water conservation.

3.1.9 Tourism-related businesses, real estate agents and other organizations that provide information to visitors or potential owners of island property are requested to include information on the legislated "preserve and protect" mandate of the Islands Trust and the objectives and policies of the Official Community Plan to protect the island's ecosystems and freshwater supply and to preserve native biological diversity.

3.1.10 All owners and land users are encouraged to comply with the *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* (2006) of the Ministry of Environment and with the regulations of the Vancouver Island Health Authority, and the orders and discretion of the Fire Marshall.

3.1.11 Efforts to control the spread of invasive exotic plant species (such as Scotch broom, holly, ivy, daphne and Himalayan blackberry) and to eradicate them from environmentally sensitive areas to enable their replacement with native species are encouraged and supported.

3.1.12 Programs to control the population of opossums are supported.

3.1.13 The use of toxic herbicides and pesticides and heavy applications of fertilizers on lawns and gardens is strongly discouraged.

3.1.14 The dissemination of information about the risks of introducing invasive non-native species and pathogenic organisms harmful to indigenous species resulting from bringing biological material (including soil, bark mulch and firewood) onto the Island is supported and efforts to increase sustainable island self-sufficiency with respect to the provision of firewood and other biological material are encouraged.

3.2 Environmentally Sensitive Areas

Background:

Hornby Island has a diverse and fragile ecology with many significant natural features. The climate and soil conditions combine to allow diverse wildflower colonies, bird habitats, and Garry oak groves. The naturally eroded sandstone and conglomerate bluffs along much of the shoreline provide habitat for birds, wildflowers and rare plant species.

The Sensitive Ecosystem Mapping (SEM) completed by the Islands Trust in 2010 provides the most complete and up to date inventory of information on terrestrial based ecosystems. This mapping together with an updated Islands Trust Regional Conservation Plan will assist the Local Trust Committee in its decision making and in the development of land use, subdivision and development permit regulations as such programs develop.

Copies of the Sensitive Ecosystem Mapping (SEM) and the Regional Conservation Plan are available on the Islands Trust website (www.islandstrust.bc.ca) and the SEM map will be readily available electronically and in hard copy for reference.

The Islands Trust Regional Conservation Plan identified the following Sensitive Ecosystems and their distribution on Hornby Island:

Sensitive Ecosystems (August, 2010)

Type of Sensitive Ecosystem	Area (ha)	Portion of Local Trust Area (%)
Cliff	26.6	0.9
Freshwater	1.2	<0.1
Herbaceous	47.5	1.6
Mature Forest	179.6	6.0
Old Forest	0	0
Riparian	0	0
Woodland	62.8	2.1
Wetland	256.1	8.6
TOTAL	**573.7**	**19.2**

Protected areas identified in the Regional Conservation Plan were listed as follows:

Protected Areas Distribution (November, 2010)

Type of Protected Area	Area (ha)	Portion of Local Trust Area (%)
Conservation Covenant (Conservancy held)	3.9	0.1
Ecological Reserve	0	0
Nature Reserve	0	0
Park – Municipal	0	0
Park – Community	6.7	0.2
Park – Provincial	333.9	11.2
Park – Regional	335.6	11.2
TOTAL	**680.1**	**22.7**

Other noted features identified in the Regional Conservation Plan include:

At Risk Species (September, 2010)

The B.C. Conservation Data Centre has recorded sightings of Coastal wood fern (blue listed), Western Screech-Owl, *kennicottii* subspecies (blue listed), Coast microseris (red listed), Propertius Duskywing (blue listed), White-top aster (blue listed), Macoun's meadow-foam (red listed), Nuttall's quillwort (blue listed), Fragrant popcorn flower (red listed), Peregrine Falcon, *anatum* subspecies (red listed), White-top aster (red listed) and Great Blue Heron, *fannini* subspecies (blue listed) in the Hornby Island Local Trust Area. There may be additional species at risk in the Hornby Island Local Trust Area that are not recorded with the B.C. Conservation Data Centre or whose locations are considered confidential information.

Forested Ecosystems (August, 2010)

The Hornby Island Local Trust Area is located in the Coastal Douglas-fir Zone. No Old Forest ecosystems were found in the 2008 Terrestrial Ecosystem Mapping (TEM) of the local trust area used for this report, however, 2001 TEM of Helliwell Provincial Park does indicate some small old growth patches. The mapping for Helliwell Park is currently being reviewed and will be updated accordingly. The breakdown of forests by age class is as follows (note: this includes woodland sensitive ecosystems, so percentages will vary from the sensitive ecosystems section above):

Forest Type	Area (ha)	Area (%)
Pole/Sapling Forest (<40 yrs.)	366.65	7.3
Young Forest (40-80 yrs.)	1506.72	29.8
Mature Forest (80-250 yrs.)	255.62	5.1

N.B. See note above regarding Old Forest (>250 yrs).

Marine Ecosystems (September, 2010)

Hornby Island Local Trust Area has two submerged provincial marine parks and two Rock Fish Conservation Areas in its local trust area waters.

Type of Marine Protection	Name of Area	Area (ha)
Provincial Park	Helliwell	2,736.6
	Tribune Bay	27.0
Rock Fish Conservation Area	Savoie Rocks – Maude Reef	174.4
	Ajax/Achilles Bank	1,622.5
TOTAL		**4,560.4**

Modified Ecosystems (August, 2010)

Type of Modification	Area (ha)	Portion of Local Trust Area (%)
Cultivated Field	287.6	9.6
Rural	421.7	14.1
Urban	51.0	1.7
Road	106.8	3.6
TOTAL	**867.1**	**29.0**

Threats to Ecosystems:

The threats to biodiversity found in the Islands Trust Area are described in the Islands Trust Conservancy Regional Conservation Plan. These threats are pertinent to the Hornby Island Local Trust Area. In particular, the Hornby Island Local Trust Area may be vulnerable to degradation of natural ecosystems from existing agricultural and residential lands if landowners are not sensitive to the impacts of their land use on the surrounding landscape. Education about ecologically friendly agricultural practices and residential land uses may be beneficial within this local trust area. Biological threats to the Garry oak ecosystem also include conifer encroachment. Local organizations should be consulted prior to initiating education programs to avoid duplication of efforts.

A Nature Conservancy of Canada Study of the Islands Trust Area, completed in 1995, classified about three quarters of the shoreline and associated beaches as containing moderate to high natural feature value for wildlife, marine and aesthetic features.

Other inventories, fieldwork carried out by biologists and local knowledge have identified the following habitat areas and features:

(1) Important Terrestrial Habitat:

- a) cormorant nesting area on the bluffs of Helliwell Park;
- b) heron rookery at Tralee Point and other current or potential heron nesting areas;
- c) eagle, osprey and peregrine falcon nesting locations;

d) large older firs providing eagle habitat, particularly along the coastline and the inland bluffs;

e) old growth trees and large snags (providing habitat for a variety of species) throughout the Island;

f) wetlands and ponds throughout the island providing important habitat;

g) Beulah Creek (salmon habitat), its riparian corridor and feeder creeks;

h) Ford Creek (fish bearing), its riparian corridor and feeder creeks;

i) meadows in the south western part of Helliwell Park providing habitat for the only extant colony of Taylor's Checkerspot butterfly; and

j) buildings providing established habitat for Townsends big-eared bat.

(2) Important Marine Habitat:

a) shoreline near Saint John's Point/Whaling Station Bay and other areas where Harlequin ducks gather during their flightless phase;

b) saltwater marsh north of Texada Road providing valuable waterfowl habitat;

c) Norris Rocks and rocks near Flora Islet where sea lions haul out;

d) islets and rocks around the Island where sea birds nest or gather;

e) Whaling Station Bay and other bays around the Island providing waterfowl habitat;

f) the area of the underwater wall by Flora Islet providing habitat for many marine species and frequented by six-gilled sharks;

g) the area surrounding Norris Rocks and Heron Rocks providing habitat for juvenile rock fish and other species; and

h) areas of marine vegetation important for herring spawning.

Area:

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure maximum protection of areas with ecological, natural, aesthetic or heritage value;

(2) to ensure protection of sources of fresh water and groundwater recharge areas;

(3) to allow for public access to such areas only when there is no danger of damage to sensitive features or ecosystems; and

(4) to maintain native biodiversity and connectivity of the natural habitat areas.

Policies:

3.2.1 Notwithstanding policies contained elsewhere in this Plan where they apply to land identified here, this section takes precedence.

3.2.2 Where areas are designated as environmentally sensitive on Sensitive Ecosystem Maps or on Schedule D1, the sensitive area may be protected by covenants at time of rezoning, subdivision or other change in land status in favour of an appropriate third party such as the Islands Trust Conservancy, or other organizations with the capacity to hold and monitor effective conservation covenants.

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.

3.2.5 Any development in areas with sensitive ecosystems or important habitat may be regulated by Development Permit to protect the identified features, including establishing buffer areas in accordance with Sensitive Ecosystem Inventory recommendations or Environmental Guidelines for Development.

3.2.6 Development along coastal areas adjacent to foreshore with significant marine values (such as shellfish resources or migratory bird habitat) may be regulated by Development Permit.

3.2.7 Fish-bearing streams, their riparian areas, tributary creeks and wetlands feeding them will be protected and enhanced in accordance with the Provincial *Fish Protection Act* through regulations and through supporting enhancement programs.

3.2.8 Connectivity of relatively undisturbed natural areas should be maintained wherever possible including between the shore and the interior forested uplands.

Advocacy Policies:

3.2.9 Where significant ecological, natural or historical areas or significant habitat areas are located on Crown land, the provincial Ministry(ies) responsible for conservation, parks and/or management of Crown lands are requested to secure these areas in protective reserves, parks or through transfer to the Islands Trust Conservancy, and to keep them in the public domain with access appropriate to the level of sensitivity.

3.2.10 Voluntary covenants or easements to protect natural features and the donation or sale of sensitive areas to a conservation land trust such as the Islands Trust Conservancy are encouraged.

3.2.11 Voluntary stewardship programs that provide information, support and recognition to landowners with respect to protecting natural areas on private land are encouraged.

3.2.12 Educational efforts to protect coastal rock formations and other natural features from disturbance are supported.

Policies relating to protection of the marine environment are included in Section 3.6 Marine Conservation.

3.3 Parks and Protected Areas

Background:

The natural features of the Island provide many opportunities for recreational use by members of the local community and visitors. A large area of Crown land and a system of traditional trails through private land have provided access to forest areas and scenic viewpoints. In addition, the public has access to three Provincial Parks and two Regional Nature Parks There are also four small community parks; four water accesses managed by the Comox Valley Regional District as neighbourhood parks; and, a number of other water accesses and unused road dedications under the jurisdiction of the Ministry of Transportation and Infrastructure that provide public open space and/or contribute to the trail system. The K'omoks Agreement in Principle, signed by the governments of Canada, British Columbia and K'omoks First Nation in March 2012, states that a new protected area (the present vacant Crown land on Mount Geoffrey) will be established on Hornby Island and named by K'omoks.

Hornby Island's Provincial and Regional Nature Parks provide recreational opportunities in the context of preserving ecological values. These parks are all located where there are high natural values and together contain a representative cross-section of the Island's ecological systems thereby offering valuable educational potential. Apart from Tribune Bay Outdoor Education Centre, none of the parks are developed for artificial use, reflecting a long-standing community interest in seeing minimal disturbance in these areas.

Hornby Island's Provincial Parks are Helliwell, established in 1966, Tribune Bay, established in 1978, and Mount Geoffrey Escarpment, established in 2004. There is evidence of traditional use of the Helliwell Park area by First Nations. All of the parks are designated 'Class A' parks under the *Park Act*. Helliwell Park contains a 69 hectare terrestrial component on the peninsula culminating in St. John's Point and a 2803 hectare marine component. Most of the terrestrial area is heavily forested; grasslands extend inland from the shore-line, which mostly consists of rocky bluffs.

The "*Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997*" records the following sensitive ecosystems within Helliwell Park: Terrestrial herbaceous, Woodland, Wetland, Older Forest, as well as areas of Second-Growth Forest with general biodiversity values. Flora Islet is almost entirely covered with a sensitive terrestrial herbaceous ecosystem. Threatened vascular plants (red and blue listed by the BC Conservation Data Centre) have been recorded within the Park. The cliffs provide important nesting habitat for cormorants. Norris Rocks and the rocks adjacent to Flora Islet are important haul-outs for large numbers of Stellar and California sea lions during the winter. A significant population of Harlequin ducks is present in the inshore areas.

The underwater component of Helliwell Park provides habitat for a rich variety of marine species. The main feature is the rock wall adjacent to Flora Islet near where six-gilled sharks are regularly observed at unusually shallow depths. The primary attractions of the terrestrial component of Helliwell Park are the spectacular bluffs topped by open meadow areas, the older forest (including particularly large examples of Douglas-fir and arbutus) and the opportunities to observe wildlife and flowers in bloom. The primary attractions of the marine component are recreational diving to view the rich underwater ecosystem, kayaking and traditional sports fishing areas. There are commercial fisheries in and/or immediately adjacent to the Park area.

The fragility of the Park's ecosystems together with its popularity for recreation poses challenging conservation and management problems. In 1999, a Conservation Stewardship Agreement was established between BC Parks and Conservancy Hornby Island to enable local involvement in practical and educational conservation measures. In 2000, BC Parks initiated the Helliwell Ecosystem-based Planning Project.

Tribune Bay Park covers 96 hectares, of which 23 hectares are foreshore of Big Tribune Bay. The Park's vegetation consists of about 70% second-growth forest and about 30% grassland resulting from former cultivation. The broad white sand beach, backed by the open meadow area, is the primary attraction of the Park. The Tribune Bay Outdoor Education Centre operates under a Park Use Permit in the north-east corner of the Park and provides educational programs to youth, mostly school groups. Infrastructure includes the old lodge, other buildings, a climbing wall and a high ropes course. A tennis court is also located in this area. A pilot constructed wetland providing alternative waste treatment has been established at the Centre.

The Mount Geoffrey Escarpment Park covers 187 hectares and offers both historic values associated with the Leaf House and the Ford Family farmstead, and together with the Mount Geoffrey Regional Nature Park, covers approximately 25% of the island containing coastal bluffs, forested benches, wetland, and rugged shoreline.

The Mount Geoffrey Regional Nature Park which is now 333 hectares in area was established by the Comox Valley Regional District on 303 hectares of what was formerly vacant Crown land. It includes the upper and western part of the Mount Geoffrey escarpment as well as lower land below and to the west of the escarpment. Within the Park are sensitive ecosystems - Older Forest (below the escarpment) and Sparsely Vegetated along the edge of the escarpment) - which have been identified in the "*Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997*". Most of the park's vegetation is second-growth forest. The escarpment of Mount Geoffrey is an important part of the Island's groundwater recharge area.

The main attractions of the Park are the spectacular viewing opportunities from the edge of the Mount Geoffrey escarpment, the well-developed trail systems for hiking and mountain-biking and the older (and moister) forest ecosystem below the escarpment. The Comox Valley Regional District has adopted a Management Plan, developed with much community involvement; management is carried out through a contract with the Hornby Island Residents' and Ratepayers' Association.

Small Regional Parks exist near Tralee Point, near the top of Mount Road, at the end of Arthurs Road and adjacent to Helliwell Park. There are about 30 water access parcels under the Ministry of Transportation and Infrastructure jurisdiction and six or more other unused road dedications that are or could be utilized as trails or retained as undeveloped green space.

Area:

All areas within the Hornby Island Local Trust Area are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that parks remain in an essentially natural state and that the biodiversity, sensitive ecosystems and wildlife habitat are preserved;

(2) to allow for recreational and educational opportunities for visitors and residents that are managed and monitored to ensure minimal environmental degradation and to fully protect fragile areas;

(3) to encourage a system of walking, bicycling and horseback trails, with minimal development, through forested areas, to and from parks and across and around the island; and

(4) to encourage community and neighbourhood involvement in the planning and stewardship of parks.

Policies:

3.3.1 At the time of subdivision and if park dedication is required under the *Local Government Act*, preference is generally for park dedication, not cash-in-lieu. This could take the form of trails, or parkland.

3.3.2 The following areas are suitable for acquisition, dedication, and preservation and are identified as candidates for parks or protected areas:

a) land that is shown on Schedule B as park, groundwater or ecological reserve (GW/EPA & GW/GP) for existing areas;

b) land that contributes to a community trail network that connects residential areas, commercial areas, the community hall and school area, parks, beaches and ferry terminals;

c) land that is designated as Environmentally Sensitive Areas, as shown on Schedule D1 or is environmentally sensitive as determined by more recent mapping of sensitive ecosystems;

d) land that provides access to the ocean;

e) land that provides low impact recreational opportunities for the community and visitors;

f) areas of undeveloped lands;

g) land contiguous with existing parks and protected or undeveloped areas, particularly where it may provide a buffer for an ecologically sensitive site;

h) designated water accesses as parkland; and

i) land that provides habitat connectivity.

3.3.3 The Local Trust Committee, when considering applications for zoning amendment or subdivision, should pursue any opportunities to secure protected areas, parkland or trails through dedication, easement, covenant or donation.

3.3.4 The subdivision, donation or sale of a parcel of land (or interest in land) for park, trail or conservation purposes may be considered a community amenity. Amenity Zoning and Density Transfer provisions may be established by the Local Trust Committee on a site specific basis and upon application.

3.3.5 Park and preservation uses should be permitted in all land use designations and may be zoned to specify the type of park or protected area.

3.3.6 Setbacks on properties adjacent to parks should be established by regulation to protect the visual amenity of parks.

3.3.7 Park land dedication, public accesses to and along foreshore and rights of ways should be maintained for public use, and remain free of encroachments.

3.3.8 The Local Trust Committee may consider amenity zoning of properties adjacent to existing parks to allow subdivision if the applicant is proposing an addition of part of the lot to the adjacent park.

Advocacy Policies:

3.3.9 Owners of properties on which there are established public trails and appropriate organizations are encouraged to work together to achieve the long term protection of the trails through covenants or other means.

3.3.10 The provincial Ministry(ies) responsible for parks is requested to:

a) maintain the natural values and not permit development, other than those required for public health and education in Helliwell and Tribune Bay Provincial Parks;

b) continue to regularly consult with the community's parks committee and/or the Local Trust Committee on matters relating to the management and infrastructure of the parks on Hornby in particular to address community, conservation, aesthetics and safety concerns;

c) involve the community in stewardship programs with respect to the parks;

d) prohibit camping uses in the parks except those associated with the Outdoor Education Centre at Tribune Bay Park; and

e) implement ecosystem-based management plans for Helliwell, Tribune Bay and Mount Geoffrey Escarpment Provincial Parks.

3.3.11 The Comox Valley Regional District is requested to:

a) continue to manage Mount Geoffrey Regional Nature Park as an undeveloped Park, for low-impact, nature-oriented uses, with only those minimal facilities necessary for public health and safety. The Master Plan for this Nature Park should continue to emphasize protection of ecosystems, retention of vegetation, and protection of fragile areas and existing water sources;

b) continue active community involvement in the planning, stewardship and management of parks and other undeveloped parcels under its jurisdiction on Hornby; and

c) investigate and report on options for acquiring tenure of the adjoining vacant Crown land including management of this parcel as an addition to either the existing provincial or regional park.

3.3.12 The Ministry of Transportation and Infrastructure is requested to:

a) work with the Local Trust Committee to develop a plan for all water accesses, unopened road allowances and other such properties under the Ministry's jurisdiction on Hornby Island;

b) support tenure by Comox Valley Regional District of those parcels that the community and the Comox Valley Regional District consider appropriate for management as parks;

c) establish a stewardship arrangement with an appropriate community organization, or organizations, to act as stewards for the remaining properties once a plan has been developed for them; and

d) maintain the unopened road allowances in their natural state, prevent unpermitted alienation by adjacent land owners and discourage overnight camping by means of signage.

3.3.13 Motorized vehicles should not be allowed outside designated parking areas in any park, or on unopened road allowances, except for park service vehicles and emergency vehicles.

3.3.14 The provincial Ministry(ies) responsible for parks is requested to work with the federal government and the Canadian Coast Guard to develop measures to ensure that motorized vessels are excluded from that part of Tribune Bay that is within the Provincial Park.

3.3.15 The provincial Ministry(ies) responsible for parks and the Department of Fisheries and Oceans Canada are requested to introduce regulations and other measures to fully protect marine species and habitat in the marine component of Helliwell Park.

3.3.16 Agencies with jurisdiction over parks are supported in restricting or controlling access to areas in parks where this is required for the protection or restoration of sensitive ecosystems and habitats.

3.3.17 Community organizations and land owners are encouraged to work together using available tools such as covenants and easements to secure and extend the existing network of trails according to the Parks and Trails plan.

3.3.18 Owners of land located adjacent to established parks are encouraged to dedicate land or to provide trail easements to add to the park amenity.

3.3.19 Where a park contains a public well, parks authorities are requested to grant an easement to the private well user(s) for their continued use and maintenance of the well.

3.4 Groundwater Protection-Sustainable Ecosystem Management Area (Mount Geoffrey Area)

Background:

This forested upland area at the centre of the Island has been identified by BC Environment as an important natural groundwater storage and catchment area providing groundwater recharge to wells in highly settled lowland areas. "*A Preliminary Groundwater Assessment of a Crown Land Parcel on Hornby Island*" (1994) carried out by BC Environment recommends that this land should be protected as a community watershed area to ensure preservation of the quantity and quality of groundwater on Hornby Island. In 1994, the Water Management Division established a Notation of Interest over this parcel to record its interest in the area due to its importance for protection of the groundwater resource.

"*The Final Report of the Hornby Island Groundwater Pilot Project*" (1994) recorded an inter-agency agreement that "the Crown land parcel be considered a watershed reserve" and stated that, "once more detail and definition of the groundwater catchment area becomes available, and a suitable legislative vehicle is found which can provide for protection of the land to ensure unchanged water quality and quantity, then another tenure can be considered by the community and agencies involved."

As immediate protection, the Water Management Division established a Notation of Interest (1994) over this parcel. A recommendation of the "*Water Stewardship and Wastewater Management on Hornby Island"* (2000), a report prepared by Royal Roads University, includes the recommendation to "pursue legal protection of the crown lands as a groundwater recharge area."

The forest cover has been subject to severe unnatural disturbance through logging and fire from the latter part of the 19th century until the mid-20th century. The forest (classified as Coastal Douglas-fir Moist Maritime) is now in various stages of recovery but contains scattered veteran Douglas-firs and cedars. The "*Hornby Island Sensitive Ecosystem Mapping*" (2010) records areas of "old forest" - forest ecosystems with an average age of 250 years or greater - and, "mature forest" - forest ecosystems with an average age of 80 years or greater - within this parcel. (Older Coastal Douglas-fir forests in the region now account for only 4% of the area they occupied 150 years ago).

A report by Triton Environmental Consultants entitled *"Ecological Inventory of Proposed Woodlot #0032" (1998)* commissioned by the Ministry of Environment states that, "old growth attributes (stand, structure, species composition, soil characteristics) should be enhanced or maintained as they have the potential to sustain representative features as stands develop." The report contains recommendations to protect or enhance wildlife and biodiversity and to manage recreational impacts and values. This preliminary survey indicates the need for a more thorough ecological inventory. Detailed accurate mapping by the Hornby Island Residents' and Ratepayers' Association and a preliminary ecological survey by Cascadia Resource Consultants (2000) constitutes a beginning of this work.

In coordination with Comox Valley Regional District and the Ministry of Forests and Range, the local community has instituted forest fighting and prevention programs. The large number of small, dead trees in some areas (fuel over-loading) has been identified as a significant fire risk.

The Island's two main water courses - Beulah Creek and Ford Creek, both fish-bearing streams - pass through this area. At one time, a beaver dam established a large wetland or lake in Strachan Valley; however the dam is now abandoned. The Strachan Valley area contains a number of small wetlands and seasonal and ephemeral streams.

The area has long been valued for its recreational attributes and was previously designated by map reserve for the Use, Recreation and Enjoyment of the Public. Former logging roads have been maintained as trails by residents and are well used by walkers, cyclists and equestrians - including for cross-island travel and access to the adjacent Mount Geoffrey Regional Nature Park.

A report prepared by an ad-hoc Committee of the Hornby Island Residents' and Ratepayers' Association, *"The Heart of Hornby Island—A Forest, a Watershed"* (2000) reports on the mapping project and explores in detail the tenure options available to the community. A report prepared by the Advisory Crown Lands Committee for the Local Trust Committee, "*The Heart of the Island*", submitted in July 2000, outlined historical, community and ecological issues and provided recommendations. A central theme of all of this work is the protection of the land under local control.

Area:

All areas identified as Groundwater Recharge/Environmental Protection Area (GW/EPA) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to protect and enhance the groundwater recharge function of the area;

(2) to enable the continuing recovery, restoration and protection of the forest so that the natural structure, composition and biodiversity characteristic of a Coastal Douglas-fir forest ecosystem are re-established;

(3) to protect the forest from major disturbance by fire;

(4) to maintain the aesthetics/visual qualities of the forest;

(5) to encourage tenure arrangements that enable community control and stewardship of this area;

(6) to provide for low-impact recreation activities that are compatible with the first three objectives; and

(7) to ensure that any silvicultural activities or extraction of forest products are compatible with and subordinate to the first four objectives.

Policies:

3.4.1 This area should be conserved as a forested area and all planning should be undertaken with the perspective of a forest-based rather than a human-based time scale.

3.4.2 This area should not be subdivided except to create nature reserves or other land-holding arrangements for the protection of the natural environment.

3.4.3 No permanent buildings should be permitted on the land; other structures should be limited by regulation to those required in pursuit of the objectives of this subsection.

3.4.4 Sensitive ecosystems within this area should be fully protected. Transfer of this area to conservation or park is supported in order to protect the wetlands.

Advocacy Policies:

3.4.5 The use of fertilizers and pesticides and the storage and disposal of waste material, hazardous chemicals and other potential pollutants should be prohibited to protect the groundwater resource and natural ecology.

3.4.6 Excavation, quarrying, soil removal, road development, ditching and drainage works should be regulated to protect against alteration of natural surface drainage or groundwater catchment and storage functions and against impacts upon identified ecological values.

3.4.7 Studies that provide additional data on the groundwater catchment and flow system should be supported.

3.4.8 The provincial Ministry(ies) responsible for the protection, management and conservation of provincial lands and water is requested to consider acquisition of the Mount Geoffrey area identified by the GW/EPA designation on Schedule B for a provincial park or other type of protected area.

3.4.9 As a preferred alternative tenure option, the provincial Ministry(ies) responsible for the protection, management and conservation of provincial lands and water is requested to propose legislation that would enable the designation of this area as a community groundwater recharge area for the protection of the community's groundwater resource, to be managed through community stewardship with objectives and policies compatible with this Official Community Plan.

3.4.10 As an alternate tenure option, the Comox Valley Regional District is requested to investigate in consultation with the Local Trust Committee, the community and relevant First Nations, the appropriate options for obtaining tenure that would be compatible with the objectives and policies of this Official Community Plan.

3.4.11 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources is requested to only consider dispositions of this land or interests in this land that is compatible with the objectives and policies of this Official Community Plan.

3.4.12 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources is requested to only establish tenures that enable the implementation of the objectives and policies of this Official Community Plan.

3.5 Groundwater Protection/Gravel Pit Area

Background:

The area designated as Groundwater Protection/Gravel Pit (GW/GP) is under the jurisdiction of the Ministry of Transportation and Infrastructure as a gravel resource area.

Area:

All areas identified as Groundwater Protection/Gravel Pit (GW/GP) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to ensure that this area becomes included in the Groundwater Protection/Environmental Protection Area when no longer required by the Ministry for gravel.

Policies:

3.5.1 The sand and gravel deposits on the lands designated GW/GP in this Plan are deemed suitable to address the requirements of Section 473(1)(c) of the *Local Government Act*.

Advocacy Policies:

3.5.2 The Ministry of Transportation and Infrastructure is requested to use this land only for gravel extraction as required for the development and maintenance of roads on Hornby and to not allow its use for the storage of flammable material or potential pollutants.

3.5.3 The Ministry of Transportation and Infrastructure and other provincial Ministries responsible for managing provincial Crown land and natural resources are requested to support the transfer of any unused portion of the gravel pit parcel in Strachan Valley (and the whole of that parcel when it is no longer required for gravel extraction) for inclusion in the Groundwater Recharge/Environmental Protection Area land use designation.

3.6 Marine Conservation

Background:

The marine conservation area addressed by this Plan within the Hornby Island Local Trust Area extends up to 1000 metres from the natural boundary of the island. The coastline and offshore waters here are rich and varied. There are large expanses of sand beaches, gravel flats, underwater and exposed rocky reefs, sandstone shelves and deep water habitat where over 175 species of marine fauna have been recorded, including rare species. Of particular significance is the presence of six-gill sharks in relatively shallow depths, the annual herring spawn, and migrating salmon and killer whales.

Most of this area is contained within the marine component of Helliwell Park. It has also been proposed as a Marine Protected Area under the federal *Oceans Act*.

Sewage pollution, whether it originates from boats or from land can have negative impacts on water quality, even when releases are limited and seasonal. Dumping of materials or discharge of petroleum products and other chemicals can also contaminate the marine environment.

Area:

All areas identified as Marine Conservation (MC) on Schedule B (Map Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to ensure the continued viability of marine ecosystems and species.

Policies:

3.6.1 Areas along the coastline that provide nesting, feeding and resting for birds should be protected. This may be accomplished by sign-posting, significant building setbacks and required retention of vegetation.

3.6.2 Programs to reduce land-sourced pollution should be supported.

Advocacy Policies:

3.6.3 The Provincial and Federal governments are requested to develop existing and new programs, such as harvest refugia, which protect and enhance the populations of native marine species and ecosystems.

3.6.4 The provincial Ministry(ies) responsible for managing provincial Crown lands and the Department of Fisheries and Oceans Canada are requested to ensure that foreshore uses or developments that might deplete or disturb migratory wildfowl feeding areas, shellfish communities, fish nursery areas and herring spawning areas not be permitted.

3.6.5 The Department of Fisheries and Oceans Canada and the provincial Ministry(ies) responsible for the protection, management and conservation of provincial lands and water are requested to fully protect through conservation measures, including fisheries closures, any vulnerable species of marine fauna and flora and important habitats such as the area where six-gilled sharks come near the surface near Flora Islet and areas supporting juvenile rockfish or herring spawning.

3.6.6 The Department of Fisheries and Oceans Canada is requested to fully protect the marine component of Helliwell Provincial Park through conservation measures such as prohibiting the taking of marine life by diving, closures of fisheries as required and the establishment of a Marine Protected Area.

3.6.7 The Department of Fisheries and Oceans Canada is requested to regulate, police and monitor any harvesting of shellfish to ensure that wild stocks are sustainable.

3.6.8 The Department of Fisheries and Oceans Canada is requested to ensure that no activities should be permitted in the Hornby Island Local Trust Area that will degrade the sea bed.

3.6.9 The responsible provincial Ministry(ies) or the Department of Fisheries and Oceans Canada are requested to prohibit outfalls for sewage and grey water on Hornby Island.

3.6.10 Transport Canada is encouraged to require holding tanks for sewage and grey water in all commercial and recreational vessels.

3.6.11 The designation and enforcement of Tribune Bay as a no sewage discharge area under Federal Sewage Pollution Prevention Regulations is supported. The designation of additional areas where sewage discharge problems have been identified is also supported.

3.6.12 The Federal Ministries of Environment, Transport Canada, Fisheries and Oceans Canada, and Defense, and other relevant agencies are requested to prohibit the disposal of domestic, industrial or military waste or the discharge of waste from vessels (including cruise ships) into waters within or adjacent to the Hornby Island Local Trust Area.

3.7 Heritage Features

3.8 Hazard Areas

SECTION IV—OBJECTIVES AND POLICIES FOR THE STEWARDSHIP OF RESOURCES

4.1 Farming

Background:

The early development of Hornby Island included agriculture as a primary occupation, supplying agricultural produce to Vancouver Island. At present, small scale farming operations primarily serve local needs with some specialty production. Seasonal water supply can be a challenge and the need to protect water resources is a concern.

Area:

The Hornby Island Local Trust Area is subject to the following objective and policies.

Objective:

The objective of this subsection is to encourage farming and local food production in ways that are compatible with the Island's environment.

Policies:

4.1.1 Co-operative farming and community gardens should be encouraged.

Advocacy Policies:

4.1.2 The development and implementation of a Hornby Island food and farm action plan is supported.

4.1.3 Sustainable and organic farming is supported, including efforts to ensure that water supplies used by farmers remain uncontaminated.

4.1.4 The Ministry of Agriculture is encouraged to maintain and promote sustainable agricultural and organic farming techniques and to discourage the use of toxic pesticides or other toxic chemicals and the inappropriate application of fertilizers.

4.1.5 The use of genetically engineered seeds or plants is strongly discouraged in order to protect the genetic integrity of food and crops and other plants growing on the Island.

4.1.6 The use of chemicals or farming methods that can result in the contamination of the soil, other organisms, groundwater or surface water is strongly discouraged.

4.1.7 Agriculture that utilizes rainwater for irrigation, practices water conservation and protects water quality is encouraged.

4.2 Forestry

Background:

Hornby Island was logged extensively up until the middle of the last century and most forested areas now consist of recovering second and third growth with some stands of old growth and scattered veteran trees. Most privately-owned forest is in relatively small holdings. The cost of transporting logs over two ferries to an off-island market (and conversely bringing wood products to the Island) can make the provision of wood products for on-island use a natural focus for forestry activity. Sustainable forest management has been described as "forest management regimes that maintain the productive and renewal capacities, as well as the genetic, species and ecological diversity of forest ecosystems."

Area:

All areas above the natural boundary of Hornby Island within the Hornby Island Local Trust Area are subject to the following objective and policies.

Objective:

The objective of this subsection is to ensure all forestry is carried out in a way that protects ecological values and sustains the resource.

Policies:

4.2.1 Logging on steep slopes such as those identified on Schedule F (Hazardous Areas Map) on private lands (not subject to the *Private Managed Forest Land Act*) should be strongly discouraged and regulated by the appropriate authority.

4.2.2 Cutting of forest land that leaves large openings is considered inappropriate except when agricultural land is being cleared in accordance with a plan for farming the land.

4.2.3 Industrial scale logging is considered inappropriate for Hornby Island.

4.2.4 Maintaining buffers on all forested lots is encouraged to minimize the impacts of blow down, drainage alteration and other negative impacts on adjacent lots and to maintain connectivity of forest ecosystems.

4.2.5 The Local Trust Committee should assist landowners in achieving the objectives of this section by making information available on forest stewardship and sustainable management.

Advocacy Policies:

4.2.6 The need for local firewood supplies is acknowledged and the careful management of firewood harvesting in order to improve the forest resource should be encouraged.

4.2.7 Low-impact sustainable forestry that maintains the essential forest cover and biodiversity values is supported.

4.2.8 Owners of forested land are encouraged to ensure that forestry activities do not significantly alter natural drainage patterns.

4.2.9 The provincial Ministry(ies) responsible for forest management is encouraged to consider the objectives and policies of this Official Community Plan and the policies of the Islands Trust Policy Statement in recognition of Hornby Island's location within the Island Trust Area and should be requested to:

a) promote management practices that ensure the protection of native biodiversity, valued environmental features and groundwater recharge areas; and

b) encourage management plans that involve the maintenance of continuous tree cover and that use native species in planting programs.

4.2.10 The extensive planting of non-native species for silviculture is strongly discouraged.

4.3 Mariculture

Background:

The relatively unpolluted water surrounding Hornby make it an attractive area for aquaculture. The alienation of areas for commercial operations can conflict with the interests of residents, the visiting public and boaters requiring anchorage. There is also concern about impacts upon the natural ecology of large-scale or intensive operations or of a large proportion of the foreshore used for mariculture. In 2009 the assessment rolls listed six aquaculture operations on the Island.

> **INFORMATION NOTE:** *Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in aquaculture may be affected.*

Area:

All areas below the natural boundary of Hornby Island within the Hornby Island Local Trust Area are subject to the following objective and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure the negative impact of commercial mariculture uses on the upland owners is minimized;

(2) to ensure maximum protection of the foreshore and of the native life forms inhabiting it;

(3) to support low impact mariculture operations; and

(4) to ensure commercial use of marine resources does not pollute the foreshore and surrounding waters, nor preclude the use or enjoyment of the shoreline by the public or upland property owners.

Policies:

4.3.1 Fish farms such as finfish net pen aquaculture operations should not be permitted.

4.3.2 Intensive mariculture, nori farms and long-line oyster culture requiring floats, buildings and structures should not be permitted in front of residential neighbourhoods of Sandpiper, Whaling Station Bay and Galleon Beach.

4.3.3 All new mariculture sites, including bottom culture, should be subject to redesignation, rezoning and subsequent regulations.

4.3.4 The areas from Collishaw Point to Ford Cove has potentially suitable biophysical conditions and proposals for mariculture use may be considered by the Local Trust Committee upon application for rezoning.

4.3.5 Rezoning for mariculture should only be considered after there has been a review of the coastal area to identify significant and representative ecosystems, species, habitat and features, and the measures required to protect them such as processes required under the *Canadian Environmental Assessment Act* (CEAA).

4.3.6 Mariculture operations should be regulated to ensure that a 2 metre (7 ft.) leave space is retained for public enjoyment of the beaches.

Advocacy Policies:

4.3.7 The provincial Ministry(ies) responsible for managing provincial Crown land is requested to prohibit:

a) mariculture in areas fronting provincial parks, regional parks or nature reserves; and

b) tenure in areas which have been used traditionally as moorage for local vessels or for landing of sea planes.

4.3.8 The provincial Ministry(ies) responsible for managing provincial Crown land is requested to:

a) ensure that mariculture operations are restricted to below the 2 metre (7 ft.) tideline and that adequate space is retained between lease areas to ensure public access to the shoreline;

b) consider the policies contained in this subsection relating to the location of new lease areas whenever it is considering the renewal of existing lease areas; and

c) monitor the impact of mariculture on other marine resources.

4.3.9 The provincial Ministry(ies) responsible for managing provincial Crown land, the Ministry of Agriculture and the Department of Fisheries and Oceans Canada are requested to ensure that areas of natural occurrence of oysters and clams are available for public use and remain free of private or commercial leases.

4.3.10 The provincial Ministry(ies) responsible for managing provincial Crown land is requested to provide an assessment of potential environmental impacts, such as processes required under the *Canadian Environmental Assessment Act* (CEEA), prior to any proposal for additional mariculture tenures being considered by the Local Trust Committee.

4.3.11 The Ministry of Agriculture is requested to encourage development of new technology in shellfish production techniques that minimize use of structures.

4.4 Energy

Background:

The cost and environmental impact of using non-renewable energy resources has made increasing self-reliance in the supply and conservation of energy of particular interest to the Island community. Many homes rely on wood as a major source of energy. Wind energy is gaining recognition as a notable renewable energy source, and there is community interest in the responsible use of wind energy systems.

Residents of Hornby Island have long supported the phasing out of radioactive weapons and materials in the entire world and so declared the Island a nuclear free zone in 1985.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage the conservation of energy; and

(2) to encourage the use of renewable energy sources with low environmental impact and safety risk.

Policies:

4.4.1 The use of all forms of renewable energy sources, such as small scale wind turbines and solar panels appropriate to the rural environment for generation of power for onsite consumption with limited noise and visual impacts and safety risk, should be encouraged.

4.4.2 The development of renewable energy sources that allow for the sale of power to the Hydro grid and for individual site and local community use may be examined through zoning regulation, provided that such sources are reviewed to ensure there are no negative environmental impacts or increased safety risks.

Advocacy Policies:

4.4.3 The use of CSA certified low emission wood stoves should be encouraged.

4.4.4 Community initiatives to establish educational and informational programs on energy conservation on the Island including demonstration and experimental projects are supported.

4.4.5 The conservation of energy in buildings through adequate insulation and thermal glazing is supported.

4.4.6 Community transport, carpooling, ride sharing and the use of alternative fuel and non-motorized vehicles are encouraged.

4.5 Water

Background:

Surface water sources are managed by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Water Authorizations Branch, through the allocation of surface water rights under the *Water Sustainability Act*. Hornby Island has 43 surface water licenses issued for domestic, irrigation and storage uses. Groundwater is currently the primary source of water supply. Its availability and quality vary considerably around the Island and seasonal shortages are common. In some areas of the Island there is a high level of development in relation to aquifer productivity. There are reports of saltwater intrusion in some locations. Dry or abandoned wells on private property that were not properly sealed are conduits for introducing contaminants into the aquifer from surface water. Hornby Island's fractured bedrock aquifers exist under unconfined conditions which makes them highly vulnerable to contamination introduced at the land surface. Of particular concern is contamination from inadequate treatment of sewage and grey water and improper utilization, storage and disposal of chemicals used domestically or in trades, crafts, agriculture, industry and transportation. Where water supply is a problem, bottled water is purchased, water is obtained from other public or private wells or water is trucked for a fee from productive wells elsewhere on the Island. Household treatment of water also takes place. Irrigation can be a significant use of water in the summer with potential impacts upon availability during the low flow period.

Groundwater is a communal resource but it is not yet subject to management or regulation. In 1996, the Water Stewardship Project, sponsored by the Heron Rocks Friendship Centre Society, began to monitor creeks, ditches and beaches for fecal contamination levels, lobby for necessary changes and educate the public. In 1998, the Ministry of Environment and the Islands Trust established a Pilot Voluntary Groundwater Protection Pilot Project for Hornby Island which has been coordinated locally by an Advisory Committee. This project has compiled and reviewed existing and new information (including a Geochemistry Study and an Aquifer Classification) which is being used as a basis for developing a Groundwater Protection Strategy for the Island in consultation with other organizations and agencies, local experts and the community at large.

Groundwater is a limited and vulnerable resource that requires restrictions on land use and development. However, the water supply situation can be improved significantly by three measures that are being increasingly utilized: water conservation, water re-use and the direct catchment and storage of rainwater. Because groundwater concerns need to be taken into account in all land uses and development, Policy 2.2.2 applies to every section of the Plan. This section includes additional or more specific policies to protect the resource.

> **INFORMATION NOTE:** *All shared (commercial and public) wells, cisterns or water supply infrastructure must comply with the requirements of the BC Drinking Water Protection Act*.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage water conservation to ensure that existing users of the water supply do not deplete the supply;

(2) to ensure that new demand for water does not stress the groundwater resource;

(3) to ensure that activity pertaining to use of land does not lead to degradation of the current supply of fresh water;

(4) to enable more local involvement in the protection and management of groundwater;

(5) to encourage the use of effective alternative systems and technologies;

(6) to encourage the use of shared systems that provide water, store water and treat grey water; and

(7) to encourage protection of water in wells.

Policies:

4.5.1 The establishment of a community-based water resource protection/management committee is supported to provide a coordinated and proactive approach to the protection and careful use of the Island's water resources.

4.5.2 A Groundwater Protection Strategy, based upon available technical information, community and agency consultation, should be developed and implemented.

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.

4.5.4 Watersheds, wetlands, lakes, water courses and riparian areas should be protected through Development Permit or regulation, including requirements for protective setbacks.

4.5.5 Sources of potable water should be protected through "water supply protection area" designation and covenants and/or regulations that restrict land uses to those that are compatible with protecting the water source.

4.5.6 Activities that would pollute fresh water or saltwater should be prohibited and land uses that may involve a potential for pollution should be regulated.

4.5.7 Alternative water source methods such as rainwater catchment, lined dugouts and well reservoirs should be used for large scale uses such as for filling swimming pools.

4.5.8 Enclosed cisterns and ponds for storage of rainwater to supplement water supply for individual or group household use and fire protection and irrigation are encouraged.

Advocacy Policies:

4.5.9 The Vancouver Island Health Authority shall be requested to ensure that drinking water sources and recreational water bodies are not contaminated by deleterious liquid discharges.

4.5.10 The provincial Ministry(ies) responsible for forest or natural resource management is requested to require that any tree cutting be carried out according to a management plan designed to fully protect the groundwater recharge function of the area based upon hydrological information and that draft management plans be referred to the Local Trust Committee for community review.

4.5.11 The Ministry of Transportation and Infrastructure is requested to review ditching practices with respect to maximizing groundwater recharge and retention and to work with the Local Trust Committee and the community to identify and carry out pilot projects involving alternative management of run-off in appropriate locations.

4.5.12 The Real Estate Board is requested to require from land owners disclosure of septic and well conditions and locations at the time of property transfer so that prospective buyers are informed of the water/septic situation.

4.5.13 Sellers of properties and their real estate agents are requested to disclose water and septic information to prospective buyers of property on the Island.

4.5.14 Any education program directed toward the conservation of Island water supplies, the re-use of water and the utilization of rainwater catchment and storage systems is supported.

4.5.15 The use of chemical fertilizers, pesticides, and herbicides by any agency or individual is strongly discouraged.

4.5.16 Property owners with wells on their property that are dry or contaminated (including by saltwater intrusion) are encouraged to back fill those wells.

SECTION V — OBJECTIVES AND POLICIES FOR A SUSTAINABLE INFRASTRUCTURE

This section reflects the concern that environmental considerations be applied to all settlement activities on the Island. The concept of sustainability is fundamental to decisions on the level and characteristics of services. The responsibility for regulating and monitoring the effect of providing services is commonly shared between government agencies and the Local Trust Committee. Issues addressed include transportation, water supply, waste disposal and energy.

5.1 Water Supply Systems

Background:

There is one Water Improvement District in the Whaling Station Bay area. There is informal or limited sharing of wells on a privately negotiated basis. It is recognized that the availability of groundwater varies considerably over the Island and residents of distressed areas may wish to consider forming local water districts. In addition, there are natural water flows that could be captured from artesian springs. Reports by F. Chwojka (1984) and W. S. Hodge (1993) suggested establishing community wells in inland areas.

> **INFORMATION NOTE:** *The Vancouver Island Health Authority (VIHA) will not monitor public water supplies for compliance with the BC Drinking Water Protection Act. Ensuring compliance with this Act is the responsibility of the water supplier with oversight by Island Health Authority.*

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure the self-sufficiency of the Island with regard to a supply of freshwater;

(2) to ensure the maintenance of safe potable water sources for residents on the Island;

(3) to encourage the capture of rainwater for domestic use; and

(4) to encourage conservation and grey water treatment to allow for re-use and recycling of water.

Policies:

5.1.1 Piping of water from a source off-island should be prohibited.

5.1.2 Large-scale desalination plants should be prohibited. Small-scale desalination plants using technologies that do not involve the returning of concentrated brine to the environment and other negative impacts to the environment, natural coastal processes or marine or coastal habitat may be permitted and regulated.

5.1.3 The Local Trust Committee should encourage and support efforts to establish community-managed water sources that could be made available to water delivery operators under appropriate arrangements and which would be monitored by a publicly-accountable organization.

5.1.4 A well may be used for the extraction of groundwater for transportation off the lot from which it is extracted where permitted by zoning regulation or Temporary Use Permit.

Advocacy Policies:

5.1.5 The Vancouver Island Health Authority is requested to monitor water quality of community water systems and wells and to post the results on a regular basis for user's protection.

5.1.6 The responsible provincial Ministry(ies) is requested to:

a) regulate the use of groundwater for community systems; and

b) identify and assess and then maintain and monitor on a regular basis community wells established at the time of subdivision.

5.1.7 The responsible provincial Ministries are requested to give consideration to:

a) identifying and reserving areas on Crown land that may be used as remedial sources of freshwater to supply existing residential uses only; and

b) establishing community wells in inland areas.

5.1.8 Small scale privately installed water systems and shared wells are encouraged, particularly for areas designated small lot residential.

5.1.9 Rainwater collection and storage are encouraged to provide domestic or commercial water supply for any new construction (and for incorporation into existing developments).

5.1.10 The provision of clean, safe public water supplies for the use of visitors is supported.

5.1.11 Dissemination of information on options for water conservation and recycling is supported.

5.1.12 The Comox Valley Regional District and other authorities are requested to work with the Local Trust Committee and the community to develop a strategic plan for providing a continuous safe supply of potable water for all residents of Hornby Island.

5.2 Water Supply Protection Areas

Background:

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

Area:

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

Objective:

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

Policies:

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

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

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

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

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

Advocacy Policies:

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

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

5.3 Sewage Treatment and Disposal

Background:

The terms "liquid waste or sewage" is usually used to refer to waste that comes from toilets (black water) and from sinks, baths, washing machines, dishwashers, etc. (grey water). In sewage systems these wastes are treated and disposed of together. Other systems, such as composting toilets, are designed to treat only human waste (fecal matter) and this requires separate treatment for grey water. Water is a precious resource and can often be recovered and recycled with appropriate treatment. To reflect this, the terms "fecal matter" and "grey water" are used in this plan rather than "liquid waste".

The disposal of sewage is governed by the Ministry of Health through the *Public Health Act* and Regulations and administered by the Vancouver Island Health Authority. The Ministry of Environment and Climate Change Strategy and the Ministry of Agriculture also have relevant regulatory authority.

Hornby Island has high density subdivisions (Whaling Station Bay, Sandpiper Beach, Galleon Beach and Shingle Spit areas) which are not serviced by community sewerage systems. Fecal matter and grey water must therefore be dealt with on each lot. A program of testing for fecal coliform in wells, ditches, creeks and beaches (carried out by the Water Stewardship Project in 1996 to 1999) indicates that there is a widespread lack of adequate treatment which is already causing contamination and could lead to serious health problems. There has never been an assessment made by the Vancouver Island Health Authority of the impact of all the sewage systems on the area as a whole.

Small lots, lack of adequate percable soil, heavy winter rains, water shortages in summer and many property owners being non-residents present challenges to the effectiveness of sewage systems. Other treatment systems for fecal matter such as composting toilets, may provide appropriate alternative solutions, but these require proper installation and operation and separate treatment for grey water. (Composting toilets are addressed through the *Environmental Management Act* and not under the sewage disposal regulations).

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objective:

The objective of this subsection is to ensure that sewage disposal does not lead to a health hazard through the pollution of groundwater, surface water, bathing beaches or shellfish harvesting areas.

Policies:

5.3.1 All owners should be alerted when applying for a Siting and Use Permit to the need for considering the location of sewage disposal fields including the treatment tank, whether that tank is a septic tank, package treatment plan or some other unit that pre-treats sewage effluent, before wells are drilled and buildings are constructed and to meet provincial requirements.

5.3.2 The feasibility of facilities to fully treat sewage or to complete the treatment of material from composting toilets may be investigated through a comprehensive planning process, such as a Liquid Waste Management Plan process. Potential sites should only be considered in appropriate locations away from residential areas and proposed operations must be in compliance with all applicable regulations.

Advocacy Policies:

5.3.3 The Vancouver Island Health Authority is encouraged to apply strict standards in monitoring waste treatment systems.

5.3.4 The Province and the Vancouver Island Health Authority are requested to:

a) encourage the use of technologies that improve treatment and/or enable it to take place with a smaller footprint on the land (e.g. the use of effluent filters, tank access risers, package treatment plants and sand filters);

b) encourage the use of approved alternate systems where these are appropriate to particular situations; and

c) ensure regulations are enforced to prevent inadequate treatment of waste from threatening the quality of groundwater.

5.3.5 The Federal Government departments with authority are requested to require the use of holding tanks for sewage on vessels docked or moored in the waters surrounding the Island.

5.3.6 Provincial Ministries are requested to support research, development and application of alternative waste treatment systems through community-based pilot projects.

5.3.7 Public sewerage and sewage treatment systems are considered a remedial measure in existing high-density residential areas.

5.3.8 Consideration should be given to securing appropriate land (vacant Crown land or vacant private lots) that may be used in future for neighbourhood full treatment systems in the small lot subdivisions.

5.3.9 The Land Title and Survey Authority, the Real Estate Board and local realtors are encouraged to require from land owners disclosure of septic and well conditions and locations before property transfer so that prospective buyers are informed of the water/septic situation.

5.3.10 Programs designed to educate the public on appropriate approvable methods and management of sewage and grey water disposal systems are encouraged.

5.3.11 Efforts to provide information to visitors that there are no pump-out facilities for recreational vehicles or boats on the Island are supported.

5.4 Recycling and Disposal of Solid Waste

Background:

Hornby Island has no outside garbage pick-up but there are recycling and garbage disposal services at the Recycling Depot funded by the Comox Valley Regional District through local property taxes. The Recycling Depot is situated within a groundwater recharge area upslope from one of the Island's major residential areas.

Hornby Island has been diverting recyclable and reusable material from landfill since 1978 and is presently diverting up to 70% of the solid waste generated on the Island. Diversion is attained through reuse of all possible materials through the Free Store, situated at the Recycling Depot, and through the collection of recyclable materials which are transported to markets on Vancouver Island and, in some cases, the Lower Mainland. The non-recyclable materials are transported to the regional landfill at Pigeon Lake near Cumberland on Vancouver Island. The Recycling Depot functions also as a rural garbage transfer station. The Depot is located on Crown land under a License of Occupation maintained by the Comox Valley Regional District. The Solid Waste Management Program is designated as a Public Service and Utility on Schedule B of the land use map.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage maximum diversion from landfill through reuse, recycling, and composting solid waste;

(2) to ensure that the collection, handling and storage of materials does not contaminate the environment; and

(3) to continue public education on waste diversion methods.

Policies:

5.4.1 The use of the waters around Hornby Island for the dumping of any waste, especially toxic waste, should be prohibited.

Advocacy Policies:

5.4.2 Continued recycling of solid wastes on the Island, including waste generated by the commercial sector, is supported.

5.4.3 The Recycling Depot and any site for storage or dumping of solid waste should continue to be managed so as to protect the environment in compliance with the Comox Valley Regional District Waste Management Plan through consultation with the responsible provincial Ministry(ies).

5.4.4 Any necessary burning of waste should comply with the strictest interpretation of the provincial Ministry standards designed to minimize air pollution.

5.4.5 Household hazardous wastes not suitable for reuse should be disposed of in accordance with policy established by the Comox Valley Regional District Waste Management Plan.

5.4.6 The Comox Valley Regional District and the responsible provincial Ministry(ies) are requested to regularly review the operations and location of the Recycling Depot to ensure that there are no adverse impacts upon the environment and, in particular, upon surface water and groundwater.

5.4.7 Waste materials generated off-Island should not be accepted at the present Recycling Depot on Hornby Island nor in any future alternate disposal facility on the Island.

5.4.8 Managers of waste materials are encouraged to apply the standards established in the Comox Valley Regional District Waste Management Plan.

5.4.9 The Comox Valley Regional District is requested to:

a) continue to monitor downhill wells for landfill leachate in accordance with provincial Ministry directives on the management of closed, capped landfilled sites;

b) to regularly review the operation of the Recycling Depot to identify and address any adverse impacts upon the environment (including upon surface water and groundwater) and to ensure that it complies with Provincial and the Comox Valley Regional District standards; and

c) continue to support the development of local markets for recycled materials.

5.4.10 Managers of petroleum products and other hazardous substances such as contained in machinery (including derelict vehicles) are requested to ensure that such materials do not enter and contaminate the ground and groundwater.

5.5 Public Utilities and Services

Background:

Highways maintenance is provided by a private contractor from a highways maintenance yard on Hornby Island. Hydro and telephone services are available on the Island. The Recycling Depot is a community-based service operated by the Hornby Island Residents' and Ratepayers' Association under contract with the Comox Valley Regional District.

The highways maintenance yard and Recycling Depot are situated within a groundwater recharge area inland from one of the Island's major residential areas.

Area:

All areas within the Hornby Island Local Trust Area, and in particular the areas designated Public Utilities and Services (PS) where noted, are subject to the following objectives and policies.

Objective:

The objective of this subsection is to provide for adequate utilities and services with regard for the Island's character and environment.

Policies:

5.5.1 Should an alternative site need to be found for the Recycling Depot in the future, any location should be considered and assessed in terms of environmental impact and site suitability for appropriate zoning in conjunction with the Comox Valley Regional District.

5.5.2 Locations for service depots such as for telephone or hydro may be considered upon application.

5.5.3 Transmission towers for community radio and/or to enable high-speed internet access for the community should be permitted in the Community Service Use area and on larger lots provided the towers are below the height for which Transport Canada requires navigation lights and should be regulated to protect the visual amenity of the residential neighbourhood.

Advocacy Policies:

5.5.4 All public service and utility installations on the Island should be for servicing Hornby Island only.

5.5.5 Industry Canada is encouraged to prohibit commercial microwave towers and satellite antennae on Hornby Island.

5.5.6 Federal and Provincial ministries and public and private corporations that provide public utilities and services are requested to ensure that measures are in place to ensure that the storage of materials and the maintenance of vehicles do not result in chemicals entering the ground that might contaminate the groundwater resource.

5.5.7 BC Hydro is requested to consult with the Local Trust Committee with respect to the installation of any new hydro services to minimize impacts in environmentally sensitive areas and scenic areas and is encouraged to consider installing lines underground where appropriate to preserve viewscapes.

5.5.8 The provision of high-speed internet access to facilitate educational and commercial opportunities for residents is supported.

5.6 Air Transport

Background:

The map Schedule B does not show air travel facilities, as only occasional use is anticipated in areas not dedicated solely to air travel, but does show roads and wharfage. Air travel to and from Hornby Island is limited to float planes which usually land near the only existing docks at Ford Cove and Shingle Spit. There are no established commercial air strips or airports. The Island is close to flight paths for air traffic landing and taking off at the Comox airbase and Courtenay air park which sometimes creates a noise nuisance from low-level over-flights.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to minimize the disturbance of quiet enjoyment of property; and

(2) to ensure that potentially productive use of land is not alienated by air strips.

Policies:

5.6.1 Land-based airports, private or commercial airstrips, or heliports are not considered suitable or compatible with the rural lifestyle and agricultural potential of the Island and should not be permitted.

5.6.2 Emergency helicopter landing areas may be permitted at appropriate locations.

Advocacy Policies:

5.6.3 The landing and taking off of helicopters, ultralight aircraft, and other manned aircraft on the Island is strongly discouraged.

5.6.4 Transport Canada is requested to designate Hornby Island as a "noise sensitive area" and to issue an annual advisory to this effect to pilots and operators.

5.6.5 Transport Canada and the Federal Department of National Defense are requested to ensure flight paths and areas for military and civilian air traffic are directed away from the Island.

5.6.6 Operators of float planes are encouraged to land and take off adjacent to marine service areas and to avoid other areas around the Island, especially parks or public swimming beaches where there may be a potential impact upon wildlife or upon public safety and recreational activities.

5.7 Water Transport

Background:

Access to the Island is focused through two protected wharfage areas, the ferry dock and the Ford Cove government wharf. The Island has few safe anchorages and sheltered bays. The resort near the ferry terminal (Shingle Spit area) offers seasonal summer day-use wharfage. The Federal government in 2010 made substantial investments to improve the wharfage at Ford Cove. The wharf at Ford Cove is under Federal lease to the Ford Cove Harbour Authority and offers the only year-round protected wharfage. Limited summer anchorage is possible in several bays.

The regulation of sea transport falls generally under the authority of the Federal Government and the principal access is via BC Ferries Services Inc. Construction of private or commercial docks require approval of a lease from the Province. This Plan can therefore define only broad objectives for the management of all water access to the Island except that upland and water zoning regulations must also be satisfied before a private individual can proceed to install any structures for a private wharf or moorage.

Area:

All areas in the Hornby Island Local Trust Area, and in particular the areas designated Marine Transport (MT) where noted, are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to protect the limited sheltered bays for temporary anchorage;

(2) to provide boat access to the sea;

(3) to maintain a ferry service directed toward the needs of the local community;

(4) to promote adequate sewage, grey water and solid waste disposal for users of all marine facilities according to Provincial Health standards;

(5) to encourage measures to reduce the number of vehicles that travel on the ferry; and

(6) to support the continuing provision of wharfage at Ford Cove or at Shingle Spit.

Policies:

5.7.1 Private wharfs and/or breakwaters should be prohibited by regulation.

5.7.2 Expansion of wharfage at Ford Cove by the Ford Cove Harbour Authority may be supported provided negative environmental and visual impacts can be demonstrated to be minimal.

5.7.3 Expansion of moorage at Shingle Spit may be considered provided negative environmental and visual impacts can be demonstrated to be minimal.

5.7.4 Mariculture should not be permitted in Ford Cove or at Shingle Spit.

5.7.5 The existing Marine Transport (MT) points as shown on the land use map Schedule B should be maintained for current identified uses.

5.7.6 Public launching slips for canoes, kayaks, row boats and dinghies may be considered upon application to allow for safe and easy water access.

Advocacy Policies:

5.7.7 The Ford Cove Harbour Authority and the Department of Transportation are requested to continue to maintain and improve the wharfage at Ford Cove including provisions for parking, toilet facilities and the collection of recycling and garbage.

5.7.8 Safe methods of transporting dangerous materials around, to or on the Island should be required.

5.7.9 The responsible provincial Ministry(ies) and Department of Transportation are requested to establish boating speed restrictions within the Hornby Island Local Trust Area to ensure that public safety and environmental concerns are addressed.

5.7.10 BC Ferry Corporation and the Ministry of Transportation and Infrastructure are encouraged to:

a) achieve a level of service that follows rather than precedes community needs and that is established in consultation with community representatives;

b) encourage carpooling and non-automotive land transportation;

c) ensure that all vessels and associated upland facilities meet all provincial Ministry standards;

d) consult on a regular basis with a local advisory committee (or in the absence of such a committee, the Hornby Island Local Trust Committee) with respect to future planning for and any changes to ferry service between Hornby Island and Vancouver Island; and

e) consider the impact of the level and structure of tariffs upon the social and economic viability of the community.

5.7.11 All marine fuel services should meet all federal and provincial requirements.

5.8 Roads

Background:

Hornby's roads fall into four categories: main rural, minor rural, residential rural and heritage rural. The Island's principal artery (Shingle Spit Road/Central Road) is a "Main Rural" road from the Ferry Terminal to just beyond Strachan Road. The remaining section of Central Road to Ford Cove is "Minor Rural" and is designated as a "Heritage Road" requiring protection of its character, the views and the fine maples, Garry oaks and Douglas-firs along its length.

A second "Main Rural" road is St. John's Point Road from the Co-op crossroads to Whaling Station Bay. "Minor Rural Roads" connect through the residential areas: Sandpiper-Arthurs-Porpoise-Seawright, Sollans-Harwood-Gunpowder-Cowie-Carmichael and Anderson-Gurney. The remaining roads are "Residential Rural". Most roads are paved, the main exceptions being Sea Dollar, Strachan, Euston, Marleybone, Slade, Lea Smith, Little Tribune and Savoie. Savoie Road and Little Tribune Road are proposed "Heritage Road" designations.

There are no proposals for extending the road system. The former extension of Shingle Spit Road to Ford Cove was closed after a major slump and there is no longer a right-of-way along its route. The trail along "the Bench" is not considered a potential through route for a road because of the area's high environmental and scenic values.

An agreement between the Islands Trust and the Ministry of Transportation and Infrastructure has established an ongoing consultation process to deal with issues of construction and maintenance. This process also provides for negotiated agreements on the designation of Scenic/Heritage Roads and a Cycle Route Plan. A Cycle Route Plan allows for the adjustment of shoulder width standards when roads are upgraded.

Although most residents rely upon private motor vehicles to travel around the Island, there are a significant number of cyclists, pedestrians and equestrians, particularly in the summer when motor traffic is heavy. This poses safety concerns, as most sections of road do not have shoulders to accommodate these travelers. Paved cycle lanes have been added to Central Road between the Co-op crossroads and Seawright Road, a section which had been a priority safety concern. Through volunteer effort (and with support from the Ministry of Transportation and Infrastructure) paths for non-motorized traffic are being built parallel to roads on the right-of-way or on adjacent private land and along some unopened road allowances (see Section 3.3: Parks and Protected Areas where policies address the acquisition and establishment of trails).

Area:

All areas in the Hornby Island Local Trust Area and as referenced on Schedule C (Land Status and Road Designations) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to maintain the rural character of roads on the Island;

(2) to ensure safe, convenient transportation routes that do not encourage excessive speed;

(3) to encourage safe bicycle and pedestrian travel as an alternative to vehicle use; and

(4) to establish scenic/heritage road designations for unique and valued roadways and the appropriate consultative process when improvements are to be undertaken.

Policies:

5.8.1 Central Road is designated as the major road for Hornby Island and is classified as Main Rural.

5.8.2 The following should be designated as Cycle Routes: a) from the ferry terminal to the Outdoor Education Centre (Shingle Spit-Central-St. John's Point), and b) from the Co-op crossroads to Strachan Road (Central Road).

5.8.3 Shared accesses onto roads from private driveways should be encouraged and subdivision layouts should be designed to consolidate access points.

5.8.4 A linked network of trails for non-motorized vehicle travel, including cycle paths, should be established through Crown lands, Parks, highways dedications, and private-land by easements or agreements.

Advocacy Policies:

5.8.5 The Ministry of Transportation and Infrastructure is requested to implement and maintain the following road standards:

Main Rural:
Posted maximum speed: 60 km/hr, except consideration to be given to:

- 50 km/hr on Central Road between the junctions with Sollans Road and Seawright Road to enable the use of Neighbourhood Zero Emission Vehicles between the main residential neighbourhoods and the central commercial and institutional areas; and
- lower speed limits in busy congested areas such as adjacent to the entrance to Tribune Bay Outdoor Education Centre and at Whaling Station Bay.

Paved width: 6.7 metres (7.3 metres on a curve)

Shoulder width: 0.6 metres paved, with increase to 1.2 metres to provide for a paved bicycle lane on Central Road between the junctions with Sollans Road and Seawright Road and in other locations determined through community consultation.

Minor Rural:
Posted maximum speed: 40-50 km/hr
Paved width: 6.1 metres
Shoulder width: no paved shoulder unless on a cycle route

Residential Rural:
Posted maximum speed: 30-40 km/hr
Paved width: 5.5 metres
Shoulder width: no paved shoulder

Heritage Rural:
Posted maximum speed: 30-40 km/hr
Paved width: 5.5 metres
Shoulder width: no paved shoulder

5.8.6 The Ministry of Transportation and Infrastructure and BC Hydro are requested to:

a) ensure the road system follows natural contours of the land wherever possible;

b) continue the major road pattern as shown on the land use map, which does not connect across the bench under Mt. Geoffrey;

c) retain unused road dedications as greenways and, where appropriate, as pedestrian and bicycle trails for access to beaches, Crown land, parks and other trails and roads;

d) retain as much natural vegetation along the roadside as possible and especially to protect wildflowers, rare plants, dogwood, arbutus and Garry oak trees;

e) provide for safe travel of non-motorized traffic along Central Road and other busy sections of road (this should preferably take the form of paths adjacent to but separated from the existing roadway);

f) ensure signage along the roads is minimal and in keeping with a rural atmosphere;

g) consult with the Local Trust Committee on setting priorities for annual road work and ditching programs;

h) work with the Local Trust Committee to address public parking provisions in Community Service Use areas;

i) ensure that ditching of roads is carried out so as to reduce impact upon natural groundwater and surface water flow patterns;

j) work with the Local Trust Committee and community organizations to develop a trails and greenways plan and establish local stewardship arrangements for water accesses and unopened road allowances;

k) provide written referrals to the Local Trust Committee with respect to any proposed works on roads, right-of-ways, water accesses and unopened road allowances;

l) refer any disposition of road allowances to the Local Trust Committee;

m) provide adequate dust control on gravel roads and consider in consultation with the community paving heavily traveled sections such as the lower portion of Strachan Road; and

n) consider, in consultation with the community, traffic calming measures where these can address neighbourhood safety concerns.

5.8.7 The Ministry of Transportation and Infrastructure is requested to work with the community to address ways to improve safety in the area of high activity at the intersection of Sollans Road, and Central Road and the intersection of Central Road and Shields Road at the Hornby Co-op.

5.8.8 The Ministry of Transportation and Infrastructure is requested to ensure that road development does not compromise agricultural land or significant forest areas.

5.8.9 The Ministry of Transportation and Infrastructure is requested to ensure that waste material (particularly flammable material) is not allowed to accumulate in gravel pits and other land under its jurisdiction.

5.8.10 The Ministry of Transportation and Infrastructure is requested to make old gravel pits available for community uses when the gravel resource has been exhausted.

5.8.11 Programs to educate cyclists, motorists and pedestrians on road safety issues are supported.

5.8.12 The RCMP is encouraged to enforce highway regulations in order to help maintain the safety of the roads.

5.8.13 The Comox Valley Regional District is requested to maintain regular transit service to Buckley Bay from the Comox Valley and to expand the transit service across Denman to Hornby Island.

SECTION VI — OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE

6.1 Objectives and Policies for Development

Background:

One of the main functions of the Official Community Plan is to designate the patterns of future land uses. The designations are based on historic development patterns, physical features or constraints, other government agency comments and specific objectives defined by the community. Land is divided into various land use categories and shown on Schedule B, the land use map. Policies for each use are contained in this Section.

There are currently 1351 parcels in the Hornby Island Local Trust Area, including Park and Crown land. There are 30 parcels that could potentially be created, from 11 of the current parcels. The addition of these new parcels would result in a total of 1370 parcels on the Island and excludes the subdivision potential of Crown land, industrial and institutional parcels, and park land. Of these parcels, 80.7% of the land use is used for residential, 2.5% for farm, 1.3% for commercial, 0.6% for transportation, communications, and utilities and 2.4% for civic institutional and recreational purposes. The remaining 12.5% is composed of other designations, vacant land, and lots with outbuildings using BC Assessment Authority classifications for land use (Community Profile 2010).

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.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this section are:

(1) to protect the physical environment and natural features;

(2) to ensure that all land uses are regulated equitably;

(3) to ensure all development of the land base is self-sufficient for services and does not impose or create load on surrounding land uses; and

(4) to consider the community benefit in any significant rezoning application.

Policies:

Policies in Section 6.1 apply to all sections of the Plan.

6.1.1 The maximum size of buildings and structures on all lots should be regulated.

6.1.2 A minimum parcel size should be established for a parcel that may be subdivided pursuant to Section 514 of the *Local Government Act* (subdivision to provide residence for a relative) so as to uphold the objectives of the applicable designation in this Plan.

6.1.3 All applications for subdivision considered by the Local Trust Committee should demonstrate that there is sufficient water supply and waste disposal capability for serving the property both at the time of application and at ultimate projected growth levels.

6.1.4 Increasing net residential density through rezoning should not be permitted in the Small Lot Residential designations of Sandpiper, Galleon Beach and Whaling Station Bay areas.

6.1.5 Applications for amenity rezoning or density transfer may be considered by the Local Trust Committee for purposes of environmental and groundwater protection, community housing, removing growth pressures and consolidating lots. Eligible situations include dedication of land for park purposes and donation of land for

conservation or community land trust. It must be demonstrated that the property proposed for receiving the density can do so without significant impact upon the land base including water resources, environmental values and neighbourhood character.

6.1.6 The Local Trust Committee may consider proposals for covenants for the purposes of protecting the environment and specifically the groundwater resources, upon receipt of a rezoning, subdivision, or a temporary use permit application from the land owner. The covenant may contain restrictions on the use of the land in order to protect and enhance the groundwater recharge capabilities, to ensure that groundwater contamination is avoided, to address groundwater shortages, or to prevent further subdivision of the parcel. To ensure that any covenant is enforced, the covenant should be held by the Local Trust Committee (or the Trust Conservancy Board where appropriate) and should be monitored regularly.

6.1.7 Subject to provincial Ministry regulations, specified agricultural and horticultural activities should be permitted and should be regulated by bylaw to ensure that water resources are protected and that agricultural activities on non-agricultural land do not disturb the quiet of residential neighbourhoods. The provincial guidelines address the following: storage and use of agricultural waste, application and composting of agricultural waste, agricultural emissions, agricultural machinery noise, storage and use of wood waste, on-farm disposal of mortalities, feeding areas, access to water and use and storage of agricultural products.

6.1.8 Recommendations from the Ministry of Environment "*Stormwater Management Guidebook*" (2002) regarding the maintenance of pre-development infiltration and drainage regimes should be considered in the development of land use regulations.

6.1.9 Lot coverage should not exceed 15% on lots less than 1.0 hectare and 10% on lots greater than 1.0 hectare. Lot coverage for lots within the Agricultural Land Reserve should not exceed 20% with the additional 10% to be used only for structures required for agricultural production such as barns and greenhouses.

6.1.10 All development of property should include provision for appropriate off-road parking as specified in regulation.

6.1.11 A recreational vehicle, manufactured or mobile home, caravan, studio, boat or a travel trailer, if used as a residence, should be considered as a dwelling unit and be subject to density regulations.

6.1.12 In order to protect the natural environment and maintain neighbourhood viewscapes, screening and natural landscaping should be maintained on all parcels and along all lot lines in accordance with land use bylaw regulations.

6.1.13 Materials that could contaminate water resources should not be stored unless with proper provision for preventing contact of potential contaminants with the ground.

6.1.14 The storage of hazardous wastes or dangerous goods should not be permitted except when stored in accordance with provincial Ministry regulations. Safe storage of material used in conjunction with normal agricultural practices should be permitted on land within the Agricultural Land Reserve.

6.1.15 The protection of the Island from fire hazard should be considered when developing land use regulations.

6.1.16 Security lights and exterior lighting should be regulated so as not to intrude on surrounding properties and roads.

<u>Advocacy Policies:</u>

6.1.17 The Local Trust Committee encourages all land owners to identify areas (including significant features) on each property to be left undisturbed before proceeding with any site development.

6.1.18 The Local Trust Committee encourages all land owners to discuss proposed developments and other land use activities with neighbours at an early stage of planning.

6.1.19 The Local Trust Committee encourages land owners to work with the Islands Trust Conservancy to fully protect special features and both natural and cultural values as identified in the Islands Trust Conservancy Regional Conservation Plan, 2018-2027. (The Islands Trust Conservancy, a conservation land trust established by the *Islands Trust Act*, can acquire land for nature reserves and hold conservation covenants on private land).

6.1.20 The Local Trust Committee encourages all land owners to address potential impacts upon groundwater and surface water before proceeding with any site development.

6.2 Community Service Use

Background:

An island community isolated by two ferries from any major centre requires a degree of self-sufficiency in the provision of public services.

The community is fortunate to have a large area of Crown land in the central part of the Island and most community services are located in this vicinity. School District #71 owns the land on which the Community School, "Room to Grow" and the Preschool are located. The Hornby Island Residents' and Ratepayers' Association owns the land on which the Community Hall, Union Bay Credit Union-Hornby Branch, Art Centre, the Teen Centre, the "Kitchen", and the RCMP office are located; the Fire Hall is on land owned by the Comox Valley Regional District; New Horizons Centre (including the Public Library), the Community Health Care Centre, including the new medical clinic and the Athletic Association facilities are all on leased Crown land.

The areas previously designated 'Light Industrial' land are now included in the 'Community Service Use' areas which could provide for future public institutions and community trades and services. The community will continue to work with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to identify the best uses of this area. The land in this designation is in a groundwater recharge area upslope from a residential area and, therefore, requires careful development and use.

A 10 hectare portion of the land zoned 'Community Service Use' fronting on both Central Road and Sollans Road is under discussion as part of the land claims negotiation with the K'omoks First Nation.

Area:

The areas identified on Schedule B (Map Designations) as COM (Community Service Use) and other areas where noted in policy are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that the central community service lands are managed as an integrated unit for the benefit of the community as a whole;

(2) to protect the groundwater resource from degradation for purpose of water supply;

(3) to design development to accommodate anticipated traffic and parking needs;

(4) to encourage the clustering of public buildings in this area;

(5) to encourage the sharing of utilities such as parking, sewage and grey water systems, vehicle access, and water supply;

(6) to encourage the continued use of building styles, materials, landscaping and the retention of treed areas which are in keeping with the rural landscape;

(7) to ensure that there is ample sewage treatment and water supply for the anticipated uses;

(8) to use community resources efficiently and to allow for development of community facilities as needed;

(9) to ensure that the existing community use and service areas are maintained;

(10) to recognize the importance of keeping long-term residents of the Island within the community by enabling community housing; and

(11) to support community acquisition or lease of parcels of Crown lands in this area that may be required to provide public services.

Policies:

6.2.1 A Community Trades and Services Area, intended as an area where multiple businesses or other facilities for the creation of artisan products and the provision of services such as personal, business, food preparation, repair and professional services has been designated as Community Service Use Development Permit Area No. 2 as shown on Schedule E and will be regulated by Development Permit and land use bylaw regulations.

6.2.2 All land within the Community Service Use designation and Public Utilities and Services designation directly north of the GW/EPA designation on Schedule B is designated as part of Water Resource Protection Development Permit Area No. 3 for the purpose of protecting the groundwater resource on Schedule E. A Development Permit will be required for any new development that involves: significant water use, sewage and grey water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building.

6.2.3 Community facilities, such as schools and recreational facilities should continue to be clustered in the central area near the Community Hall.

6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally.

6.2.5 The Royal Canadian Mounted Police should continue to be located in a central location, and should be requested to provide a structure in character with other public buildings on the Island.

6.2.6 The development of affordable rental housing or special needs housing for Island residents, including facilities for seniors, displaced year-round residents and summer workers, operated non-commercially, should be permitted on land designated Community Service Use and be regulated by land use bylaw regulations. Other residences should only be permitted for the purpose of accommodating a caretaker or operator.

6.2.7 Limited commercial activities such as a farmers' market for locally-produced foods and goods, community arts facility or a credit union, preferably operated under the jurisdiction of a community non-profit society, should be permitted on Community Service Use lands subject to adequate off-street parking being provided and should be addressed through land use bylaw regulations.

6.2.8 Member use services provided non-commercially, such as community kitchens, gardens, public showers and laundry facilities should be permitted.

6.2.9 Signage and lighting should be regulated by bylaw to ensure maintenance of the rural landscape.

6.2.10 All buildings should be finished in natural products such as wood, stucco, stone or brick or other materials that would fit in with the ambience of the community and neighbourhood; roofing materials that are appropriate for water catchment may be utilized.

6.2.11 Off-road signage and lighting should be regulated to provide a safe environment in keeping with the rural landscape.

6.2.12 The Crown land parcel containing the gravel pit on Central Road should be considered for a mix of community service uses should this land no longer be required for use by the Ministry of Transportation and Infrastructure or subject to a final Treaty agreement.

6.2.13 As much as possible, natural forest vegetation should be retained or re-established throughout this area.

Advocacy Policies:

6.2.14 Organizations involved in administering and using property in the area designated for "community service use" are encouraged to work together to develop a master plan for future facilities and uses in this area.

6.2.15 The responsible provincial Ministry(ies) is requested to:

a) only consider dispositions of land designated for community service use that are compatible with the objectives and policies of this Official Community Plan;

b) consult with the Local Trust Committee to ensure that any dispositions are in accordance with a master plan for the area;

c) retain this land in public community management; and

d) ensure public access to the Crown land is maintained.

6.2.16 The Ministry of Transportation and Infrastructure and other responsible provincial Ministries are requested to make available for public use any unused portion of the gravel pit parcel on Central Road (and the whole of the remaining parcel when this is no longer required for gravel extraction).

6.2.17 The provision of facilities for junior and senior high school students is supported.

6.2.18 School District #71 is encouraged to make all educational facilities available for use by the whole community.

6.2.19 Availability of facilities such as the school and hall for a variety of functions is encouraged.

6.2.20 The acquisition of land in this area by a community land trust, in the context of an overall master plan is supported.

6.2.21 Studies that provide additional data on the groundwater and catchment flow system in this area is supported.

6.3 Residential

6.3.1 Residential—General

Background:

The residential component of land use is of major significance. Most of the residential land use is located around the shoreline of the Island with the bulk of the interior, including most of the high ground, being in public ownership, mostly as parks.

Historically, the Island has had a rural character with predominately large acreages. The small lot subdivisions were created prior to the Islands Trust assuming planning authority for the Island and all potential areas for subdivision into that lot size are already subdivided. By 1990, approximately 60% of all residential parcels on the Island were 0.2 hectares or less. In 2009 more than 95% of the private dwellings are single-detached and 18% are rented.

Residential land uses are supported on lands designated in Schedule B as Small Lot Residential, Rural Residential, Forest, Community Housing and Land Co-operatives. Residential use is also authorized in policy for land designated as agricultural, commercial and community service use. Under existing bylaws some lots have some potential for subdivision. However, the subdivision of additional small lots is not endorsed in the Plan. Problems with the quantity and quality of water supply have been identified in the small lot areas where on-site sewage treatment and groundwater wells are present on most lots.

The BC Assessment Authority in 2009 identified 1,088 properties assessed for residential purposes. A total of 322 of the properties are also assessed as agriculture and likely also have a residential use whereas 134 properties are vacant land or only have outbuildings.

The 2011 census records 886 dwellings and a resident population of 958 persons. There are three major housing challenges facing the community in the next five years:

(1) a substantial proportion of the long-term resident population is now in the older age brackets; some may appreciate the availability of special housing in their senior years while others may wish to be supported while remaining in their own homes;

(2) property prices are out of scale with the incomes that can be derived on the Island, making it difficult for younger people to become established here; and

(3) the majority of properties are owned by non-residents and most of these are occupied and/or rented seasonally thereby limiting the availability of year-round rental accommodation.

Notwithstanding these challenges 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.

Area:

The areas identified on Schedule B (Map Designations) as SR (Small Lot Residential), RR (Rural Residential), F (Forest), CH (Community Housing) and LC (Land Co-operatives) or any combination thereof are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that a variety of housing options are available;

(2) to ensure that the scale of residences and other buildings are appropriate to the Island and neighbourhood context;

(3) to recognize the importance of keeping long-term residents in the community; and

(4) to provide for community initiatives to address housing needs for the foreseeable future.

Policies:

Policies in Subsection 6.3.1 apply to all subsections of Section 6.3.

6.3.1.1 Setbacks of buildings, structures and uses should be regulated to ensure that the natural aesthetics and the environmental integrity of adjacent foreshore, creeks and ecologically sensitive sites are not adversely affected. (This Plan acknowledges that geographical constraints prevent significant setbacks from the foreshore between Shingle Spit and Phipps Point).

6.3.1.2 Setbacks and heights of buildings should be regulated to ensure that the environmental integrity and amenity of adjacent lots, public roads and public land are not adversely affected.

6.3.1.3 Screening around derelict vehicles and other stored materials should be required by regulation.

6.3.2 Small Lot Residential

Background:

Lots in this category are smaller than 0.8 hectares and generally range around 0.24 hectares in some subdivisions to 0.1 hectares in areas on the peninsula of the island. As these lots become increasingly developed and used, the already evident problems with sewage disposal and water supply could become more acute.

The peninsula at the north–east end of the island, which includes the Anderson Drive/Whaling Station Bay area, has a separate aquifer which has the highest vulnerability classification in the Province: 1A (highly developed with high vulnerability). This is reflected in the area's water quality and quantity problems, including saltwater intrusion, sulphurous water and poor-yielding wells.

Area:

The area identified on Schedule B (Map Designations) as SR (Small Lot Residential) is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that any construction on existing vacant lots can be supported by the land base and does not lead to health hazards or degradation of the environment;

(2) to minimize the negative impacts associated with small lot development;

(3) to protect the water resource in the Whaling Station Bay/Anderson Drive aquifers classified as heavily developed, highly vulnerable; and

(4) to ensure that the land uses do not have an adverse effect upon the quality and quantity of water draw down from the Whaling Station Bay Improvement District water collection system nor upon other wells on adjacent properties.

Policies:

6.3.2.1 The principal use should be residential with any accessory uses consistent with the residential character.

6.3.2.2 The minimum parcel size should be 1.0 hectare.

6.3.2.3 Existing Small Lot Residential designations of Sandpiper, Galleon Beach and Whaling Station Bay/Anderson Drive, as shown on Schedule B, will not be expanded and no new small lots will be created except for the purposes of park dedication, neighborhood waste water treatment or to create ecological reserves.

6.3.2.4 One dwelling unit should be permitted on each lot.

6.3.2.5 The keeping of animals should be limited and regulated to protect the quiet of the neighbourhood and the quality of the groundwater resources and the well-being of wildlife populations.

6.3.2.6 Additional development of the groundwater resource should be strongly discouraged.

6.3.2.7 The use of water catchment and storage systems for household and garden use should be encouraged.

6.3.2.8 The Local Trust Committee supports the regular monitoring of the groundwater resource in these areas and should consider further restrictions upon land use if there is a documented threat of contamination or if aquifers become classified as "highly developed".

6.3.2.9 Consolidation of small lots should be encouraged. To recognize the reduction in density and other impacts resulting from the consolidation of lots, the following should apply for any lot over 1.0 hectare that is the product of the consolidation of smaller lots: the maximum floor area of a residential dwelling or an accessory building may be permitted to be one and a half times the size permitted on standard lots in the small lot residential designation.

6.3.2.10 Bed and Breakfasts home occupations and vacation home rentals may be permitted providing the number of guests does not exceed the design capacity of the approved sewage treatment system and with the number of guests limited based on lot size.

6.3.2.11 Home occupations should be permitted but limited by regulation to those having little impact on the neighbourhood character and environmental qualities.

<u>Additional Policies for small lots in the Anderson Drive/Whaling Station Bay area:</u>

6.3.2.12 The provision for shared water supply systems and/or sewage and grey water treatment involving two or more lots is supported where appropriate to local situations and in accordance with the Vancouver Island Health Authority standards.

6.3.2.13 One lot, Lot 11, Section 9, Plan 25736, is adjacent to a water collection system that provides water to property owners in the Whaling Station Bay area. The following policies apply to Lot 11:

a) residential development should be restricted to the north-western half of the property;

b) the south-eastern part of the property, as identified in the hydrological report by Piteau Associates Engineering Ltd. (2002), should remain in an undisturbed state (except for measures such as ditching that are required to protect the water resource) and should be protected by a covenant or through transference to local government for protection purposes; and

c) before any development is permitted, an impact assessment report setting out a site drainage plan should be prepared and implemented in accordance with recommendations from the Piteau Associates Engineering Ltd. (2002) report.

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 1.0 hectare should be maintained with no more than one dwelling per lot. A lot size less than 1.0 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 the 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 1.0 hectare 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 and a maximum of two dwellings should be permitted on lots 3.5 hectares 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,

(6) maintain the visual quality of the residential neighbourhoods; and

(7) 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:

Policies in Section 6.1 and Subsection 6.3.1 apply to this subsection.

6.3.4.1 For any subdivision of properties in the Forest designation, an average lot size of 16 hectares should be maintained, with a minimum lot size of 4.0 hectares when subdivision averaging takes place, unless the subdivision is for the purpose of creating a park, ecological reserve, other community service use or a community land trust.

6.3.4.2 Residential use of land should be permitted in the Forest designation.

6.3.4.3 Only one dwelling unit should be permitted per parcel and two dwellings if the parcel is over 4.0 hectares.

6.3.4.4 Setbacks of buildings and uses from cliff edges and retention of vegetation should be required to protect the slopes from erosion.

6.3.4.5 Home occupations may be permitted subject to land use bylaw regulations and should be limited to those types having a low impact on the natural forested character of the area or other environmental qualities.

6.3.4.6 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.

6.3.5 Housing

Background:

A 2008 report entitled "*Housing Needs on Hornby and Denman Island"* prepared by Eberle Planning and Research notes that "the recent prolonged boom in vacation property sales has affected both islands with steadily rising house prices." In the last census period, median house prices on Hornby Island increased by 116% while incomes increased by only 7%. (An income of $60,000 is required to buy an average non-waterfront home. The median household income is $37,689). The number of rental units declined by 7% in this period and now only 18% of dwellings are rented compared with 30% for BC. The average Hornby renter has moved 12 times. While 90% of elders own their homes, almost half of these need repairs.

The report estimated that at least 97 Hornby households were in need of housing. The report recommended that: a) approximately 30 affordable housing units could address the needs of Hornby renter households in need who prefer ownership; b) ten elder housing units are required to meet anticipated need over the next 10 years; c) secondary suites/dwellings could address the housing requirements for the minimum 17 single-person renter households in need and renters without year-round accommodation; and, d) provision for emergency/temporary housing would help address housing shortages in the summer and housing crises in the winter. It also proposes support for renters, repair assistance for elder home-owners and home care for elders. The 2004 Hornby Island Advisory Housing Committee Report included recommendations with respect to secondary units, temporary summer accommodation and the formation of a community land trust.

In recognition of the findings of the 2008 report, new lands have been designated for the development of community housing, and new policies which allow for both secondary suites and temporary housing have been included in this Plan to assist in addressing the identified housing needs.

There are two Hornby Island organizations with a housing focus: Hornby Island Elder Housing Society and the Islanders' Secure Land Association. Two properties are currently zoned for community housing.

For purposes of interpretation the following terms are used in this section:

"Affordable Housing" is housing that is by intent and policy more affordable than identical housing that is or could be provided elsewhere in the community and is housing that by design and size provides for residential accommodation that can be acquired with 30 per cent of the median gross income of families or individuals on Hornby Island.

"Rental Housing" is housing that is available by payment of rent for occupancy for a minimum of one month and can include any form of housing that is available for rent.

"Special Needs Housing" is housing to accommodate persons who may have special needs due to age, health, disability or other factors that may require special housing characteristics.

"Community Housing" is housing that is provided specifically by bylaw to address affordable or special needs housing requirements, including housing that is provided on land designated for community services use, but community housing does not include housing that may be provided as part of a land cooperative; as a secondary suite; as part

of a mixed use development such as in association with a commercial land use or as a secondary dwelling on a property; even though such housing may contribute to the provision of housing that is affordable, available for rent or that accommodates the needs or persons with special needs. The Community Housing designation is intended to designate areas that are considered suitable for such housing.

Land Co-operatives involve co-operative ownership of some large parcels which have been viewed as consistent with the character of the community. The co-operative lifestyle on rural large parcels of land has required fewer roads, allowed sharing of resources, and made the acquisition of property more affordable for members. The Land Co-operative designation is intended to promote the retention of larger parcels and rural character, while still providing an opportunity for co-operative land sharing and the benefits it provides in terms of affordable housing. Land in this designation may be held by organizations such as community land trusts, co-operatives established under the *Cooperative Association Act* or under a corporate ownership structure owned by resident shareholders.

Area:

All areas with the CH (Community Housing) and LC (Land Cooperative) designations are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to provide for a range of housing opportunities including the creation of affordable, rental and special needs housing;

(2) to enable affordable, rental and special needs housing options that are compatible with the Island's environment and character;

(3) to provide for community initiatives to address the housing needs associated with age, disability, and/or moderate and low income through the provision of community housing;

(4) to provide opportunity for non-profit housing situations to meet the needs associated with age, disability, and/or moderate and low income; and

(5) to support land cooperatives with the intention of providing opportunity for common ownership through co-operative land tenure.

Community Housing Policies:

Policies in Section 6.1 and Subsection 6.3.1 apply to this subsection.

6.3.5.1 The principal use of lands designated for Community Housing (CH) should be affordable or special needs residential.

6.3.5.2 Parcels designated Rural Residential (RR) that have demonstrated ability to meet Provincial Ministry standards of water, grey water (sewage and waste water) treatment and other health and environmental requirements, may be considered upon application for a site specific rezoning (see Section 7.3). A development plan is required upon application for rezoning that includes information regarding future development phases, projected densities, impacts on the land and neighbourhood including the provision of waste supply, waste disposal and retention of natural vegetation.

6.3.5.3 A housing agreement may be required upon application for rezoning to Community Housing.

6.3.5.4 Criteria that should be addressed in the provision of community housing includes:

a) the form of tenure of the housing units;

b) the availability of the housing units to persons whose special needs are to be accommodated;

c) the administration and management of the housing units, including the manner in which the housing units may be made available to persons with special needs referred to in paragraph (b); and

d) rents and lease, sale or share prices that may be charged, and the rates at which these may be increased over time, as specified in an agreement or as determined in accordance with a formula specified in an agreement.

6.3.5.5 Community housing developments should be encouraged to be located where there is compatibility with existing and potential land use on neighbouring parcels.

6.3.5.6 Community housing developments should be of a scale and character that is compatible with the neighbourhood ambience and the natural environment.

6.3.5.7 Lot A, Section 11, Hornby Island, Nanaimo District, Plan VIP87054, designated (AG), may be used to provide affordable or special needs housing.

6.3.5.8 Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.

Affordable Housing Policies:

6.3.5.9 Shared land ownership is recognized as one means of providing a more affordable ownership of land and may be supported in land use regulation in lieu of subdivision of land where supported by policy in Subsection 6.3.3 and Subsection 6.3.6 of this Plan.

6.3.5.10 A non-commercial campsite may be considered within areas designated to permit community service use as a means to provide temporary summer accommodation for summer workers, summer visitors and displaced residents who cannot otherwise find accommodation.

6.3.5.11 Housing should be permitted on land designated for community service use provided it is affordable housing or provides for persons with special needs.

Rental Housing Policies:

6.3.5.12 Residential use should be an accessory use on land zoned for commercial use and may be a means to provide rental housing opportunities.

6.3.5.13 A secondary suite, limited in size and contained within a permitted dwelling, may be permitted on larger rural lots (in accordance with policies in Subsection 6.3.3 (Rural Residential) of this Plan), and despite Subsection 6.3.3, on lots 2.0 hectares or larger in order to provide rental opportunities provided the owner or residential tenant occupies the principle residence.

6.3.5.14 A detached unit used to provide temporary accommodation for a relative or a caregiver or to provide temporary affordable rental accommodation under the *Residential Tenancy Act* may be permitted through a Temporary Use Permit (in accordance with guidelines specified in Section 6.10 – Temporary Use Permits).

INFORMATION NOTE: *The use of such a permit will only define the permitted use and the temporary nature of such use and cannot manage who man occupy the temporary accommodation.*

Advocacy Policies for Rental Housing:

6.3.5.15 Owners of land where a second dwelling is permitted are encouraged to provide the second dwelling as ongoing rental accommodation to increase the available rental housing supply unless the second dwelling is otherwise used or needed for use by the owner.

6.3.5.16 Written agreements under the *Residential Tenancy Act* are strongly encouraged for the rental of dwelling units.

Special Needs Housing (including housing for seniors) Policies:

6.3.5.17 Lot B, Section 10, Nanaimo District, Plan 18085, which is zoned for elder housing, may be considered for zoning amendments to increase the number of units and may be expanded through the acquisition of adjoining land.

6.3.5.18 A supported living facility, a hostel and other facility for providing emergency and/or temporary accommodation should be permitted on land zoned for community service use (in accordance with policies in Section 6.2 (Community Service Use) of this Plan).

6.3.5.19 The Local Trust Committee may explore opportunities for temporary accommodation for summer workers and/or displaced residents.

6.3.5.20 Parcels designated residential that have demonstrated ability to meet Provincial Ministry standards of water, grey water (sewage and waste water) treatment and other health and environmental requirements, may be considered upon application for a special needs housing site specific rezoning. A development plan should be provided with any application for rezoning and shall include information regarding future development phases including projected densities, impacts on the land and neighbourhood including the provision of waste supply, waste disposal and retention of natural vegetation (see Section 7.3).

Advocacy Policies for Special Needs Housing:

6.3.5.21 Hornby Island residents are encouraged to provide and support home care and home repair assistance initiatives for seniors as a means of extending the opportunities for independent living.

6.3.5.22 Where appropriate to personal needs and preferences, Hornby Island residents are encouraged to make available in their homes opportunities for boarding and other joint living arrangements to expand the range of living opportunities for persons with special needs or who seek affordable housing.

Land Co-operative Policies:

6.3.5.23 Upon application, properties 4.0 hectares or greater may be considered for “land co-operative” rezoning supported by submission of an impact assessment plan (see Section 7.3).

6.3.5.24 Two properties have been designated as Land Co-operatives in this Plan. Subsequent land use bylaw regulations may be created to address historical situations where parcels are in common ownership with each member owning a share believing the share granted him/her the right to build a house.

6.3.5.25 The principal permitted uses in this designation should be residential and agricultural.

6.3.5.26 Home occupations subject to land use bylaw regulations may be permitted but should be limited to those having little impact on the area's character and environment.

6.4 Agriculture

6.4.1 Agriculture

Background:

The early development of Hornby Island included agriculture as a primary occupation. However, by 2009 the BC Assessment Authority listed 190 parcels with an agricultural assessment. Many of the largest holdings with good soil have now been subdivided or are vacant. Residential uses of agricultural land has increased pressure for subdivision. Small-scale farming operations serving primarily local needs are prevalent.

Policies in this section refer to the use of any land for agriculture and do not necessarily deal with issues of preserving land in the Agricultural Land Reserve. Subsection 6.4.2 of this Plan contains policies on the preservation of the Agricultural Land Reserve which is considered a natural resource of the Island. Land Use Bylaws in Agricultural areas have traditionally established a minimum subdivision potential of 16 hectares or greater unless otherwise noted.

Agriculture on Hornby has been declining and many prime agricultural regions have previously been subdivided or are not being actively farmed.

Area:

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

Objectives:

The objectives of this subsection are:

(1) to support continuing agricultural use of land and associated activities;

(2) to ensure that the use of land in the Agricultural designation does not compromise the capability of the land for future food production;

(3) to encourage retention of large parcels of land for agriculture; and

(4) to ensure agricultural practices do not cause contamination of the groundwater resource.

Policies:

Policies in Section 6.1 apply to this subsection.

6.4.1.1 For any subdivision of properties designated Agriculture, the minimum parcel size should be 16 hectares.

6.4.1.2 The principal uses in this designation should be agriculture and residential.

6.4.1.3 One dwelling (which may contain a secondary suite) may be permitted on lots smaller than 3.5 hectares.

6.4.1.4 On parcels 3.5 hectares or greater the following should be permitted:

a) one dwelling with a secondary suite within the dwelling; or

b) two dwellings, with the second dwelling limited in size, and if the land is in the Agricultural Land Reserve the second dwelling should only be permitted if the second dwelling is necessary for farm use as determined by the Local Trust Committee in consultation with a Provincial Regional Agrologist and is otherwise consistent with the Agricultural Land Reserve related enactments; or if authorized as a non-farm use by the Agricultural Land Commission.

6.4.1.5 Home occupations which do not impinge upon the principal farm use and which will not cause any degradation of the land nor reduce its capability for agricultural production should be permitted, subject to bylaw regulations and should comply with Agricultural Land Commission regulations where applicable.

6.4.1.6 All agricultural activities should be conducted in accordance with the Agriculture Waste Control Regulation, *Waste Management Act*, the *Farm Practices Protection (Right to Farm) Act* and the *Health Act* administered by the Vancouver Island Health Authority.

6.4.1.7 Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) are be considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required (see Section 7.3).

Advocacy Policy:

6.4.1.8 The spreading of agricultural waste should be regulated such that water courses or groundwater resources are not contaminated.

6.4.2 Additional Policies for Land in the Agricultural Land Reserve

Background:

Agriculture is the traditional land-based economic activity of Hornby Island. There are about 824 hectares, 27% of the land base, in the Agricultural Land Reserve, and subject to the *Agricultural Land Commission Act*, which was intended to preserve land with agricultural potential to provide a secure source of food for the future residents of the Province. Farming is encouraged in parcels within the Reserve and non-farming use is regulated by the Commission.

There are 102 parcels on Hornby located within the Agricultural Land Reserve. The average area of these parcels is 7.2 hectares. This land is of high to medium capability for agriculture and is reserved for present or future production. Schedule C, the land status map, identifies land in the Agricultural Land Reserve and Schedule B, the land use designation map, shows land used primarily for agriculture; most Agricultural Land Reserve land falls in that category.

Area:

The areas identified on Schedule B (Map Designations) as AG (Agriculture) and lands within the Agricultural Land Reserve are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to retain land with potential for agriculture;

(2) to ensure that agricultural land in the land reserve is not degraded; and

(3) to enable accessory uses that are compatible with farming and the preservation of agricultural land.

Policies:

6.4.2.1 The retention of the Agricultural Land Reserve and the Agricultural Land Commission to protect against the loss of the potential for self-sufficiency in agricultural production in the Province of British Columbia is supported.

6.4.2.2 Land designated agricultural which is proposed for non-agricultural uses deemed to be in the public interest by both the Agricultural Land Commission and the Local Trust Committee may be considered for rezoning and for removal from the Agricultural Land Reserve, the latter being preferred if other land of comparable or better agricultural potential is being added to the Reserve.

6.4.2.3 The minimum parcel size within the Agricultural Land Reserve designation should be 16 hectares, but smaller lots may be created where a portion of a parcel has been leased to another farm operation for at least the five previous consecutive years and such subdivision is approved by the Agricultural Land Commission.

6.4.2.4 To support existing agricultural operations, accessory uses should be permitted where such uses do not impinge on the principal farm use and will not degrade the land nor reduce its capability for agricultural production, provided such uses are authorized by the *Agricultural Land Commission Act*.

6.4.2.5 Temporary non-agricultural uses of existing buildings on agricultural land involving no impact upon the land itself or the principal farm use, may be considered upon application for a Temporary Use Permit which may include specific conditions to address impacts such as noise, parking, water supply and waste disposal.

6.4.2.6 Uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts.

6.4.2.7 Soil removal, except for purposes of improving the agricultural soil resource on Agricultural Land Reserve lands subject to provisions of the *Agricultural Land Commission Act*, should not be permitted.

6.4.2.8 The processing and sale of farm products together with the retailing of some off-farm products as authorized by the Agricultural Land Commission should be permitted.

6.4.2.9 Farm Use as defined by the Agricultural Land Reserve Use Regulation is permitted within the Agricultural Land Reserve and may be regulated by land use bylaw.

6.4.2.10 Education and research facilities except schools under the *School Act*, should be permitted, provided that the buildings and structures necessary for education and research do not exceed 100 m^2 on any parcel.

Advocacy Policy:

6.4.2.11 The Ministry of Energy, Mines and Petroleum Resources is requested to ensure there is no extraction of gravel in areas designated agricultural.

6.5 Commercial and Home Occupations

Background:

Commercial use policies are classified into retail and personal service and visitor accommodation. In 2010 there were 14 properties zoned commercial on the Island. The two main classifications have very different criteria for location as defined in the objectives. Schedule B includes designations for three types of commercial land use: Retail and Personal Service (CS), Visitor Accommodation (VA) and Commercial General (CRG).

Home occupations also provide some opportunity for commercial activity and may involve the sale of products produced on site or provision of personal services. These uses are permitted in residential areas and so are not designated as a separate land use on Schedule B. Home occupations are permitted only if the residential character of the property is maintained and the product or service is produced by the resident. When a business retails products not produced on-site or at such a large scale that the impact on the property changes the residential character, then appropriate commercial zoning is required.

6.5.1 Retail and Personal Service

Background:

The three existing retail commercial areas on the Island (Co-op Corner, Shingle Spit, and Ford Cove as well as one limited commercial area {Syzygy}) are shown on the land use map, Schedule B. The Co-operative store, which has a large community membership, is located centrally on the Island near Tribune Bay. This is the busiest commercial area on the island and its services include groceries and hardware departments, post office, liquor outlet, gas bar and independent local merchants operating small-scale food and retail businesses. Ford Cove dock provides the only sheltered moorage on Hornby Island and historically this area has developed to provide marine-related services. It is accessed from land by a steep and narrow heritage road and the location imposes constraints, including for parking. Ford Cove store provides grocery and other retail services. The Shingle Spit commercial area is located at the ferry terminal and provides a restaurant, pub, liquor store and visitor accommodation units. A co-operative bakery operates at Syzygy on Central Road, with a number of associated small businesses including a popular pizza outlet.

Area:

The areas identified on Schedule B (Map Designations) as CS (Retail and Personal Service) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to support the existing pattern of one major and three lesser centres for general or limited commercial uses;

(2) to protect the environment from degradation and resources from depletion while providing opportunity for commercial activities;

(3) to protect the integrity of quiet residential and rural neighbourhoods;

(4) to prevent commercial strip development; and

(5) to ensure the scale, form and character of all commercial developments harmonize with the natural surroundings and the rural character of the Island.

Policies:

6.5.1.1 The commercial development at the intersection of Central Road and Shields Road as part of the Co-op property should be retained as the major commercial service centre for Hornby Island.

6.5.1.2 Existing smaller commercial service centres with accommodation facilities should be retained at Ford Cove and at Shingle Spit Road near the ferry terminal (currently known as the Hornby Island Resort property).

6.5.1.3 Limited expansion of commercial zoning to allow for small scale retail and personal service use with secondary residential use may be considered based upon the following criteria:

a) close proximity to the major commercial service centre for the Island to reduce travel requirements and greenhouse gas emissions or in locations as provided for in Policy 6.2.7 (Community Service Use) of this Plan;

b) protection of the rural character of the island and the area of proposed development;

c) minimization of impacts upon adjacent lands;

d) provision of a sustainable water supply, waste treatment and parking;

e) retention of trees and green space;

f) utilization of low-energy technologies; and

g) safe pedestrian and vehicle traffic patterns and promotion of pedestrian friendly and bicycle use facilities and other green initiatives where practical such as home delivery.

6.5.1.4 The degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new commercial development shall be regulated through Development Permit.

6.5.1.5 The minimum parcel size should be 1.0 hectare for any subdivision of property designated for commercial use.

6.5.1.6 The principal land use should be small-scale commercial business.

6.5.1.7 Residential use may be permitted as a use secondary to a commercial use.

6.5.1.8 Regulations for any commercially-zoned lot may provide for a mix of compatible uses to enable a clustering of services on land designated as commercial.

6.5.1.9 Ribbon or strip development is not supported.

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.

6.5.1.11 Land may be rezoned to supply an off-site parking lot to a commercial use within 100 metres of the property containing the commercial use without an amendment to this Plan provided the zone does not permit structures or habitation of vehicles.

6.5.1.12 To encourage small scale commercial operations that comply with community health and safety regulations and Islands Trust objectives.

6.5.2 Visitor Accommodations and Tourism

Background:

Hornby Island has become widely known for its scenery, recreational opportunities, ambience, and locally created crafts and art. The Island's increasing popularity as a summer destination has made tourism both a key component of the local economy and a cause for concern because of its impacts. Island services, such as ferries, roads and the recycling depot, become heavily loaded in the summer. Fragile ecosystems are susceptible to degradation. The greatest demand for water is generated at the time of declining groundwater availability while the adequacy of existing systems to handle the volume of sewage and grey water is questionable. The large influx of people can be stressful to a small community and can present safety and law enforcement problems.

This creates the challenge of providing visitor accommodation in a manner and at a level that caters to visitors and provides much-needed employment while protecting the Island's environment, sustaining its resources and amenities and preserving the ambience and character of the community.

Unsupervised and unserviced camping is not considered desirable because of the impact on quiet residential or rural neighbourhoods, the risk of fire, and because public services are not readily available. The provision of such facilities as public washrooms and waste disposal sites could place a burden on the available water supply and thereby threaten the availability of those resources for use by the local community population. Currently, the Island is supplied with visitor accommodations in the form of five campgrounds, three resorts with rental cabins and a restaurant, and several Bed and Breakfasts. Short-term rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impacts, both in neighbourhoods and cumulatively. One existing property, Lot A, Section 13, Plan 38493, known as “Bradsdadslands”, is designated rural residential but has a historical legal non-conforming use as a campground. The use would cease to be lawfully non-conforming if it is discontinued for more than 6 months during its regular seasonal use. As with any other property, legal and conforming campground use for this property could only be considered upon application for redesignation and rezoning.

The Whaling Station Bay/Anderson Drive area and other small lot areas have been identified as having groundwater supply problems due to density of development and vulnerability of the aquifer. Limiting occupancy for any visitor accommodations (e.g. Bed and Breakfasts) to levels of an average household size (four persons according to Statistics Canada) may help address such water supply issues.

Area:

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

Objectives:

The objectives of this subsection are:

(1) to provide an appropriate range of accommodation for visitors without incurring undue cost to the local taxpayers in providing basic facilities for visitors.

Policies:

6.5.2.1 Accommodation for visitors should be environmentally sensitive, small-scale and low density and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.

6.5.2.2 “Destination resort" type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.

6.5.2.3 Applicants for visitor accommodation zoning should provide an impact assessment report, as defined in Subsection 7.3.1(f), to demonstrate that there is sufficient available water supply (including utilizing rainwater catchment and storage systems), effective and approved sewage and grey water treatment, waste disposal capability and adequate provision for parking to serve the business and clientele both at the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource.

6.5.2.4 Campgrounds and other tourist facilities should be permitted only by rezoning. Only campgrounds without individual hook-up of power and water services are considered appropriate.

6.5.2.5 Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:

a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and

b) vacation home rentals and agri-tourism accommodation on Agricultural Land Reserve land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use.

6.5.2.6 Small-scale Bed and Breakfasts should be permitted as a home occupation and should be regulated to ensure that the residential character of the site is maintained and that there is sufficient provision for parking, water supply and approved waste disposal and minimal impact on adjacent properties.

6.5.2.7 Due to the limited availability of restaurants at certain times of the year, Bed and Breakfasts may be allowed to provide a full complement of meals to overnight guests only, subject to Vancouver Island Health Authority standards for water supply, food preparation and waste disposal.

Advocacy Policies:

6.5.2.8 Rainwater catchment and storage systems and water conservation are encouraged for all types of visitor accommodation.

6.5.2.9 New developments and promoted events are encouraged to focus upon year-round and off-season activity rather than upon attracting more visitors during the summer peak season.

6.5.2.10 A position of "welcome with information" to tourism use of the Island is encouraged as a means to inform visiting tourists about best practices when visiting the Island.

6.5.2.11 Information provided to visitors should emphasize the fragility of the environment, the limited resources (particularly the need to conserve water) and the appropriateness to the Island of low impact recreational activities.

6.5.2.12 Toilet facilities at beaches and the provision of safe fresh water from community wells is supported for the use of visitors to the Island.

6.5.2.13 The RCMP is requested to provide adequate policing on the Island particularly in the summer months to address issues of safety and public disturbance.

6.5.3 Vacation Home Rental

Background:

Given the Island's increasing popularity as a summer destination, there has been increasing demand for visitor accommodation and a tradition has been established of some home owners renting their cottages or homes for short periods of time predominantly during the summer months.

Property owners benefit from the opportunity to raise funds whether to assist with property costs or as a means to augment income while retaining their residence for its primary residential use for most of the year. Visitors benefit from a range of accommodation options to experience the Island's environment and amenities. The community benefits from the economic inputs from these visitors.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to allow vacation home rental use while ensuring that the residential use of property and its residential character are retained; and

(2) to address potential impacts of vacation home rentals.

Policies:

6.5.3.1 Where a dwelling is permitted on a parcel by the land use regulations, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations:

a) provided that the owner or tenant of the parcel is ordinarily resident on the property and the vacation

home rental use is occurring during the temporary absence of the owner or tenant; or

b) where the owner or a residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or

c) where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring.

6.5.3.2 Vacation home rental use should be subject to regulations which:

a) require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Hornby Island in general through a vacation experience;

b) limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained;

c) limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use;

d) require adequate off-street parking spaces to limit vehicle crowding on public roadways;

e) ensure that the residential appearance and character of a property is not altered by the vacation home rental use; and

f) require that accommodation be within the permitted dwelling and prohibit camping or use of tents or recreational vehicles for vacation home rental use.

6.5.3.3 Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas, are strongly encouraged to minimize impacts upon groundwater resources by:

a) utilizing a rainwater catchment and storage system;

b) installing water-saving fixtures; and

c) providing information about water conservation practices to all guests.

6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.

6.5.3.5 Owners of vacation home rentals are encouraged to form an association to establish bylaws or best practices that would be required of all members in good standing and to consider informing owners, visitors and other interested persons of Local Trust Committee regulations. Any such association is encouraged to augment such regulations with other requirements that would assist in resolution of any potential issues that may arise such as requiring on-island contact information of association members or managers who could respond in a timely manner to neighbourhood issues.

6.5.3.6 Owners of vacation home rentals are encouraged, in the absence of any association membership, to provide contact information to visitors and neighbours and to provide timely response to issues that may be presented to them in relation to the vacation home rental use.

6.5.3.7 The Local Trust Committee should monitor the rate of use of vacation home rental development and be satisfied that such use is not increasing the commercial use of the housing stock so as to effectively displace the ability to provide residential housing.

6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017.

6.5.4 Commercial/Residential General

Background:

The Ford Cove area contains three properties that have historically been zoned for a broad range of commercial uses, ranging from retail to resort use. The properties are not generally used for these commercial purposes at the present time

and the zoning reflects a historical circumstance. The current owners have secured the properties with the commercial zoning, generally use their properties for residential purposes and may be reluctant to relinquish the commercial zoning unless it is done in a fair manner and is equitably applied to all affected landowners. The Local Trust Committee also faces the challenge of seeking to balance the needs of the larger community regarding commercial land use and that of the individual property owners and to also think of the needs of future generations.

Area:

The areas identified on Schedule B (Map Designations) as CRG (Commercial/Residential General) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to recognize the historical commercial zoning of this area; and

(2) to encourage residential land use for this area with limited or no commercial use in consultation with all of the affected land owners.

Policies:

6.5.4.1 Zoning regulations should allow for residential use and limited retail and personal service or visitor accommodation.

6.5.4.2 An increased density of residential development may be considered if other commercial land uses currently permitted by zoning are removed from the list of permitted uses in the zone applicable to this area or from a particular property that is subject to the rezoning application.

6.5.5 Home Occupations

Background:

Home Occupations are allowed to various degrees in most designations that permit residential uses. A home occupation is a type of commercial activity involving limited services and the sale of products crafted in the home or upon a property. General retail sale of fabricated products produced off the Island is not considered a home occupation. The retail sales of materials used in a home occupation (such as lumber, fabric and potting clay) is considered part of the home occupation. Home occupations must be clearly secondary to residential use and the character of the property must remain residential in appearance. There has not been any distinction in the type of permitted home occupation based upon lot size in zoning regulations to date but policies have existed that provide guidance in the development of new home occupation regulations.

Another form of home occupation is provision of accommodation as a Bed and Breakfast home occupation or as a second dwelling vacation rental home occupation on lots with more than one legal dwelling. There has been a tradition of offering Bed and Breakfast accommodation or the rental of one's home for short periods of time (a week or two). The Bed and Breakfast use and rental of a second dwelling on a property is addressed as a home occupation and vacation home rental of a primary residence is addressed in Subsection 6.5.3 (Vacation Home Rental).

In order to provide a range of possible activities that are compatible with the neighbourhood and environment, home occupations can be regulated differently on different sizes of lots or in different areas of the island. Furthermore as opportunities for affordable housing develop, opportunities for home occupations that are unique to the needs of such housing might be considered.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage small businesses to enhance the economy and self-reliance of the Island community;

(2) to allow opportunities for residents to carry out limited businesses on the property of their residence;

(3) to ensure that there is no degradation of the environment or depletion of natural resources; and

(4) to retain a rural and/or residential character in all neighbourhoods.

Policies:

6.5.5.1 Home Occupation means an occupation or profession conducted for gain by a full-time or part-time resident of the lot on which the dwelling is located. Home Occupation use should be clearly incidental to the use of the dwelling or parcel for residential purposes. The types of home occupation uses are:

a) Limited Home Occupations are home occupations that are conducted entirely within a dwelling. They should be allowed on properties of any size including properties less than 0.1 hectares;

b) Basic Home Occupations are home occupations that are conducted entirely within a dwelling or in a permitted accessory building, or outdoors on the property if the use is screened. They should be allowed on all properties 0.1 hectare or larger; and

c) Extended Home Occupations, which should be allowed on all properties 2.0 hectares or larger designated on Schedule B for residential use, should be conducted within the dwelling, a permitted accessory building or outdoors on the property if the use is screened.

The conditions of use specific to the types of home occupations listed about may be found in the Land Use Bylaw.

6.5.5.2 Home Occupations should be permitted as a secondary use to a permitted residential use and should be regulated by land use bylaw.

6.5.5.3 Any occupation involving significant use or production of toxic, odour causing or flammable materials and/or conducted at a scale or in a manner that may cause public or environmental health risks should not be permitted as a Home Occupation use.

6.5.5.4 Home Occupations should be regulated according to the nature of the enterprise and the potential impacts to the environment and surrounding properties such as water supply, waste disposal, noise, odours and visual impact.

6.5.5.5. Basic and Extended Home Occupation regulations should be designed as follows:

a) to protect groundwater catchment areas from pollutants;

b) to require screening that ensures that wide buffers of native vegetation are left along roads and property lines;

c) to ensure that no activity involving emission of toxic or irritant material should be permitted that does not conform to the Provincial regulations and guidelines;

d) to require that occupations that generate on-going noise (such as machine shops and woodworking shops) are conducted in fully enclosed and insulated buildings with sufficient setbacks from adjacent properties;

e) to require that operations that potentially create significant noise are restricted to larger lots with appropriate setbacks and/or buffering;

f) to address the size of buildings used for Home Occupations;

g) to ensure signage and lighting are compatible with the rural landscape; and

h) to exclude certain activities that may require a significant water supply, generate waste disposal, odour or noise or involve other potential environmental impacts.

6.5.5.6 Bed and Breakfasts operated within a dwelling should be permitted as a Home Occupation use and should be operated in accordance with land use bylaw regulations.

6.5.5.7 The rental of a second permitted residential dwelling unit for the temporary accommodation of paying guests while the first dwelling unit is occupied by the resident of the property should be permitted as an Extended Home Occupation.

6.5.5.8 Coaching and teaching facilities with minimal environmental impact may be allowed as Extended Home Occupations and should be operated in accordance with land use bylaw regulations.

6.5.5.9 Excluded activities may be considered following an application for a Temporary Use Permit which would carry certain conditions to address potential impacts.

6.5.5.10 Limited Home Occupations may be permitted on lots zoned for community housing and Basic or Extended Home Occupations may be established by site specific zoning.

6.6 Recreational

6.6.1 Outdoor Recreation

Background:

Most of the outdoor recreation opportunities are provided by the natural features of Hornby Island: the coastal waters, shoreline areas and the forested interior accessed through a long-established system of traditional trails. The Island is endowed with a rich variety of recreation options—from kayaking, sailing or scuba diving off shore, hiking, biking or riding on Mount Geoffrey, strolling along the trails of Helliwell, to relaxing on Tribune Bay's beaches. In addition to the Provincial and Regional Parks and properties under Ministry of Transportation and Infrastructure jurisdiction noted in Subsection 3.3.12, the Community School playing field and the Joe King Park (Hornby Island Athletic Association) also provide opportunities for outdoor recreation.

In 2010 the Ministry of Transportation and Infrastructure divested beach access parks at Sandpiper, Hidden Beach, Grassy Point and Clamshell Place to the Comox Valley Regional District. The Hornby Island Residents' and Ratepayers' Association is under contract with the regional district to manage these beach access parks.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to retain the traditional accesses to shoreline, beach areas, crown land, trails, parks, and viewpoints; and

(2) to ensure that outdoor activities are compatible with the natural environment and with the rural ambience of a small island.

Policies:

6.6.1.1 Present public accesses to the waterfront and Crown land, as shown on Schedule C, should be continued and maintained in a safe condition and additional accesses should be obtained, where possible, as park at time of subdivision, or rezoning.

6.6.1.2 No activities that would restrict public access to or across the beaches should be permitted.

6.6.1.3 Overnight parking or camping on public land or beaches should be discouraged for health and fire protection reasons.

6.6.1.4 Viewpoints and access to them should be protected in any way possible.

6.6.1.5 Outdoor recreation activities that pose a threat to the environment or to public enjoyment of public amenities should not be permitted.

Advocacy Policies:

6.6.1.6 The Ministry of Transportation and Infrastructure is requested to:

a) maintain and sign public accesses;

b) ensure that they are not used for camping, overnight parking or obstructed by adjacent land owners;

c) where required and formally requested by the community, construct and maintain safe steps made from natural materials such as stone and wood to access public beach areas;

d) prevent unauthorized encroachment upon or disturbance of these areas (such as structures, tree cutting, garbage dumping or obstruction of access); and

e) support local stewardship arrangements for the water accesses and allowances not in use for roads.

6.6.1.7 Motorized outdoor recreation activities on the land, on the water adjacent to the shoreline and in the air above or adjacent to the Island, are not considered appropriate and should be discouraged or restricted by bylaw where such restrictions can be enacted.

6.6.1.8 Organizers of outdoor recreation activities or events should ensure that these do not unduly interfere with the public access and enjoyment of the land and should provide adequate toilet facilities that comply with Provincial regulations.

6.6.1.9 Activities that have little or no impact upon the environment are considered preferable forms of outdoor recreation.

6.6.1.10 Initiatives to educate the public to prevent damage of natural features should be developed and supported.

6.6.1.11 The landing of seaplanes and helicopters in parks or public swimming areas should be discouraged.

6.6.2 Recreation Facilities

Background:

Because of the Island's distance from the nearest town, some residents of Hornby Island wish to have a range of recreational facilities of an appropriate scale provided on the Island. Residents are not able to use regional facilities without the additional cost of transportation and sometimes overnight accommodation off-Island. It is anticipated that if the year-round population grows, and as more people move to Hornby from urban areas, there will be an increased focus in the community upon providing additional recreational facilities. In particular, there has been continuing interest in establishing a public swimming pool. An increase in summer residents and visitors may generate requests for the provision of commercial recreational activities.

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to encourage appropriate use of natural recreational opportunities rather than develop significant artificial infrastructure;

(2) to minimize the impact of recreation facilities on the natural environment;

(3) to ensure that any recreational facility is of a scale appropriate to the rural nature and size of the Island;

(4) to ensure that any new facilities are broadly supported and do not place a heavy burden upon taxpayers; and

(5) to ensure that facilities, if located on Crown land or publicly funded, be accessible to all of the community.

Policies:

6.6.2.1 All recreation facilities should be so located and of such scale that they do not stress the fragile ecology and limited water resource.

6.6.2.2 All public facilities should be within the ability of the taxpayers to pay for such services and subject to public involvement in planning and implementation.

6.6.2.3 Planning for recreational facilities should ensure that they do not alienate existing public uses nor involve significant removal of natural vegetation and should allow for re-habilitation or re-establishment of native vegetation where this has been disturbed.

6.6.2.4 Public recreational facilities should be located in the area designated for community service use near the Community Hall and any exceptions should be subject to a rezoning.

6.6.2.5 Commercial recreational facilities are not currently supported in this Plan. Any applications for such facilities should be carefully evaluated to ensure that they do not:

a) require an excessive supply of water;

b) include a land use that is likely to put additional stress upon transportation systems, Island resources and local infrastructure;

c) have adverse impacts upon the ecosystem, groundwater recharge areas and riparian areas (for example through the use of pesticides and fertilizers); and

d) have an adverse impact upon the neighbourhood and adjacent properties (including public areas) or upon Island character.

6.6.2.6 Activities that are noisy, potentially dangerous, polluting, or incompatible with the natural landscape such as amusement parks, shooting ranges, water slides or go-cart tracks should not be permitted.

6.6.2.7 Destination gaming facilities such as casinos and commercial bingo halls should be prohibited.

Advocacy Policy:

6.6.2.8 Efforts to provide information that will encourage knowledgeable and minimal impact use of natural areas should be supported.

6.7 Marine

6.7.1 Foreshore

Background:

The foreshore zone is defined as the land located between the highest tide line and the lowest tide line. This is public land managed by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. Although the Crown is not bound by local bylaws, any occupiers must comply with the bylaws. From time to time commercial operators acquire leases for part of the foreshore or other land covered by water for the cultivation of shellfish such as oysters. It is recognized that commercial oyster operators do not rely on naturally occurring stocks and by reserving areas between leases for use of the public, the commercial operators actually contribute to maintenance of the naturally occurring resource.

Area:

The areas of the Hornby Island Local Trust Area that are located between the highest tide line and the lowest tide line of the sea of Hornby Island, including areas designated MA (Mariculture), MT (Marine Transport) and MC (Marine Conservation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure any use of the foreshore and ocean does not result in damage to the natural systems;

(2) to minimize the impact of uses and users on upland owners;

(3) to ensure owners of property on the shoreline do not pollute the foreshore areas;

(4) to ensure public opportunity to use the foreshore areas;

(5) to protect the scenic values of the foreshore areas; and

(6) to prohibit further alienation of the foreshore for private or commercial use.

Policies:

6.7.1.1 Foreshore zoning should be designed to protect against disruption of natural beach systems and pollution of the foreshore zone.

6.7.1.2 Any marine industrial operation that would alter or damage the foreshore such as boat ways or log dumps should be prohibited by regulation.

6.7.1.3 The use of structures, pens, cages, or other apparatus on the foreshore for mariculture or aquaculture operations should be regulated through zoning.

6.7.1.4 Private and commercial wharves, docks and/or breakwaters should be prohibited by regulation except as permitted at Shingle Spit.

Advocacy Policies:

6.7.1.5 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources, and for management and conservation of provincial lands and water, are requested to:

a) ensure commercial leases fronting on residential areas are located to permit public access to the water at regular intervals, and to ensure public right-of-way along all beaches is preserved;

b) designate community beaches to permit community cultivation of oysters and clams for recreational harvesting only; and

c) encourage and protect marine life by opposing any filling or excavation of sand, gravel or any natural deposit on the foreshore.

6.7.1.6 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources is requested to refer any new shellfish lease applications or proposals for expansions of shellfish lease sites to the Local Trust Committee for consideration.

6.7.1.7 The provincial Ministry(ies) responsible for managing provincial Crown land and natural resources is requested to ensure that foreshore areas between leases and containing naturally occurring oyster populations be kept accessible for harvest by the general public.

6.7.2 Marine Conservation

Background:

The Hornby Island Local Trust Area extends out 1000 metres from the shoreline of Hornby except where it overlaps another jurisdiction such as Denman Island, when the boundary becomes a line mid-channel.

Area:

The areas of the Hornby Island Local Trust Area that are below the natural boundary of the sea of Hornby Island, including areas designated MA (Mariculture), MT (Marine Transport) and MC (Marine Conservation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to ensure that coastal uses are compatible with protecting the environment and amenities; and

(2) to protect the right of the public to access over waterways.

Policies:

Policies in sections 3.8 (Hazard Lands) and 4.3 (Mariculture) apply to this subsection.

6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

6.7.2.2 Permanent anchoring of floating camps or houseboats and the residential use of any vessel moored or beached should not be permitted.

6.7.2.3 Temporary residential use of vessels should be permitted by regulation at the Ford Cove Marina provided there are adequate toilet facilities in place.

6.7.2.4 The Local Trust Committee should assist the Coast Guard in assessing effects of developments on rights protected by the *Navigable Waters Protection Act*.

6.8 Climate Change Adaptation and Mitigation

Background:

Although it is recognized climate change can occur as a result of naturally occurring phenomena, in the context of this Plan climate change refers to the impact of increasing concentrations of heat-trapping greenhouse gases in the atmosphere as the result of human activities — primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change states that between 1970 and 2004, greenhouse gas emissions have increased by 70%. According to this report, this dramatic rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe.

In response to concerns about human-induced climate change, the provincial government gave Royal Assent to Bill 27 [*Local Government (Green Communities) Statutes Amendment Act, 2008*] on May 29, 2008. Bill 27 amends the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 requires that all local governments include greenhouse gas emission reduction targets—and policies and actions to achieve those targets—in their Official Community Plans.

The following targets, objectives, policies and actions are the first step to ensuring that the reduction of greenhouse gas emissions specifically and the impact of climate change in general become part of the planning process for Hornby Island.

This part of the Plan contains objectives and policies relating to the reduction of greenhouse gas emissions and the broader topic of climate change adaptation and mitigation.

This Plan sets the following interim target:

> **TARGET:** *to reduce greenhouse gas emissions by 25% by 2020 and 80% by 2050 based on 2007 levels. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.*

Area:

The Hornby Island Local Trust Area is subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

(1) to give consideration to the impacts of climate change in all land use decisions;

(2) to support actions in land use, site planning, and construction that will result in the reduction of greenhouse gas emissions;

(3) to focus on those actions that can be taken locally to mitigate and adapt to global changes; and

(4) to protect the natural landscape and minimize the carbon footprint of residents and guests on Hornby Island.

Policies:

6.8.1 The Local Trust Committee should work with the community to regularly review greenhouse gas emission targets to ensure targets are locally based and have a capacity for being monitored.

6.8.2 The Local Trust Committee should consider the development of new criteria for assessing official community plan or zoning amendment applications from the perspective of climate change adaptation and mitigation.

6.8.3 This Plan strongly encourages the retention of forest cover except for the clearing of land for farming in the Agricultural Land Reserve. Trees on private property should be maintained where possible to sequester carbon and provide habitat, although it is understood that some clearing is necessary for growing food, to guard against forest fires and to create protected house sites.

6.8.4 The Local Trust Committee should consider any proposals for new development potential in the context of the overall development potential of the Island, and the global dynamics of climate change.

6.8.5 This Plan supports limitations on the size of buildings and opportunities for attached dwelling units and visitor accommodation units.

6.8.6 This Plan strongly encourages the incorporation of green building techniques and alternative energy systems (solar, wind, geothermal or water-based) into residential housing, whether it is new construction or renovations.

6.8.7 This Plan encourages the development and maintenance of safe multi-use trails and bike lanes to facilitate non-motorized forms of travel.

6.8.8 The Local Trust Committee should consider supporting the local provision of services that residents presently travel off-island to access.

Advocacy Policies:

6.8.9 This Plan encourages residents to participate in ride sharing and carpooling as simple but effective ways to reduce greenhouse gas emissions.

6.8.10 A number of climate change adaptation and mitigation actions are identified that can only be achieved through cooperation and initiatives resulting from individuals and the community, the actions of other levels of government, technological changes, and changes to land use policies and regulations. In order to foster such actions the Local Trust Committee should:

a) develop improved methods of determining and assessing the energy efficiency and climate change impacts of proposed development when it is processing land use applications. Application checklists should be revised to include climate change mitigation and adaptation criteria, such as energy efficiency, renewable energy and carbon sequestration impacts;

b) support opportunities for incentives to encourage “climate wise” actions, including water conservation, storm water retention, the use of alternative energy sources for home use, and the use of alternative transportation methods;

c) review land use regulations to provide for community gardens and community food processing and storage facilities in appropriate locations and encourage residents to pursue the establishment of such gardens and facilities;

d) encourage local food production and explore with the community options for creating a Farm Plan;

e) encourage residents, community groups, businesses and other entities to pursue alternative transportation options, such as a bus service or green bicycle program;

f) encourage the Province to reduce the maximum speed limit on Hornby Island to 50 km/hr and to consider measures that will enable and support the use of alternatively-powered vehicles;

g) encourage the Insurance Corporation of British Columbia to link insurance rates to the mileage actually driven in the previous year by means of a tamper proof odometer. This would also offer valuable information for the calculation of greenhouse gas emissions across British Columbia;

h) encourage BC Ferries and the Province to consider pricing strategies and services that will support car-pooling, the use of small energy-efficient vehicles and passenger travel on ferries;

i) encourage School District #71 to allow for the use of the school bus by residents of Hornby Island for traveling to and from the Island, should extra space be available on the bus;

j) encourage the Province to amend policies and legislation and allow rainwater collection as a source of potable water, and to require that all new development include systems for water catchment and treatment; and

k) work with Trust Council to develop a web based carbon neutral calculator to assist residents in calculating their personal and household greenhouse gas emissions.

6.9 Development Permit Areas

Background:

Section 489 of the *Local Government Act* provides that in areas designated as Development Permit Areas in an official community plan; land shall not be subdivided, and construction of, addition to or alteration of a building or structure shall not be commenced unless the owner first obtains a Development Permit. In some Development Permit Areas, Section 489 of the *Local Government Act* prohibits any alteration of land, and/or buildings or structures, without a Development Permit.

Development Permits may be issued by resolution of the Hornby Island Local Trust Committee for land in designated Development Permit Areas. Each designation must include a description of the special conditions or objectives that justify the designation and must specify guidelines on how the objectives will be fulfilled. Guidelines are listed in the Hornby Island Land Use Bylaw No. 150, 2014.

Development Permits for this purpose may vary or supplement bylaw regulations, include requirements and conditions or set standards and impose conditions respecting the sequence and timing of construction in accordance with the adopted guidelines contained in this Plan or the Land Use Bylaw that is applicable on Hornby Island.

Development Permits should be monitored by the Local Trust Committee on an annual review basis as resources and priorities allow.

6.9.1 Development Permits to Define the Form and Character of Commercial Development

The Commercial Development Permit Areas are designated to identify and apply objectives and guidelines for the form and character of the commercial development permitted on the parcels in this area.

Area:

The Commercial Centres (Retail and Visitor Accommodations) Development Permit Area is designated as the area shown on Schedule E.

Objective:

To ensure that the form and character of commercial development are compatible with the quiet rural atmosphere of the community and to encourage continuation of that trend and to maintain the island's rural atmosphere.

6.9.2 Development Permits for the Protection of the Natural Environment, its Ecosystems and Biological Diversity and for Promotion of Water Conservation

Development Permits for this purpose may vary or supplement bylaw regulations, include requirements and conditions or set standards and impose conditions respecting the sequence and timing of construction in accordance with the adopted guidelines contained in this Plan or the Land Use Bylaw that is applicable on Hornby Island.

6.9.2.1 DEVELOPMENT PERMIT AREA NO. 1: Water Supply Protection

Purpose:

The Water Supply Protection Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Area:

DPA 1: Water Supply Protection Development Permit Area as shown on Schedule E.

Objective:

This area has a heavily developed, highly vulnerable aquifer. The objective of this Development Permit Area is to ensure that any development and land uses do not negatively impact the water resources in this area, or any nearby water supply sources.

6.9.2.2 DEVELOPMENT PERMIT AREA NO. 2: Community Service Use

Purpose:

The Community Service Use Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Area:

DPA 2: Community Service Use Development Permit Area as shown on Schedule E.

Objective:

The Community Service Use Development Permit Area lies within a groundwater recharge area (identified in the *Groundwater Geochemistry Study on Hornby Island, B.C.* – Allen and Matsuo, SFU, 2001), which is upslope from one of the Island's main residential neighbourhoods. Developments within the Community Service Use area could involve institutional or community buildings and activities that could have a potential impact upon the water resource.

6.9.2.3 DEVELOPMENT PERMIT AREA NO. 3: Water Resource Protection

Purpose:

The Water Resource Protection Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Area:

DPA 3: Water Resource Protection Development Permit Area as shown on Schedule E.

Objective:

This area has been identified as a being within an IIA Aquifer (moderately developed – high vulnerability) and within a potential groundwater recharge zone. The objective of this Development Permit Area is to protect groundwater resources, by maintaining the quantity and quality of groundwater in this area.

6.9.2.4 DEVELOPMENT PERMIT AREA NO. 4: Mt. Geoffrey Escarpment

Purpose:

The Mt. Geoffrey Escarpment Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity, to establish objectives to promote water conservation and for protection of development from hazardous conditions.

Area:

DPA 4: Mt. Geoffrey Escarpment Development Permit Area as shown on Schedule E.

Objective:

The Mt. Geoffrey escarpment area contains watershed, wetlands, areas of land slip, areas of high visibility and high scenic values. Any development could affect the water catchment capabilities and other natural values. The removal of tree cover could adversely affect all values and be hazardous for development in the area, as well as above and below the area.

6.9.3 DEVELOPMENT PERMIT AREA NO. 5: Form and Character of Community Housing

Area:

DPA 5: Form and Character of Community Housing Development Permit Area as shown on Schedule E. Property described as Lot 1, Section 11, Hornby Island, Nanaimo District, Plan VIP87990 (5040 Central Road).

Justification:

The intent of this development is to provide opportunities for ownership housing for community members for whom this would not otherwise be accessible. The build-out of this development is expected to occur in a series of phases. The designation of this property and the following guidelines are intended to ensure a consistent quality and form and character of development over the build-out period as well as provide the general community with an assurance as to the vision for the project.

Guidelines:

(1) Form and Character

a) All buildings and structures shall be architecturally coordinated and shall give consideration to the relationship between buildings and open areas, circulation systems, visual impact and design compatibility within the development.

b) The siting and location of all buildings and structures shall be in compliance with the drawings and schedules approved by the Hornby Island Local Trust Committee.

(2) Landscaping

a) All landscaping shall be required to be in general compliance with the landscaping provisions identified on any schedules approved by the Local Trust Committee.

(3) Construction Phase

a) All construction must be completed in accordance with an approved site/building plan and an erosion and sediment control plan.

b) Construction of the development shall take place during the working hours of 7:00 a.m. to 7:00 p.m.

(4) Outside storage

a) Centrally located recycling facilities shall be provided for the use of all residents within the development.

(5) Screening

a) The character of the development shall be enhanced by landscaping of substantial proportions incorporating existing native vegetation,

b) Buildings shall be sited to ensure that any adjacent residential structures have visual privacy, as well as protection from site illumination and noise. Security and other lighting shall not be placed so as to shine directly into adjacent residential structures or to reduce the separation effectiveness of any landscaped buffer.

c) All waste disposal bins shall be completely screened within a solid walled enclosure not less than 2 metres (6.6 feet) in height.

(6) Parking

a) The location and number of parking spaces for the use of the residents shall be provided on the site development plans for the approval of the Hornby Island Local Trust Committee and shall be in compliance with the provisions of the Hornby Island Land Use Bylaw.

b) Any visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in parking areas.

c) Any paved parking areas or roadways shall be included within the context of the required stormwater management plan.

d) Automobile parking areas may be covered with a select granular base approved by the Ministry of Transportation and Infrastructure and provide storm water controls by means of perimeter curtain drains.

(7) Stormwater

a) It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns. In recognition of this fact; and the presence of Beulah Creek alongside the development; a stormwater management plan that strives to protect water quality, and to maintain post-development peak flows to those of pre-development flow patterns and volumes over the entire water season shall be required. This stormwater plan shall be prepared by a Professional Engineer and should make use of such devices as permeable surface treatments, wet or dry detention ponds, constructed wetlands or other devices as

deemed suitable and consistent with best management practices. Stormwater runoff from storage areas shall be controlled to prevent contamination of watercourses.

6.9.4 DEVELOPMENT PERMIT AREA NO. 6: Riparian Areas

Purpose:

This Development Permit Area (DPA) is established, pursuant to Section 488(1)(a) of the *Local Government Act,* for the protection of the natural environment, its ecosystems and biological diversity. Riparian areas are important because they include ecosystems that support a disproportionately high number of vascular plant, moss, amphibian and small mammal species for the area they occupy.

Area:

Development Permit Area No. 6 includes all land designated on Schedule E of this Plan as being within the Riparian Areas DPA. This DPA includes the following:

(1) Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule E as "RAR applicable" streams, major wetlands, and lakes as the term "streams" is defined in the *Riparian Areas Regulation, BC Fish Protection Act,* which includes any of the following that provides fish habitat:

- a watercourse, whether it usually contains water or not;
- a pond, lake, river, creek or brook; and
- a ditch, spring or wetland that is connected by surface flow to something referred to in the two previous bullets;

and consisting of the surface of the water body and:

a) for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark;
b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;
d) for a lake, wetland or other water body, 30 metres around the water body measured from the high water mark of the water body;

and Schedule E shall be so interpreted. The designation and delineation of Development Permit Area No. 6 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

INFORMATION NOTE: *Farming activities covered under the Farm Practices Protection (Right to Farm) Act are exempt from the requirements of DPA No. 6.*

Objectives:

The objectives of this Development Permit Area are as follows:

(1) To honour provincial designations of certain lands as for agricultural purposes;
(2) To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
(3) To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation;
(4) To prevent the degradation of existing and future water supplies on Hornby Island;
(5) To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas;
(6) To prevent water pollution.

Development Approval Information

Development Permit Area No. 6 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: *Development Permit Area Guidelines for Development Permit Area No. 6: Riparian are located in the Land Use Bylaw.*

6.10 Temporary Use Permits

Background:

Section 493 of the *Local Government Act* provides that temporary uses may be permitted in areas designated in the Official Community Plan. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the Land Use Bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only.

Objectives:

The objectives of this subsection are:

(1) to consider allowing a temporary event as per Policy 6.5.1.10;

(2) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning as per Policy 6.5.1.10;

(3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per Policy 6.5.1.10;

(4) to consider allowing transport of groundwater off a lot where the water is extracted as per Policy 5.1.4;

(5) to consider allowing temporary seasonal or emergency accommodations as per policies 6.3.5.18 and 6.3.5.19;

(6) to consider allowing a temporary secondary suite or detached housing for a relative or caregiver of occupants of the residence as per Policy 6.3.5.14 in association with a housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver;

(7) to consider allowing temporary nonagricultural uses on land within the Agricultural Land Reserve or on land used for agriculture where there is minimal negative impact upon the agricultural land values and where applicable approval has been received from the Agricultural Land Commission as per Policy 6.4.2.5;

(8) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations as per Policy 6.5.5.9; and

(9) to allow vacation home rental use that does not comply with limitations imposed by land use regulation pursuant to Policy 6.5.3.4.

Guidelines:

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 exclusions:

a) properties less than one quarter of a hectare, except when the application is for vacation home rental use;

b) land designated as Park, as shown on Schedule B; and

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.

6.10.2 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

6.10.3 Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.

6.10.4 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed as shown on Schedule B or D2 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.

6.10.5 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.

6.10.6 The general conditions for issuing a Temporary Use Permit are as follows:

a) adequate off-road parking should be provided;

b) there should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;

c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses;

d) industrial uses should be screened from adjacent properties and roads;

e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties;

f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations;

g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials;

h) water supply should be addressed so as to not create negative impacts upon existing common water sources;

i) other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate;

j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for the temporary purposes; and

k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.

6.10.7 Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.

6.10.8 Light Industrial activities require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, but may be allowed upon application for a Temporary Use Permit that contains specific conditions to address these impacts.

6.10.9 The Local Trust Committee should consider the climate change impacts of any proposed temporary use when reviewing Temporary Use Permit applications.

6.10.10 In consideration of applications for vacation home rentals the Local Trust Committee may consider the following:

a) the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals;

b) limitations on any signage that may be placed on the property;

c) a requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;

d) the proposed maximum number of occupants;

e) the proposed time periods that the dwelling will be available for rental or months of the year when the rental will occur; and

f) other requirements that the Local Trust Committee may consider appropriate.

SECTION VII—ADMINISTRATION

7.1 Interpretation

The final interpretation as to the location of boundaries on any map schedule shall be defined by:

a) Where boundaries coincide with lot lines, the boundaries are the lot lines.

b) Where a boundary is shown as following any highway, right-of-way or stream, the centre line of such highway, right-of-way or stream the centerline of that feature is the boundary.

c) Where land-based and water-based boundaries coincide, the common boundary shall be the natural boundary of the sea.

d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.

7.2 Implementation

7.2.1 Section 478 of the *Local Government Act* specifies that:

"An official community plan does not commit or authorize a municipality, regional district (includes a Local Trust Committee pursuant to Section 27 of the *Islands Trust Act*) or improvement district to proceed with any project that is specified in the plan."

and

"All bylaws enacted or works undertaken by a council, board or greater board (includes a Local Trust Committee pursuant to Section 27 of the *Islands Trust Act*), or by the trustees of an improvement district, after the adoption of an official community plan, must be consistent with the relevant plan."

7.2.2 The Hornby Island Local Trust Committee may use available regulatory tools as defined in the *Local Government Act* to implement this Plan.

7.2.3 The following instruments may be used to implement this Plan: Development Permits, the Land Use Bylaw, Siting and Use Permits, Temporary Use Permits and covenants.

7.2.4 The Local Trust Committee may formally communicate with the Comox Valley Regional District, Ministries of the Provincial government, departments of the Federal government and any other agencies mentioned in this Plan to advocate the policies of this Plan.

7.2.5 The Local Trust Committee may use every opportunity to work co-operatively with other governments and non-government organizations, or through the Islands Trust Council, to support policies of this Plan.

7.2.6 The Local Trust Committee may actively promote the policies of this Plan to residents, businesses, community organizations, non-resident property owners and visitors.

7.2.7 To promote compliance with the instruments used to implement this Plan, the Local Trust Committee may, among other things:

a) make information available on policies, regulations and permit requirements to property owners and residents;

b) encourage real estate agents to inform prospective buyers about policies, regulations and permit requirements;

c) encourage building contractors to ensure that appropriate permits are in place before undertaking work on a property;

d) encourage voluntary compliance with regulations and support neighbourhood resolution of problems;

e) make property owners and residents aware of the bylaw investigation and enforcement process, including procedures for initiating investigation; and

f) consider adopting bylaw enforcement policies to establish priorities for enforcement resources.

7.3 Development Approval Information

7.3.1 The Hornby Island Local Trust Area is designated as an area under which development approval information may be required for the following purposes:

a) Development Permits as specified in Section 6.9 of this Plan in relation to the areas and objectives, and subject to the conditions, stated in that section;

b) Temporary Use Permits as specified in Section 6.10 of this Plan in relation to the area and objectives, and subject to the conditions, stated in that section;

c) The development of renewable energy sources (Subsection 4.4.2) that allow for the sale of power to the Hydro grid, to ensure that there are not environmental impacts or increased safety risks;

d) Rezoning applications for the purpose of obtaining consistent and comprehensive information on the impacts of changes to permitted siting, structures, use or density, to ensure achievement of the objectives stated in this Plan as they apply to the parcel proposed to be rezoned and the surrounding areas, vegetation, environment and infrastructure, including, without limitation, for the purposes of the policies stated in Subsection 6.5.2.3 of this Plan;

e) Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) are considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required;

f) Upon application, properties 4.0 hectares or greater may be considered for a “land co-operative” or “community housing” rezoning supported by submission of an impact assessment plan that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities where possible. Approval from the Agricultural Land Commission will also be required if the property is within the ALR.

7.3.2 Trust Council may consider adoption of a development approval information bylaw pursuant to Section 484 of the *Local Government Act*.

7.4 Amendment Procedure

This Bylaw may be amended by the Hornby Island Local Trust Committee at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Local Trust Committee.

Where an application for amendment of this bylaw has been refused, no application for the same amendment should be considered within twelve months of the date of refusal, unless the Hornby Island Local Trust Committee waives this requirement.

7.5 Update and Revision

The Local Trustees, in consultation with the Advisory Planning Commission and the community, may initiate review of the Official Community Plan at any time. The bylaw should be updated on a periodic basis and when changes in legislation or other issues arise and should be reviewed in its entirety at least every ten years from the adoption date.

All amendments of the Official Community Plan shall comply with the mandate and policies of the Islands Trust, as well as with procedures specified in the *Local Government Act*, and be accompanied by public review and discussion.

Whenever the Islands Trust Policy Statement is amended by Islands Trust Council, the relevant sections of the Official Community Plan shall be reviewed and if necessary amended to ensure compliance.

7.6 Public Facilities

Any designation or policy for proposed public facilities on private lands including but not restricted to roads, parks, trails, parking facilities, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation and that are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility, shall be deemed to be a community goal of this Bylaw.

Schedule G

List of Community References

1. *Amending Agreement to the Letter of Agreement between the Ministry of Transportation and Highways and the Islands Trust. Subject: Road Standards, Classification and the Consultative Process in the Islands Trust Area, Dec 1996.*
2. *An Ecosystem Approach to Groundwater Management in the Gulf Island—Henderson, 1997,* stated that, "there is a need for management of the groundwater resources to ensure a sustainable supply for the present and future on the islands."
3. *Bedrock Aquifers on Hornby Island—Ministry of Water, Land and Air Protection, 2001,* provides a classification of the aquifers on Hornby Island using a provincial classification system. The four aquifers on Hornby Island are all classified as having "high vulnerability" (the highest of three categories). The aquifer in the Whaling Station Bay peninsula east of Tribune Bay is classified as "highly developed" (the highest of three categories) while aquifers in the central and western part of the island are classified as "moderately developed." The aquifer in the southern part of the island (south of the Mount Geoffrey escarpment) is classified as "lightly developed" (the lowest category).
4. *Coastal Douglas Fir Ecosystems, Flynn—BC Ministry of Environment, Lands and Parks, 1999,* notes that only one half of one percent of the original Coastal Douglas-fir forest remains in a relatively undisturbed state. It suggests that, "even if efforts to protect all remaining old growth stands are successful, additional areas of older second-growth forest will have to be protected and allowed to recover to an old-growth state in order to ensure adequate representation of these forest types in future."
5. *Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006.* Ministry of Environment.
6. *"Ecological Inventory of Proposed Woodlot #0032" (1998)* – Environmental Consultants.
7. *Garry Oak Ecosystems, Erickson—BC Ministry of Environment, Lands and Parks, 1993,* states that Garry oak ecosystems, "have been identified as a hot spot of biological diversity", and reports that Garry oak vegetation types are being rated provincially as "endangered" or "threatened".
8. *Groundwater Conditions on Hornby Island, B.C. (Chwojka), 1989,* reported that groundwater demands in three areas of the Island were approaching 71 to 83 per cent of the annual replenishment.
9. *The Heart of Hornby Island—A Forest, a Watershed (2000),* Hornby Island Residents' and Ratepayers' Association.
10. *Hornby Island Community Profile*, March 2010.
11. *Hornby Island Domestic Well Monitoring Study, September 2010, Ministry of Environment, Water Stewardship Division, Vancouver Island Regional Operations Branch.*
12. *The Hornby Island Groundwater Pilot Project—Final Report, 1994,* noted that heavily developed neighbourhoods on the Island "experience limited availability of groundwater" and that there are "significant water quality concerns." It recommended that management of groundwater must "ensure that the rate and use of the groundwater resource does not exceed the rate of replenishment" and "ensure that human activity does not degrade the quality of the groundwater resource."
13. *Hornby Island Vacant Crown Land Profile*, July, 2004.
14. *Hornby Island Water Stewardship Project Report, 1996-1999,* reported that 20% of sampled wells tested positive for fecal coliform at a level that does not meet the standard for safe drinking water.
15. *Housing Needs on Hornby and Denman Island* prepared by Eberle Planning and Research, 2008.
16. *Letter of Agreement between the Ministry of Transportation and Highways (Moth) and the Islands Trust (It). Subject: Road Standards, Classification and Moth/It Consultative Process In The Islands Trust Area Dec 1992.*
17. *Nature Conservancy of Canada Inventory of the Trust Area, November 1975,* designed "to select area priorities for an anticipated program of preservation and protection by the Islands Trust who administered the Inventory and by the Nature Conservancy of Canada who funded the Inventory."
18. *A Preliminary Groundwater Assessment of a Crown Parcel on Hornby Island—BC Environment, 1994,* concluded that, "the upland recharge area including the subject Crown land is likely vulnerable to groundwater contamination" and provided examples of land use activities that should be restricted to sustain groundwater quantity and quality.

19. *A Preliminary Review of Groundwater Conditions on Hornby Island, B.C. (Chwojka), 1984,* stressed the importance of preventing contaminants from entering the groundwater by exercising care in placing septic fields and regulating land use in upland recharge areas and recommended that "serious consideration be given to limiting any future groundwater development" in areas with poor water quality and high density of wells.

20. *Protected Areas on Vancouver Island: An Analysis of Gaps in Representation for Conservation Purposes, Eng—BC Ministry of Forests and Range, 1992,* reports that the Coastal Douglas-fir zone—within which Hornby Island is located—has received the greatest amount of impact per unit area than any other biogeoclimatic subzone in the Province.

21. *Results of the Groundwater Geochemistry Study on Hornby Island, B.C.—Allen and Matsuo, SFU, 2001,* recommended that, "water conservation, proper waste disposal and placement of human development should be a priority in land use planning. This should be done so as to protect sensitive groundwater recharge areas in upland locations." This study delineated two recharge areas on the Island—one large one in the main part of the Island and a smaller one in the Whaling Station Bay peninsula east of Tribune Bay. The recharge areas are generally above the 20 metre contour (the 40 metre contour in the western part of the Island).

22. *The Sensitive Ecosystem Inventory of Vancouver Island and Gulf Islands 1993-1997,* has documented the rare and fragile ecosystems of this area and notes that "loss of natural ecosystems in the Georgia Basin is of national concern." The inventory records examples of the following sensitive ecosystems on Hornby Island: older forest, woodland (Garry oak), terrestrial herbaceous, wetland, coastal bluff and sparsely vegetated; there are also areas of older second growth forest. (The ecosystem types are briefly described in Section 1.2 The Natural Setting).

23. *The Pilot Voluntary Groundwater Protection Project on Hornby Island* (initiated by the Islands Trust and the Ministry of Water, Land and Air Protection), a community-based "Groundwater Protection Strategy" is being developed.

24. *Water Stewardship and Wastewater Management on Hornby Island—Third Eye Consultants, RRU, 2000,* recommended "protection of the groundwater recharge area and wells."

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: HO 6500-20
HO Bylaw No. 162
(Official Community Plan/Land Use Bylaw Technical Review)

DATE OF MEETING:	August 5, 2020
TO:	Islands Trust Executive Committee
FROM:	Sonja Zupanec, Island Planner
SUBJECT:	Hornby Island Local Trust Committee – Bylaw No. 162 (LUB Bylaw Amendment)

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Hornby Island Local Trust Committee Bylaw No. 162, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019", in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

The Hornby Island Local Trust Committee (LTC) has referred Bylaw No. 162 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational: The key aspect of Bylaw No. 162 is to amend the Land Use Bylaw concurrently with the Official Community Plan (see Bylaw No. 161) to correct numerous typographical errors, outdated legislation titles, language and citations and minor numbering errors.

Financial: Not applicable.

Policy: Bylaw No. 162 is consistent with the Hornby Island Official Community Plan and Islands Trust Policy Statement.

Implementation/Communications: If approved by the Executive Committee, Bylaw 162 will be forwarded to the LTC for final reading.

PURPOSE

The purpose of this Request for Decision is to provide the Executive Committee with a summary of the proposed amendment to Hornby Island Local Trust Committee Bylaw No. 162, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019", and request approval of this bylaw.

BACKGROUND

Hornby Island Local Trust Committee Bylaw No. 162

The Hornby Island Local Trust Committee (LTC) initiated Phase 1 of a 'Official Community Plan/Land Use Bylaw Technical Review Project' in 2019. The scope of the first phase of the project included correcting numerous typographical errors, outdated legislation titles, language and citations and minor numbering errors.

Bylaw No. 162 was given three readings and found to be "not contrary to or at variance with the Islands Trust Policy Statement".

Issues Relating To Provincial Interest:

N/A

Issues Relating To Resources and Enforcement:

N/A

Issues Relating To First Nation Interest:

N/A

Public Comments to Executive Committee:

Public comments were solicited through a Community Information Meeting and Public Hearing. No changes were made to the bylaw resulting from the public input received.

Staff Comments

Staff is recommending approval of Bylaw No. 162 as it is deemed to be consistent with the *Islands Trust Act* and *Local Government Act* and the Islands Trust Policy Statement.

KEY ISSUES/CONCEPTS

- Open and transparent governance

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- 1.3.i Policy Statement Implementation Policy

ALTERNATIVE

1. **Determine that the bylaw is contrary to the Islands Trust Policy Statement:**

   THAT the Executive Committee request that staff advise the Hornby Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 162, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019", ais contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Hornby Island Local Trust Committee on the steps needed to address the specified issues.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	July 17, 2020

Concurrence:	David Marlor, MCIP, RPP Director of Local Planning Services	July 30, 2020

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 162

Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Hornby Island Local Trust Committee Bylaw No.: HO-162

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 26-Jun-2020

☒ Bylaw Submission Checklist attached

☒ Policy Statement Checklist attached*
* not required for administrative bylaws

☒ Summary of Bylaw Intent Attached

Recieved by Islands Trust Secretary:

Signature: _____ Date: _____
Secretary

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act*): _____

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numberically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

Distribution: Executive Committee _____
Director, LPS _____
Local Trust Committee _____
Planner _____
Planning Clerk _____

Islands Trust

Print Date: July 20, 2020

Bylaw: HO-162

Trust Area: Hornby Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: HO-162
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes
Technical Staff: No

First Reading Date: 08-Nov-2019
Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 20-Nov-2019

Resolutions:

Resolution Waiving Public Hearing: No
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: McErlean, Becky
Date: 10-Jun-2020
File complete and ready for Public review: No

Public Hearings:

Location: Electronic Public Hearing
Proofread By: McErlean, Becky

Legal Paper: Hornby Tribune
First Publish Date: 10-Jun-2020
Second Publish Date: 17-Jun-2020

Alternate Paper:
First Publish Date:
Second Publish Date:

Mailout Date:
Delivery Notices: 13-Jun-2020
Date Public Hearing Held: 26-Jun-2020
Second Reading Date: 26-Jun-2020
Third Reading Date: 26-Jun-2020

Print Date: July 20, 2020

Referrals: Bylaw HO-162

Agency	Sent	Received
Comox Valley Regional District *600 Comox Road:* Ton Trieu	14-Jan-2020	
School District 71 *607 Cumberland Raod:* Tom Demeo	14-Jan-2020	

ISLANDS TRUST POLICY STATEMENT
DIRECTIVES ONLY CHECKLIST

File No.: 6500-20
File Name: Hornby Island OCP/LUB Amendments.

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

✓ if the bylaw is consistent with the policy from the Policy Statement, or
✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT		NO.	DIRECTIVE POLICY
OCP	**LUB**	**3.1**	**Ecosystems**
✓	✓	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	✓	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	✓	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
OCP	**LUB**	**3.2**	**Forest Ecosystems**
✓	✓	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
OCP	**LUB**	**3.3**	**Freshwater and Wetland Ecosystems and Riparian Zones**
✓	✓	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
OCP	**LUB**	**3.4**	**Coastal and Marine Ecosystems**
✓	✓	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	✓	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT		NO.	DIRECTIVE POLICY
OCP	**LUB**	**4.1**	**Agricultural Land**
✓	✓	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	✓	**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 affects on agricultural land.
✓	✓	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	✓	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
✓	**N/A**	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
OCP	**LUB**	**4.2**	**Forests**
✓	✓	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
✓	✓	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
✓	✓	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT		**NO.**	**DIRECTIVE POLICY**
OCP	**LUB**	**4.3**	**Wildlife and Vegetation**

OCP	LUB	4.4	Freshwater Resources
✓	✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor 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, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.
OCP	LUB	4.5	Coastal Areas and Marine Shorelands
✓	✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
✓	✓	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
OCP	LUB	4.6	Soils and Other Resources
✓	✓	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT		NO.	DIRECTIVE POLICY
OCP	LUB	5.1	Aesthetic Qualities
✓	✓	5.1 3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
OCP	LUB	5.2	Growth and Development
✓	✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	✓	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.
✓	✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
OCP	LUB	5.3	Transportation and Utilities
✓	✓	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
✓	✓	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
✓	✓	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	✓	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
OCP	LUB	5.4	Disposal of Waste
✓	✓	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT		NO.	DIRECTIVE POLICY
OCP	LUB	5.5	Recreation

✓	✓	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	✓	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓	✓	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	✓	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
✓	✓	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
OCP	**LUB**	**5.6**	**Cultural and Natural Heritage**
✓	✓	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	**N/A**	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
OCP	**LUB**	**5.7**	**Economic Opportunities**
✓	✓	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
OCP	**LUB**	**5.8**	**Health and Well-being**
✓	✓	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

		POLICY STATEMENT COMPLIANCE
OCP	**LUB**	
✓	✓	***In compliance with Trust Policy***
		Not in compliance with Trust Policy for the following reasons:

Bylaw: HO-162

Executive Committee

Policy Checklist

Checklist Key:

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

Executive Committee Legislative Role Policy (2.4)

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

Checklist Key:

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Sonja Zupanec

Status

Date Resolution Referred to Exective Committee: 26-Jun-2020

Reading:

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 162

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, BYLAW NO. 150, 2014

The Hornby Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area under the *Islands Trust Act,* enacts as follows:

1. Citation

   This bylaw may be cited for all purposes as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019".

2. Hornby Island Local Trust Committee Bylaw No. 150, cited as "Hornby Island Land Use Bylaw No. 150, 2014", is amended as follows:

   2.1 Schedule A –Bylaw Text, is replaced in its entirety with Appendix 1, attached to and forming part of this Bylaw.

READ A FIRST TIME THIS	1ST	DAY OF	NOVEMBER	, 2019
PUBLIC HEARING HELD THIS	26TH	DAY OF	JUNE	, 2020
READ A SECOND TIME THIS	26TH	DAY OF	JUNE	, 2020
READ A THIRD TIME THIS	26TH	DAY OF	JUNE	, 2020

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

	XX	DAY OF	, 20XX
ADOPTED THIS	XX	DAY OF	, 20XX

Chair **Secretary**

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 162

APPENDIX 1

SCHEDULE A
LAND USE BYLAW TEXT

PART 1 INTERPRETATION

1.1 Definitions

(1) In this Bylaw words have their ordinary dictionary meaning except as follows:

accessory in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot and within the same zone, or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

agriculture means the use of land, buildings or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops or livestock.

agricultural land reserve means a reserve of land established under the *Agricultural Land Reserve Act*.

attached housing means two or more dwelling units that are attached physically but are owned or occupied by different domestic units.

bed and breakfast means a home occupation use that provides bedrooms within a dwelling unit for the temporary accommodation of the travelling public, and the provision of breakfast meals to those guests, but does not include boarding house.

bicycle rack means a structure designed to support and to accommodate the locking of no less than four bicycles.

boarding house means a dwelling, or part thereof, in which furnished sleeping accommodations, with meals, are provided for consideration to four or more persons as permanent accommodation.

building means any structure which is used or intended to be used for the shelter, habitation, support or accommodation of people or animals, or for the storage of goods or chattels, and includes manufactured homes, wood sheds, garages, carports, garden sheds, tool sheds and pit toilets.

campground means the use of land for the rental, lease or cooperative ownership of camping spaces for temporary accommodation of recreational vehicles, trailers or tents for a period not exceeding four weeks for any one occupant, but does not include a manufactured home park or park model homes.

camping space means an area in a campground that is used for the siting of one vehicle, trailer or tent, and for picnicking and overnight camping.

cliff means a land surface having an average slope exceeding 50 degrees measured from the horizontal plane and having a height exceeding 10 metres (33 ft).

commercial kennel means a kennel used for the commercial accommodation or breeding or rearing of more than three dogs over the age of four months.

community facility means a building, structure or administrative office operated by a non-profit society or local government for the benefit of the community generally and used for community events including classes, public entertainment, cultural and social events or, in the context of a community housing development, for shared amenities for the use and enjoyment of the residents of the community housing development.

community housing means dwelling units that are deed restricted and/or rent controlled, that are subject to a housing agreement under Section 483 of the LGA and are constructed for community residents on land that is owned by a government body or agency or a non-profit organization constituted under the *Societies Act.*

community trades and services means the creation of artisan products or the provision of services such as personal, business, food preparation, repair and professional services and may include retail sales.

crafts means original and unique works and works of art that are created by artisans and artists.

day care means a facility licensed to provide care services for no more than seven children.

derelict vehicle means any motor vehicle that has not been licensed for more than twelve months or is incapable of being driven.

domestic unit means a group of not more than five unrelated individuals.

dwelling unit means a room or set of rooms

(a) used or capable of being used for human habitation by one or more individuals living in common occupancy as a single domestic unit and sharing facilities contained in that unit;

(b) contained in a single building or manufactured home;

(c) containing only one kitchen; and

(d) under one roof with any covered walkway, covered patio or hall connecting two building portions being no longer than 4.0 metres.

ecosystem means a functioning unit consisting of all organisms (plants, animals, microbes, and humans) in a given area and all the non-living physical chemical factors of their environment linked together through nutrient recycling and energy flow.

family means one or more persons related by blood, marriage, common law, adoption or foster parenthood; or not more than five unrelated persons sharing a dwelling unit.

fill means earth, sand, gravel or any other similar material used to raise, lower or in any way affect the elevation or contour of the natural ground surface.

float camps means float homes, rafts or other vessels anchored or moored and used or intended to be used as residential accommodation.

floor area means the total area of all floors in a building that have a floor to ceiling height greater than 1.2 metres, including, where such use is permitted, floors in a recreational vehicle used for a residential use, measured to the exterior surface of the perimeter walls or, in the case of regulations dealing with floor areas within buildings, the interior surface of the walls of the relevant building area, and includes enclosed balconies, decks, porches and similar projections; but excludes cisterns and vertical service spaces that pierce a storey.

food processing and catering in regards to a home occupation means the creation of food products for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities.

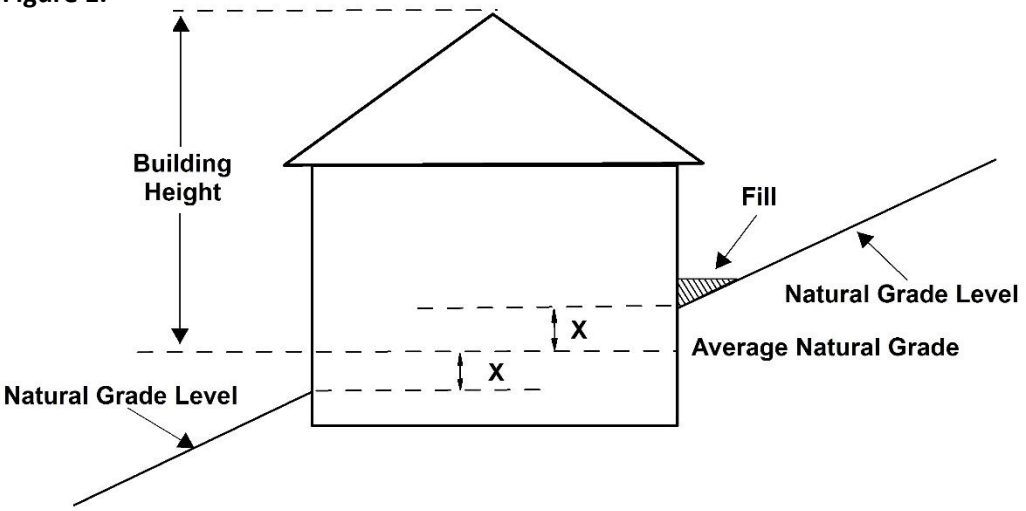
full-time equivalent in relation to employees for home occupations means the total number of hours that an employee would work in a year based on an 8-hour day.

grade level, average natural means the average natural grade level at the perimeter of a building or structure calculated by averaging the elevations at the midpoints of all the exterior walls or support points forming the building or structure's footprint.

grade level, natural means the level of the natural ground elevation adjoining each exterior wall of a building or structure.

height of building or structure means the vertical distance to the highest point of the upper roof and in the case of a structure without a roof, to the highest point of the structure, all measured from average natural grade level.

Figure 1.



highway means a public road, lane, bridge and any other way open to public use, but does not include a private right-of-way on private property.

home occupation means any trade, occupation, profession or craft carried on for remuneration or financial gain and which is accessory to the principal residential use of a lot.

horticulture means the use of land for growing fruits, vegetables, plants or flowers.

hostel means a building that contains shared sleeping units and common facilities for cooking, eating and washing in order to provide temporary accommodation for persons such as summer workers, displaced.

human habitation means the use of a building or structure by a person or persons for shelter, cooking of food or sleeping and includes temporary and transient use for these purposes.

incidental sales in relation to a home occupation use, means the sale of products normally associated with the home occupation.

kitchen means an area within a building used for preparing food and may include food storage and serving and dish washing facilities.

land includes land that is ordinarily covered by water.

laundromat means a commercial or communal establishment for the self-service washing, drying or ironing of clothes or household linens.

live/work studio means a commercial use combined with a residential use in such a manner that the residential and commercial uses constitute a single occupancy of the premises.

lodge means a building containing two or more visitor accommodation units with or without common dining facilities.

lot means any lot, block or other area in which land is held or into which it is subdivided.

lot coverage means the proportion of the lot area that is covered by buildings and structures including, where such use is permitted, a recreational vehicle used for a residential use, expressed as a percentage of the lot area.

lot line means a legally defined line bounding any lot and

(a) **front lot line** means a lot line common to a lot and an abutting highway, and where there is more than one such line, the shortest of them;

(b) **rear lot line** means the lot line opposite the front lot line, and where the rear portion of the lot is bounded by intersecting lines, the point of such intersection farthest from the front lot line;

(c) **exterior side lot line** means the lot line or lot lines not being the front lot line or rear lot line but common to a lot and an abutting highway; and

(d) **interior side lot line** means any lot line that is not a front lot line, rear lot line or exterior side lot line.

low impact recreation means recreational activities which cause minimal disturbance to the natural environment, including but not limited to hiking, bicycling, bird watching, horseback riding, picnicking and specifically excluding the use of motorized vehicles.

manufactured home means a transportable dwelling unit which arrives at the site where it is to be occupied, complete and ready for occupancy except for placing on foundation supports, connections of utilities and some incidental assembly.

mariculture means the cultivation, rearing and harvesting of univalve or bivalve mollusca.

marina means marine docking, moorage, storage and launching facilities for the accommodation, moorage, storage, launching, maintenance and minor repair and sale of boats and similar vessels and includes yacht clubs and structures commonly associated with marine docking, moorage, storage and launching facilities, but specifically excludes all structures used or intended to be used for the shelter or storage of boats.

medical health clinic means a facility for medical diagnosis and treatment of out-patients.

mooring buoy means a buoy marking the location of a mooring. Usually attached to an anchor by a rope, cable or chain.

natural boundary means the visible high water mark of the sea, a lake, a stream or other water body where the presence and action of water are so common and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself, as defined in Section 1 of the *Land Act*, or a surveyed high watermark identified on the plan of subdivision most recently registered in the Land Title Office, or the plan accompanying the instrument conveying Crown land in fee simple. In a dispute, a new plan prepared by a B.C. Land Surveyor shall prevail.

natural ground surface means the ground surface of land prior to any intentional disturbance, alteration, excavation or placement of fill.

personal service means the provision of services directly to the physical person of the consumer and includes hair cutting shops, massage therapists, medical health clinics and the incidental retail sale of goods commonly associated with these uses.

principal use means a main permitted purpose for which land, buildings or structures, as listed in the applicable zoning district in this Bylaw, is used.

pub means an establishment providing primarily for the serving of alcoholic beverages, including off-premises sales, and includes premises in which food is served in conjunction with the serving of alcoholic beverages.

public park means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the *Park Act* or the *Park (Regional) Act*.

public recreation facility means playgrounds, sport facilities, clubhouses and associated meeting spaces, showers and locker rooms and related amenities operated by a non-profit society for the public and does not include a pub.

public service use means the provision of water, gas, electrical, telephone, television or emergency services by a government body or agency or by a company regulated by the *Utilities Commission Act* or the *Radiocommunication Act* of Canada, serving only the Hornby Island local community.

public use includes the use by the general public of such things as schools, streets, highways, hospitals, government buildings, parks, water reservoirs, community housing, public theaters, bridges, utilities and numerous other purposes designated as beneficial to the public.

pump/utility house means a building or structure with a maximum floor area of 4.0 m^2 having the sole purpose of enclosing pumping equipment, valves, pipes and filtration equipment associated with a source of water, electrical power or communication connection devices.

recreational vehicle means any structure, trailer, or vehicle used or designed to be used for temporary living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled.

residential means a use of land providing for the home life of a person or persons in common occupancy.

restaurant means an establishment providing primarily for the preparation and sale of food for eating in the establishment or taking out, and may include the serving of alcoholic beverages in conjunction with food.

retail store means an establishment providing for the sale, rental or repair of commodities or goods to the ultimate consumer or user, and specifically excludes laundromats and service stations.

school means a public or private education facility not including overnight or dormitory accommodation.

secondary suite means a separate dwelling unit located wholly within a building which is a single real estate entity used for residential use and which contains only one other dwelling unit (see Section 3.8).

service station means a use of land providing for the retail sale of motor fuels and lubricating oils and which may include the sale, servicing or repair of motor vehicles, the sale of motor vehicle accessories, and the rental of trailers, motor vehicles, and tools and equipment for automotive or household use.

shipping container means a metal transport container designed for and customarily associated with road, rail or ocean transport.

sign means any identification, description, illustration or device which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation.

sign, third party means a sign that is located on a different lot from the lot on which is located the land use, occupancy or business to which the sign pertains, and for this purpose abutting lots in common ownership are considered to be a single lot.

silviculture means all activities related to the growing and sustainable management of forests but does not include the processing of wood or wood products.

structure means any object or construction fixed to, supported by or embedded in land, including retaining walls and stairs and excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, tanks, absorption fields and related appurtenances.

studio means the working place of a painter, sculptor, photographer, musician, or other arts or crafts person.

vacation home rental use means the use of a residential dwelling unit for the temporary accommodation of paying guests, where:

(a) an owner or tenant of the lot on which the dwelling unit is located is ordinarily a resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or

(b) the owner or tenant is residing in another lawful dwelling on the same lot while the vacation home rental is occurring; or

(c) the owner of the lot resides seasonally in the dwelling unit and the vacation home rental use is occurring during the absence of that owner;

and includes such a use of a dwelling unit the residential use of which is a lawfully non-conforming use under Section 528 of the *Local Government Act*, unless such residential use is discontinued for a continuous period of six months.

visitor accommodation unit means commercial accommodation on a lot zoned for commercial use that consists of the temporary rental of a room or set of rooms for not more than four consecutive weeks to members of the traveling public whose permanent domicile or home life is elsewhere.

watercourse means any natural depression with a bed 0.6 m or more below the average elevation of the surrounding land, containing water at least six months of the year.

1.2 Information Notes

(1) Where a paragraph or sentence in this Bylaw is preceded by the words "Information Note", the contents of the paragraph or sentence are provided only to assist in understanding of the Bylaw and do not form a part of the Bylaw.

PART 2 ADMINISTRATION

2.1 Application

(1) This Bylaw shall apply to that part of the Hornby Island Local Trust Area as shown on Schedule C. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, water column and all surface waters.

2.2 Conformity

(1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.

(2) No building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier or other person such that it contravenes this Bylaw.

(3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.

(4) Any existing lot created prior to adoption of this Bylaw that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.

(5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

2.3 Inspection

(1) The Islands Trust Bylaw Enforcement Officer or any officers of the Islands Trust designated to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

2.4 Violation

(1) Any person who does any act or thing or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of this Bylaw commits an offence under this Bylaw.

2.5 Penalty

(1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act*, and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

2.6 Covenants

(1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all existing financial charges and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

2.7 Siting Compliance

(1) Every applicant for a rezoning, a development permit, a temporary use permit or a development variance permit must provide a plan, sometimes referred to as a "survey certificate", signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields, in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures comply with the siting requirements of this or any other Bylaw.

2.8 Severability

(1) If any section, subsection, sentence, clause, phrase, plan, map, diagram, table, schedule, or other graphic material or any part thereof of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

PART 3 GENERAL REGULATIONS

3.1 Uses Permitted in All Zones

(1) In addition to uses permitted in specific zones, the following uses are permitted in all zones:

(a) Public service uses;

(b) Emergency heliports;

(c) Conservation areas, including ecological reserves and other habitat reserves and parks but excluding playgrounds and playing fields; and

(d) Air and marine navigation aids.

3.2 Uses Prohibited in All Zones

(1) For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 8:

(a) The use of a boat, vessel, or structure over water as a residence for more than four consecutive weeks or more than 90 days in any calendar year, except where expressly permitted;

(b) The use of the surface of the water for the mooring or berthing of float camps;

(c) The use of an accessory building or structure as a dwelling unit;

(d) Overnight accommodation in tents or recreational vehicles accessory to or in association with vacation home rental use;

(e) Amusement parks, shooting ranges, water slides, go cart tracks, and commercial golf courses;

(f) Fin fish aquaculture in any water zone;

(g) Commercial kennels;

(h) Airports other than float plane bases;

(i) Heliports;

(j) Wharves and breakwaters except those operated by government and those operated for commercial purposes;

(k) Disposal of effluent from pumping out sewerage facilities on to land;

(l) Disposal of sewage by marine outfall;

(m) Disposal or storage of toxic or hazardous waste;

(n) Storage of waste and sale of salvage material unless expressly permitted in Part 8 of this Bylaw;

(o) Wrecking or storage of derelict automobiles, vessels or mechanical equipment;

(p) The rental or sale of personal watercraft, all-terrain vehicles, gas powered scooters or off-road motorcycles;

(q) Water utility lines connecting any one island to another island or the mainland;

(r) Wind generators in any water zone and wind generators intended to provide power to an island other than the island on which the structures are located;

(s) Casinos;

(t) Any use of a shipping container unless screened;

(u) The use of a well for the extraction of ground water for transportation off the lot from which it is extracted, except where permitted through zoning regulations or Temporary Use Permit;

(v) Commercial raising of domestic animals or poultry on lots having an area less than 1.0 hectare;

(w) Exterior lights that illuminate surrounding properties or a highway.

INFORMATION NOTE: *Uses that are not permitted in this Bylaw may be considered upon application for a Temporary Use Permit in accordance with Official Community Plan policies and regulations in this Bylaw pertaining to Temporary Use Permits.*

3.3 Siting and Setback Regulations

(1) The setback regulations set out in this Bylaw do not apply to any permitted sign or fence that does not exceed 2.0 metres in height.

(2) No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea.

(3) Despite Subsection 3.3(2) no buildings or structures may be located within 30.0 metres of Ford Creek or Beulah Creek or wetlands shown on Schedule D.

(4) Where fill is used to achieve the elevation required in Subsection 3.3(2), no portion of the fill slope may be less than 15.0 metres from the natural boundary and the face of the fill slope must be adequately protected against erosion by floodwaters.

(5) No building or structure may be located within 15.0 metres of the edge of any cliff, unless 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, in which case the minimum distance is 10.0 metres.

(6) All pit toilets must be set back at least 15.0 metres from all lot lines.

(7) Feeding troughs, manure piles, buildings and structures for housing animals and sewage disposal fields must be set back at least 30.0 metres from any well or from the natural boundary of any lake, watercourse or the sea.

(8) The keeping of livestock or birds and the siting of buildings or structures used for housing livestock or poultry is prohibited within 15.0 metres of the natural boundary of any lake, watercourse or the sea.

(9) Feeding troughs, manure piles and buildings and structures for housing animals must be set back at least 15.0 metres from all lot lines.

(10) Buildings and structures used for the commercial growing of mushrooms, the commercial raising of livestock or more than 100 birds must be set back at least 30.0 metres from any highway, lot line, and the natural boundary of any lake, watercourse or the sea.

3.4 Height Regulations

(1) Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres.

(2) Buildings and structures, other than agricultural buildings and structures, located within 100.0 metres of the natural boundary of the sea must not exceed a height of 7.0 metres.

(3) Accessory buildings and structures must not exceed a height of 6.0 metres.

(4) Agricultural buildings and structures must not exceed a height of 10.0 metres.

(5) The height limits set out in this section do not apply to any radio or television antenna, flag pole, lighting pole, utility pole, water storage tank or wind turbine.

INFORMATION NOTE: *Applications for development variance permits to vary the setback or height requirements of this Bylaw can be considered by the Local Trust Committee.*

3.5 Accessory Uses, Buildings and Structures

(1) Unless a building is attached to a principal building by a structure having walls, roof, and a floor, it is for the purposes of this Bylaw deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

(2) The floor area occupied by a cistern used for domestic water or irrigation purposes is excluded from the calculation of the floor area of any accessory building or structure.

3.6 Home Occupation Regulations

Prohibited Uses

(1) Only the uses expressly permitted in subsections 3.6(3), 3.6(9), 3.6(11) and 3.6(22) inclusive are permitted as home occupations. Without limiting the generality of the foregoing the following uses are prohibited as home occupations:

(a) restaurant, food take-out service;

(b) retail store;

(c) salvage, junk or incineration business;

(d) chemical manufacturing;

(e) storage of toxic or flammable materials other than for use in small quantities in carrying out a home occupation;

(f) winery involving a lounge other than on ALR land;

(g) extraction and sale or delivery of groundwater;

(h) high-pressure cleaning, laundry, laundromat, shower or bathing facility or other activity that involves the use of groundwater as a primary element of the home occupation or that causes total domestic water use to exceed 350 litres per day;

(i) any activity that creates vibration, glare, fumes, odours, electrical interference or any other nuisance ordinarily detectable off the lot on which the home occupation is operated; and

(j) any activity that is prohibited elsewhere in this Bylaw.

Limited Home Occupations

(2) Subsections 3.6(3) to 3.6(7) inclusive apply to home occupations conducted on lots less than 0.1 hectare in area.

(3) The following uses, and no other uses, are permitted as home occupations:

(a) Art and craft studios not open to the public;

(b) Professional office;

(c) Mail order business.

(4) The maximum total combined floor area of all home occupations conducted on the lot is 40% of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 65 square metres.

(5) The home occupations must be conducted wholly within a principal dwelling unit.

(6) The home occupations must be operated solely by residents of the property.

(7) The noise level created by a home occupation on the lot must not be detectable at the lot line.

Basic Home Occupations Tier 1

(8) Subsection 3.6(9) applies to home occupations conducted on lots of 0.1 hectare or larger and less than 0.4 hectares in area.

(9) The following uses (including uses permitted in the Limited Home Occupations), and no other uses, are permitted as home occupations:

(a) Home occupation uses listed in Subsection 3.6(3);

(b) Bed and breakfast;

(c) Art and craft studios, including incidental sales;

(d) Personal service, including incidental sales.

Basic Home Occupations Tier 2

(10) Subsections 3.6(11) to 3.6(20) inclusive apply to home occupations conducted on lots of 0.1 hectare or larger and less than 2.0 hectares in area.

(11) The following uses, including uses permitted in the Limited Home Occupation and Basic Home Occupations Tier 1, and no other uses, are permitted as home occupations:

(a) Home occupation uses listed in Subsection 3.6(3);

(b) Bed and breakfast;

(c) Art and craft studios, including incidental sales;

(d) Personal service, including incidental sales;

(e) Day care;

(f) Manufacture, assembly and repair of goods, including incidental sales;

(g) Welding shops, including incidental sales;

(h) Trades persons offices, including incidental sales;

(i) Sales distributorship;

(j) Sale of arts and crafts produced on the property, including incidental sales;

(k) Rental of un-motorized boats, and kayaks;

(l) Rental of bicycles and tools;

(m) Food processing and catering;

(n) Teaching classes limited to crafts, trades or arts;

(o) Sales of products grown or produced on the lot.

(12) A maximum of two home occupations are permitted per lot.

(13) The home occupations must be conducted wholly within a principal dwelling unit or an accessory building.

(14) Despite Subsection 3.6(13), kilns, daycare play areas and storage, may be outdoors.

(15) Outdoor uses permitted in Subsection 3.6(14) must be screened from adjacent lots and public rights-of-way with a vegetation screen or solid fence pursuant to Section 3.9 and 3.10.

(16) The outdoor area that may be used for a home occupation is limited to:

(a) a combined maximum of 105 square metres for a kiln and daycare play area;

(b) a combined maximum of 10% of the total lot area up to a maximum of 500 square metres for storage associated with home occupations.

(17) The maximum total combined floor area of all home occupations conducted on the lot is 40% of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 80 square metres.

(18) The home occupations must be operated by residents of the property.

(19) The maximum number of employees, other than residents of the lot, permitted at any time is 2 full-time equivalents per lot.

(20) The noise level created by a home occupation on the lot, must not be detectable at the lot line.

Extended Home Occupations

(21) Subsections 3.6(22) to 3.6(30) inclusive apply to home occupations conducted on lots of 2.0 hectares or larger in area.

(22) The following uses; including the uses permitted in the lower tiers; and no other uses, are permitted as home occupations on lots of 2.0 hectares or larger:

(a) Home occupation uses listed in subsections 3.6(3) and 3.6(9);

(b) Teaching classes for teaching crafts, trades or arts;

(c) Vehicle and boat repair, including incidental sales;

(d) Storage facilities for personal property, including incidental sales;

(e) Sawmilling, on lots larger than 4.0 hectares, including incidental sales;

(f) Winery with outdoor picnicking, including incidental sales.

(23) A maximum of two home occupations are permitted per dwelling.

(24) The home occupations may be conducted within a principal dwelling unit, an accessory building or outdoors.

(25) Outdoor uses permitted in Subsection 3.6(22) must be screened from adjacent lots and public rights-of-way with a vegetation screen or solid fence pursuant to Section 3.9 and 3.10.

(26) The outdoor area that may be used for a home occupation is limited to:

(a) a combined maximum of 105 square metres; plus

(b) a combined maximum of 10% of the total lot area up to a maximum of 500 square metres for storage associated with home occupations.

(27) The maximum total combined floor area of all home occupations conducted on the lot is 40% of the total combined floor area of the dwelling unit and accessory buildings, up to a maximum of 150 square metres.

(28) The home occupations must be operated by residents of the property.

(29) The maximum number of employees, other than residents of the lot, permitted at any time is 6 full-time equivalents per lot.

(30) The noise level created by a home occupation on the lot, must not be detectable at the lot line.

General Regulations

(31) Subsections 3.6(32) to 3.6(36) inclusive apply to home occupations on any size lot.

(32) A dwelling unit that is used for a home occupation must be occupied as a residence.

(33) The home occupation must not use or store flammable or toxic materials involved in the home occupation within a dwelling unit and storage of such materials must comply with any applicable provincial regulations and guidelines.

(34) If a home occupation involves the use or storage of substances that may contaminate ground or surface water, a containment system must be in place to ensure that the substances do not come into contact with the ground.

INFORMATION NOTE: *The operator of a home occupation must comply with all applicable regulations of the Province of British Columbia, the Vancouver Island Health Authority and the Comox Valley Regional District with respect to buildings, public health, noise, air quality, safety, water quality and environmental protection.*

(35) No changes must be made to the residential appearance of the property other than permitted signage, required provision for parking and permitted outdoor storage and activities that comply with screening regulations.

(36) The storage and display of items for sale that are incidental to the home occupation must not take up more than 10% of the area used for the home occupation.

Bed and Breakfast

(37) Where a bed and breakfast home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.

(38) The operator of the bed and breakfast home occupation must:

(a) provide only temporary accommodation for the travelling public;

(b) use only rooms that are located in the dwelling unit in which the home occupation is operated, for the accommodation of the travelling public;

(c) provide no more than two beds per bedroom; and

(d) serve breakfast meals to guests who have been accommodated overnight.

(39) Bed and breakfast home occupations are not permitted on lots with areas of less than 0.1 hectares.

(40) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home occupation must not exceed:

(a) one if the lot is 0.25 hectares or less in area;

(b) two if the lot is greater than 0.25 hectares and 1.0 hectare or less in area;

(c) three if the lot is greater than 1.0 hectare in area.

(41) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149, bed and breakfast use is permitted provided that an authorized person as defined in the Sewage System Regulations under the *Public Health Act* has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed bed and breakfast use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed bed and breakfast use.

3.7 Vacation Home Rental Uses

(1) Vacation home rental uses must be in accordance with the following limitations:

(a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.

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(b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.

(c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.

INFORMATION NOTE: *The following information is not part of the Bylaw and is for information purposes only. Regulation 3.7.1(c) permits the use of a vacation home rental for a period of less than seven days* (*for example a three night rental). As an example, the regulation does not permit a vacation rental unit to be rented for three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover within a seven day rental period in* a *dwelling is important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling.*

(d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than 1.0 hectare, or more than four bedrooms if the lot has an area of 1.0 hectare or more.

(e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.

(f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the *Public Health Act* has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use.

(2) A sign must be posted on the premises of each vacation home rental use while the use is occurring, clearly legible from a public road, indicating contact information including the name and telephone number of the owner of the premises or an agent of the owner who is reasonably available to deal with any impacts of the rental use on neighbouring premises.

3.8 Secondary Suites

(1) Where a secondary suite is permitted in Part 8 of this Bylaw, the suite must:

(a) be authorized by a Siting and Use Permit;

(b) meet all requirements of the British Columbia Building Code;

(c) contain at least one bedroom and bathroom, a separate kitchen and living area;

(d) be allocated at least one off-street parking area on the same lot, in addition to any parking requirements for the principle dwelling unit;

(e) be located wholly within the principle residential dwelling;

(f) be occupied by the owner or residential tenant; and

(g) be limited in size to 40% of the floor area of the principal dwelling unit to a maximum floor area of 90 square metres.

(2) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized person as defined in the Sewage System Regulations under the *Public Health Act* must state in writing to the Islands Trust that the sewage disposal system to which the building accommodating the secondary suite is connected to is capable of providing adequate sewage treatment for the principal dwelling and secondary suite.

(3) Despite Part 8 of this Bylaw, a secondary suite is not a permitted use in a dwelling on any lot within the heavily developed – high vulnerability aquifer designation as shown on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149.

3.9 Fences

(1) Within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fence is 3.0 metres.

(2) The provision of a landscape screen is exempted from Section 3.7.

3.10 Screening

(1) Screening must be provided in the form of a wood fence of sound construction or evergreen native vegetation, of a sufficient height to provide a complete and year-round visual screen between the uses being separated:

(a) where materials, tools, equipment, containers or finished products of a home occupation, commercial or industrial use are stored outside a building or enclosed structure or where the

use is carried out outdoors, by the owner of the lot on which the storage or use is occurring and on that lot, to screen the outdoor storage area or use from adjacent lots and highways;

(b) where an industrial use is adjacent to a commercial or residential use, by the owner of the lot on which the industrial use is located and on that lot, to screen the industrial use from the commercial or residential use;

(c) where a commercial use is adjacent to a residential use, by the owner of the lot on which the commercial use is located and on that lot, to screen the commercial use from the residential use;

(d) where five or more motor vehicle parking spaces are required by this Bylaw to be provided, or where one or more derelict vehicles are parked or stored on a lot, by the owner of the lot on which the parking spaces or vehicles are located, to screen the vehicles from any adjacent highway and from any adjacent residential use.

(2) Subsection 3.10(1) need not be complied with if the use or parking area is completely screened year round from view from the adjacent highway or use or lot, as the case may be, by evergreen native vegetation at least two metres high, but those requirements must be complied with if the native vegetation is removed or damaged such that it no longer provides a complete screen.

3.11 Temporary Dwelling

(1) A recreational vehicle, mobile home, caravan, travel trailer or existing structure may be used as a temporary dwelling while a principal dwelling unit is under construction provided that:

(a) A siting and use permit has been issued for the principal dwelling unit;

(b) The period of occupancy of the temporary dwelling does not exceed 365 days;

(c) The temporary dwelling is sited to permit direct discharge of effluent into an approved sewage disposal system; and

(d) On completion and occupancy of the principal dwelling unit, the recreational vehicle, mobile home, caravan, travel trailer or existing structure is not used as a dwelling.

INFORMATION NOTE: *Information guides and application forms for Siting and Use Permits can be found on the Hornby Island webpage under "Land Use Planning- Application Guides & Forms" on the Islands Trust website: (http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby.aspx)*

3.12 Derelict Vehicles and Mechanical Equipment

(1) No parcel shall be used for the wrecking or storage of derelict automobiles, vessels or mechanical equipment.

3.13 Use of Common Property

(1) Land comprising the common property in a strata plan is not a lot for the purposes of the provisions of this Bylaw permitting dwellings in respect of lots,

3.14 Lots Divided by a Zone Boundary

(1) If a lot is divided by one or more zone boundaries, the density permitted, including lot coverage, must be calculated by reference to the areas of the portions of the lot lying within each zone, and dwellings may only be constructed on any portion of the lot if, and to the extent that, the density and siting regulations for that portion are complied with.

(2) Despite Subsection 3.14(1), if one of the portions of the lot is in the Agricultural (A1) zone, the dwelling permitted in respect of that portion of the lot may be sited on another portion of the lot.

PART 4 SIGN REGULATIONS

4.1 Permitted Signs

(1) Freestanding and facia signs affixed to a building or structure are permitted in accordance with Table 4.6 and all other signs are prohibited.

4.2 Prohibited Signs

(1) Despite Section 4.1, the following types of freestanding and fascia signs are prohibited:

(a) internally illuminated, blinking, backlit, and neon signs;

(b) signs with moving parts;

(c) signs that are designed to make noise;

(d) third party signs;

(e) signs painted on a natural rock face;

(f) signs illuminated by a floodlight or spotlight;

(g) signs that project over a highway or other public property; and

(h) signs that are sited or otherwise placed in a location seaward of the natural boundary of the sea.

4.3 Exempt Signs

(1) The following signs are exempt from the regulations in this part:

(a) directional, traffic control, informational, interpretive and navigational signs sited and maintained by a public authority, agency or their authorized agents;

(b) warning signs such as private property signs prohibiting trespassing, vehicles, overnight camping or hunting, subject to the sign not exceeding 1.0 square metre in area;

(c) signs of duly nominated candidates for public office, provided that the signs are removed within 14 days after the date of the election;

(d) real estate signs located on a property that is for sale, subject to the sign not exceeding 1.0 square metre in area, provided that the signs are removed within 14 days after the sale of the property;

(e) temporary notices posted for less than 60 days; and

(f) in the Mariculture (M3) zone, up to two signs each not exceeding 0.5 square metre in area per water lot lease or license area indicating the type of mariculture being carried out on the lease or license.

4.4 Siting and Height

(1) A sign permitted in this part may be located anywhere on the property including within a required front yard or exterior side yard setback area.

4.5 Obsolete Signs

(1) Any sign which has become obsolete because of the discontinuance of the business, service or activity which it advertises must be removed within 30 days after the sign becomes obsolete.

4.6 Sign Number and Area

(1) Every sign, except those exempted in Section 4.3, must comply with Table 4.6.

Table 4.6: Sign Number and Area

Zone/Use	Number of Signs Permitted for each Lot, Premises or Use	Maximum Total Sign Area Permitted for Each Lot, Premises or Use
Vacation Home Rental Use	1 per lot or vacation home rental use	15 centimetres by 30 centimetres
R1, R2, R3, R4,	1 per lot or home occupation	1.0 m^2
A1, A2, A3, A4	1 per home occupation	1.0 m^2
C1, C2, C3, C4, C5, C6, C7, C8	1 per use	4.0 m^2
EP1, WS	None	*n/a*
P1, P2	None	*n/a*
PU	1 per use	4.0 m^2
M1, M2, M3, M4, M5	1 per tenure	*n/a*

PART 5 PARKING REGULATIONS

5.1 Location

(1) All required off-road parking spaces shall be located on the lot on which the use or occupancy in respect of which they are required is located, or on a lot within 100 metres, with appropriate zoning.

(2) In the case of a parking space for persons with disabilities, it shall be located at the closest point as is practical to the main entrance to any building containing the use for which the parking space is required.

5.2 Design Standards

(1) Each parking space shall be accessible to a highway via a manoeuvring aisle not less than 7.5 metres in width in the case of 90 degree parking; 5.5 metres in width in the case of 60 degree parking; and 3.5 metres in width in the case of 45 degree and parallel parking; and no parking space may abut a highway such that the use of the parking space necessitates reversing a motor vehicle from or onto the highway. If a parking space is accessible directly from a lane the combined length of the parking space and width of the lane shall be at least 12.5 metres.

(2) Parking spaces shall be at least 2.5 metres in width and 5.5 metres in length, exclusive of manoeuvring aisles, and have unobstructed vertical clearance of at least 2 metres. Parallel parking spaces shall notwithstanding the foregoing have a length of 7.5 metres.

(3) Where more than four parking spaces are provided, other than on a residential lot, the parking area must have a hard, permeable, durable surface such as interlocking bricks or well packed gravel that does not produce dust.

(4) Parking spaces in setback areas must not cover more than 40% of that area.

(5) No parking area may have a gradient in any direction of more than 10%.

5.3 Calculation

(1) Where more than one use is located on a lot, the total number of parking spaces required is the sum of the requirements for the uses calculated separately.

(2) Where a particular use is not specifically listed in Table 5.4, the number of parking spaces required for the most similar listed use applies.

(3) Where the number of spaces required includes a fraction, the owner or occupier must provide the next highest whole number of parking spaces.

5.4 Number of Off-Street Parking Spaces

(1) Every owner of land must provide and maintain on the lot off-road vehicle parking spaces in accordance with Table 5.4.

Table 5.4 : Number of Off-Street Parking Spaces			
Use of Building or Lot	**Minimum Number of Parking Spaces**	**Minimum Number of Parking Spaces for Persons with Disabilities**	**Minimum Number of Bicycle Parking Spaces (1 rack must secure a minimum of 4 bicycles)**
1. dwelling unit	2 per dwelling unit	*n/a*	*n/a*
2. secondary suite	1 per secondary suite	*n/a*	*n/a*
3. restaurant, pub, cafe	1 per 2 seats	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
4. bed and breakfast home occupation and vacation home rental use	1 per bedroom used for guest accommodation	*n/a*	*n/a*
5. service stations and fire halls	4 plus 2 per service bay or fire truck bay	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
6. school	1 per employee plus 10 for visitors	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
7. marinas and boat ramps	1 per 3 berths and 4 per boat ramp or hoist	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
8. hotel, motel, lodge, resort	1 per visitor accommodation unit	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
9. community housing	1 per dwelling unit	*n/a*	*n/a*
10. home occupation other than a bed and breakfast	1 per two employees plus the number required for the relevant commercial or industrial use	*n/a*	*n/a*
11. community hall, church, social hall	1 per 4 seats of meeting assembly room maximum seating capacity	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
12. industry, equipment storage, building material supply, warehouse	1 per 40 m^2 of floor area	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces
13. retail, financial service, personal service, office, post office, library, bakery, museum	1 per 20 m^2 of floor area	Greater of 1 or 1 per 50 parking spaces	Greater of 1 or 1 per 50 parking spaces

PART 6 SUBDIVISION REGULATIONS

6.1 Lot Area Calculations

(1) Subdivisions shall comply with the minimum and minimum average lot area regulations set out in Part 8. For the purposes of this Bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots. Where there is no minimum average lot area specified in the zone the minimum lot area shall be considered the minimum average lot area.

(2) If an owner of land being subdivided dedicates as parkland more than 5% of the land being subdivided, the area greater than 5% may, for the purpose of determining compliance with minimum average lot area regulations set out in Part 8, be included in the total area of lots being created.

6.2 Exemptions from Average and Minimum Lot Area Requirements

(1) The minimum and average lot size areas specified in this Bylaw do not apply:

(a) where the lot is being created for the purpose of accommodating unattended equipment necessary for the operation of a community water or sewer system, telephone exchange, electrical substation, or similar public service facility, and the use of the lot will generate no sewage;

(b) where the lot being created is to be used solely for park use or natural open space or conservation purposes provided that a covenant is granted that restricts the use of the lot to that purpose;

(c) where a lot is created by the consolidation of two or more lots; or

(d) to the adjustment of boundaries between lots provided that:

(i) the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment; and

(ii) the area of the new lot is not less than the minimum lot area specified for that zone; or

(iii) the area of the new lot is not less than the existing minimum lot area; and

(iv) the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.

6.3 Covenants Prohibiting Further Subdivision and Development

(1) If a proposed subdivision is to yield the maximum number of lots permitted by the applicable minimum and average lot areas specified in Part 8, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area, the applicant shall grant a covenant in respect of every such lot, prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number of residential dwelling units and accessory buildings.

(2) If a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum and minimum average lot areas specified by this Bylaw, and:

(a) one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area; and

(b) one or more of the lots being created has an area less than the applicable minimum average lot area the applicant shall grant a covenant in respect of every lot prohibiting:

(i) the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and minimum average lot areas specified by this Bylaw; and

(ii) the construction, erection, or occupancy on the lot of residential dwelling units and accessory buildings so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this Bylaw without subdivision.

(3) If the approval of a bare land strata plan would create common property on which this Bylaw would permit the construction of a residential dwelling unit, if the common property were a lot, the applicant shall grant a covenant in respect of the common property prohibiting the further subdivision of the common property, the construction of any residential dwelling unit on the common property, and the disposition of the common property separately from the strata lots.

6.4 Boundary Adjustment Subdivisions

(1) A boundary adjustment subdivision is prohibited if it would result in the increase of the area of any lot to the point where the new lots created could together be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment.

(2) A boundary adjustment subdivision resulting in a lot lying in two or more zones is prohibited, except where all of the lots being subdivided are located in two or more zones.

6.5 Section 514 Subdivisions (Residence for a Relative)

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

6.6 Lot Frontage and Lot Shape

(1) The frontage on a highway of any lot in a proposed subdivision and having highway frontage shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee pursuant to the *Local Government Act*.

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

(3) If a proposed panhandle lot is not capable of being further subdivided under this Bylaw, the minimum width of the access strip at any point is 10.0 metres.

(4) If a proposed panhandle lot is capable of being further subdivided under this Bylaw, the minimum width of the access strip at any point is 20.0 metres.

6.7 Split Zoned Lots

(1) The creation of additional lots lying within two or more zones is prohibited.

6.8 Split or Hooked Lots

(1) No additional lot which is divided into two or more portions by a highway or another lot may be created by subdivision.

6.9 Double Frontage Lots

(1) No additional lot having frontage on more than one highway other than a corner lot may be created by subdivision.

6.10 Highway Standards

INFORMATION NOTE: *For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Infrastructure, dated October 20, 1992 and as subsequently amended July 18, 1996.*

6.11 Water Supply Standards

INFORMATION NOTE: *For information on water quantity (volume) and quality (potability) requirements for proposed lots served by individual wells, contact the Provincial Approving Officer, Ministry of Transportation and Infrastructure, and for proposed lots served by a community water system contact the Vancouver Island Health Authority.*

6.12 Onsite Disposal

INFORMATION NOTE: *All uses of property which produce waste water require the installation of a waste disposal system installed in compliance with the Sewerage System Regulation. Contact the Vancouver Island Health Authority for information.*

PART 7 ESTABLISHMENT OF ZONES

7.1 Division into Zones

(1) The Hornby Island Local Trust Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule B and the regulations for which are set out in Part 8.

Zone Name	Zone Abbreviation
Residential 1 – Small Lot	R1
Residential 2 – Large Lot Residential	R2
Residential 3 – Community Housing	R3
Residential 4 – Forest	R4
Agriculture 1	A1
Agriculture 2 – Agricultural/Land Co-operative	A2
Agriculture 3 – Agricultural/Land Co-operative	A3
Agriculture 4 – Agricultural/Land Co-operative	A4
Commercial 1 – Service Station Commercial	C1
Commercial 2 – Retail Limited Commercial	C2
Commercial 3 – Comprehensive Commercial	C3
Commercial 4 – Resort	C4
Commercial 5 – Resort	C5
Commercial 6 – Resort	C6
Commercial 7 – Campground	C7
Commercial 8 – Campground	C8
Ecosystem Management/Groundwater Recharge	EP1
Water Supply Protection Area	WS
Public Park	P1
Public Park Undeveloped	P2
Public Use	PU
Marine Conservation	M1
Marine Park	M2

Mariculture M3

Marine Access M4

Marine Service M5

Marine Private Moorage M6

7.2 Zone Boundaries

(1) Where a zone boundary on Schedule B coincides with a lot line, the lot line is the zone boundary.

(2) Where a zone boundary is shown on Schedule B as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the zone boundary.

(3) Where land-based and water-based zone boundaries shown on Schedule B coincide, the zone boundary shall be the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the zone boundary.

(4) Where a zone boundary shown on Schedule B does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule B and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

(5) Where two or more regulations within this Bylaw conflict, the more restrictive regulation shall apply.

PART 8 ZONE REGULATIONS

8.1 Residential 1 – Small Lot (R1) Zone *(Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot*)

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) accessory uses, buildings and structures, including but not limited to home occupations; and

(d) 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 or recreational vehicle used for a residential use per lot; and

(b) 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 or recreational vehicle used for a residential use, 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, or 6.0 metres in the case of a lot having an area less than 4000 m^2;

(c) 6.0 metres from any interior side lot line, or 3.0 metres in the case of a lot having an area less than 4000 m^2; and

(d) 8.0 metres from any exterior side lot line, or 6.0 metres in the case of a lot having an area less than 4000 m^2.

(5) The floor area of a residential dwelling unit must not exceed 200 m^2.

(6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m^2.

Subdivision Lot Area Requirements

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

Site Specific Regulations

(8) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations set out in column three apply:

Site-Specific Zone	Location Description	Site Specific Regulations
R1(a)	*Whaling Station Bay/Anderson Drive and portion of LOT 11, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736; PID-002-659-026*	*Despite Subsection 8.1.5 of this Bylaw, the floor area of a residential dwelling unit must not exceed 150 m^2, however if a rain water catchment and storage system capable of storing 1155 litres of potable water and supplying it to the residential dwelling unit is maintained on the same lot, the floor area of the residential dwelling unit must not exceed 200 m^2.*
R1(b)	*Shingle Spit Residences*	*1. Despite Subsection 8.1.2 of this Bylaw:* *a) a maximum of one residential dwelling unit is permitted for each 0.24 hectares of lot area;* *b) a maximum of 12 residential dwelling units are permitted per lot;* *c) a maximum of one accessory building is permitted per lot not exceeding 8 m^2 in floor area.* *2. Despite Subsection 8.1(4)(c) of this Bylaw, the minimum setback for any building or structure, except for a fence or pump/utility house shall be 3.0 metres from an interior side lot line.* *3. Despite Subsection 8.1(5) of this Bylaw, the floor area of a residential dwelling unit must not exceed 186 m^2.* *4. Despite Subsection 8.1(7) of this Bylaw, land in the R1(b) zone may not be subdivided.*

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;

(f) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;

(g) accessory uses, buildings and structures, including but not limited to home occupations; and

(h) 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 m^2.

(6) The total combined floor area of all accessory buildings on a lot must not exceed 200 m^2.

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

8.3 Residential 3 – Community Housing (R3) Zone *(Elder Housing)*

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) community housing;

(b) residential use of a dwelling; and

(c) accessory uses, buildings and structures.

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;

(b) a maximum of six community housing dwelling units per 1.0 hectare of lot area to a maximum of 20 community housing dwelling units per lot;

(c) accessory buildings and structures;

(d) a maximum of one accessory community facility; and

(e) a maximum of one accessory building per residential dwelling unit and one accessory building per dwelling unit in a community housing development.

(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 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 150 m^2.

(6) The floor area of a dwelling unit in a community housing development must not exceed 150 m^2.

(7) The floor area of an accessory community facility must not exceed 200 m^2.

(8) The floor area of an accessory building must not exceed 8.0 m^2.

(9) The total combined floor area of all accessory buildings on a lot, excluding the 200 m^2 permitted for the accessory community facility, must not exceed 150 m^2.

Subdivision Lot Area Requirements

(10) Land in the R3 zone may not be subdivided.

8.3A Residential 3A – Community Housing (R3A) Zone (*ISLA*)

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) community housing;

(c) attached housing;

(d) live/work studios; and

(e) accessory uses including but not limited to home occupations.

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 five community housing dwelling units per 1.0 hectare of lot area to a maximum of 30 community housing dwelling units per lot;

(b) a maximum of four live/work studios per lot;

(c) accessory buildings and structures;

(d) a maximum of one accessory community facility; and

(e) a maximum of one accessory building per community dwelling unit .

(3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare, or more than 15% of any lot having an area 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 dwelling unit, including a live/work studio, in a community housing development must not exceed 150 m^2.

(6) The floor area of an accessory community facility must not exceed 200 m^2.

(7) The floor area of an accessory building must not exceed 10.0 m^2.

(8) The total combined floor area of all accessory buildings on a lot, including the 200 m^2 permitted for the accessory community facility, must not exceed 500 m^2.

8.4 Residential 4 – Forest (R4) 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) secondary suite in a dwelling on lots 2.0 hectares or larger;

(c) horticulture accessory to a principal residential use;

(d) 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 residential dwelling units per lot having an area of 4.0 hectares or greater; and

(c) accessory buildings and structures.

(3) Lot coverage must not exceed 5%.

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 m^2.

(6) The total floor area of all accessory buildings on a lot must not exceed 100 m^2 per residential dwelling unit.

Subdivision Lot Area Requirements

(7) No lot may be created by subdivision that has a lot area of less than 4.0 hectares.

(8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of 16.0 hectares or greater.

8.5 Agriculture 1 (A1) 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) agriculture;

(c) silviculture;

(d) secondary suite in a dwelling, on lots 2.0 hectares or larger;

(e) accessory uses, including but not limited to home occupations; and

(f) 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 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 greater; and

(c) accessory buildings and structures.

INFORMATION NOTE: *It is necessary to comply with Agriculture Land Commission Regulations regarding second dwellings, for those properties within the Agricultural Land Reserve. ALC approvals may be required for second dwellings and secondary suites in addition to compliance with Section 3.8 of this Bylaw.*

(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 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 total combined floor area of all accessory buildings on a lot, excluding buildings exclusively devoted to agricultural use, must not exceed 200 m^2.

Subdivision Lot Area Requirements

(6) No lot may be created by subdivision that has a lot area less than 16.0 hectares.

Agricultural Land Reserve Farm Use Regulations

(7) Where land is in the Provincial Agricultural Land Reserve, farm use is a permitted use, *and*

(a) the maximum floor area for retail sales ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres.

(b) the maximum floor area for a food and beverage service lounge ancillary to a British Columbia licensed winery or cidery use is 20.0 square metres.

(c) an indoor or outdoor food and beverage lounge ancillary to a British Columbia licensed winery or cidery is limited to the hours of operation of 10:00 a.m. to 8:00 p.m.

(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 Regulation and only to the extent permitted by this Bylaw.

(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 Regulation, except as follows:

(a) operation of a temporary saw mill is limited to the milling of timber harvested from the lot on the lot by a portable sawmill.

8.6 Agriculture 2 – Agricultural/Residential (A2) Zone (*Shire Property*)

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) secondary suite;

(c) agriculture; and

(d) accessory uses, buildings and structures including but not limited to home occupations.

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 12 residential dwelling units per lot;

(b) a maximum of one accessory building per residential dwelling unit.

(3) Lot coverage must not exceed 5% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area 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 m^2.

(6) The floor area of an accessory building must not exceed 100 m^2.

Subdivision Lot Area Requirements

(7) Land in the A2 zone may not be subdivided.

8.7 Agriculture 3 - Agriculture/Residential (A3) Zone *(Syzygy)*

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) agriculture;

(c) silviculture;

(d) secondary suite; and

(e) accessory uses, buildings and structures including but not limited to home occupations.

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 11 residential dwelling units; and

(b) accessory buildings and structures.

(3) Lot coverage must not exceed 10%.

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) 6.0 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 m^2.

(6) The floor area of an accessory building must not exceed 200 m^2.

Subdivision Lot Area Requirements

(7) Land in the A3 zone may not be subdivided.

(8) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Site-Specific Zone	General Location Description	Site Specific Regulations
A3(a)	*THE SOUTH 1/2 OF THE SOUTH EAST 1/4 OF SECTION 15, HORNBY ISLAND, NANAIMO DISTRICT; PID 009-649-417*	Despite Subsection 8.7(2)(a) of this Bylaw, a maximum of three residential dwelling units are permitted in the A3(a) zone.

8.8 Agriculture 4 – Agricultural/Residential (A4) Zone *(Downes Point Land Holdings Ltd.)*

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) secondary suite;

(c) agriculture; and

(d) accessory uses, buildings and structures including but not limited to home occupations.

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 nine residential dwelling units per lot;

(b) a maximum of one accessory building per residential dwelling unit.

(3) Lot coverage must not exceed 5% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area 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 m^2.

(6) The floor area of an accessory building must not exceed 50 m^2.

Subdivision Lot Area Requirements

(7) Land in the A4 zone may not be subdivided.

(8) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Site-Specific Zone	General Location Description	Site Specific Regulations
A4(a)	*THE SOUTH 1/2 OF SECTION 1, HORNBY ISLAND, NANAIMO DISTRICT, EXCEPT PARCEL A (DD 111779I) AND EXCEPT THOSE PARTS IN PLANS 13495 AND 19601; PID 009-655-123*	Despite Subsection 8.8(2)(a) of this Bylaw, a maximum of one residential dwelling unit is permitted in the A4(a) zone.

8.9 Commercial 1 – Retail (C1) Zone (*Co-op and Service Station*)

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) retail;

(b) restaurant;

(c) service station;

(d) personal service; and

(e) office.

Permitted Buildings, Structures and Density

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

(a) accessory buildings and structures; and

(b) a maximum of one service station per lot.

(3) Lot coverage must not exceed 40%.

Siting and Size

(4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:

(a) 6.0 metres from a front lot line;

(b) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 6.0 metres from any exterior side lot line.

Subdivision Lot Area Requirements

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

8.10 Commercial 2 – Limited Commercial (C2) Zone *(Syzygy-Cardboard House Bakery)*

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) restaurant;

(b) bakery; and

(c) sale of crafts accessory to a restaurant or bakery 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) accessory buildings and structures.

Siting and Size

(3) 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) 6.0 metres from any interior side lot line; and

(d) 8.0 metres from any exterior side lot line.

(4) The floor area of a restaurant must not exceed 46 m^2.

(5) The total seating capacity of a restaurant, including both indoor and outdoor seating must not exceed 20 seats.

(6) The total floor area of a bakery must not exceed 46 m^2.

(7) The total floor area for accessory buildings located on a C2 zoned area must not exceed 41 m^2.

(8) Despite Section 3.4 of this Bylaw, accessory buildings or structures located on a C2 zoned area must not exceed a height of 5.0 metres or one storey.

Subdivision Lot Area Requirements

(9) Land in the C2 zone may not be subdivided.

8.11 Commercial 3 – Comprehensive Commercial (C3) Zone *(Hornby Island Resort – Thatch)*

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) retail;

(b) pub;

(c) restaurant;

(d) office;

(e) accessory uses including visitor accommodation units;

(f) residential use of visitor accommodation units, provided the visitor accommodation unit constitutes only one dwelling unit; and

(g) residential 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 15 visitor accommodation units;

(b) a maximum of one accessory residential dwelling unit attached to a building used for a pub or restaurant.

(3) Lot coverage must not exceed 40%.

Siting and Size

(4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:

(a) 6.0 metres from a front lot line;

(b) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 6.0 metres from any exterior side lot line.

(5) Despite Subsection 3.3(2), the setback for a restaurant/pub shall be 0.0 metres from the natural boundary of the sea.

(6) The maximum floor area of each visitor accommodation unit and any accessory dwelling unit shall be 93 m^2.

(7) The minimum seating capacity of a pub shall be fifty (50) indoor seats.

(8) The maximum floor area of all buildings including the area of any accessory dwelling unit and excluding the floor area of visitor accommodation units shall not exceed 465 m^2.

Subdivision Lot Area Requirements

(9) Land in the C3 zone may not be subdivided.

Site–Specific Regulations

(10) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Site-Specific Zone	Location Description	Site Specific Regulations
C3(a)	*Portion of LOT 1, SECTION 4-A, HORNBY ISLAND, NANAIMO DISTRICT, PLAN EPP20609; PID 028-882-075*	1. Despite Subsection 8.11(1), the only permitted use is parking. 2. Despite Subsection 8.11(2), no buildings or structures are permitted.

8.12 Commercial 4 – Resort (C4) Zone *(Sea Breeze)*

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) visitor accommodation;

(b) restaurant;

(c) retail and personal service;

(d) residential use accessory to visitor accommodation; and

(e) campground.

Permitted Buildings, Structures and Density

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

(a) accessory buildings and structures;

(b) a maximum of five visitor accommodation units are permitted for each 1.0 hectare of lot area, to a maximum of twenty visitor accommodation units per lot;

(c) a maximum of ten camp spaces; and

(d) a maximum of one residential dwelling unit is permitted per lot.

(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 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) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 8.0 metres from any exterior side lot line.

(5) The floor area of a visitor accommodation unit must not exceed 80 m^2.

(6) The floor area of a restaurant must not exceed 150 m^2.

(7) The total floor area for accessory buildings must not exceed 100 m^2 per lot.

Conditions of Use

(8) Camping spaces must not be improved with concrete pads or dividers or water, sewage or electricity connections and campgrounds must not be illuminated with electric lights.

(9) Each camping space must accommodate not more than one vehicle.

(10) Camping spaces may not be used by the same occupants for a period of more than four consecutive weeks.

Subdivision Lot Area Requirements

(11) The minimum lot area is 4.0 hectares.

8.13 Commercial 5 – Comprehensive Commercial (C5) Zone *(Ford Cove)*

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) visitor accommodation;

(b) restaurant;

(c) retail;

(d) liquid fuel sales for boats; and

(e) accessory residential.

Permitted Buildings, Structures and Density

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

(a) accessory buildings and structures;

(b) a maximum of one accessory residential dwelling unit is permitted per lot; and

(c) a maximum of six visitor accommodation units are permitted per lot.

(3) Lot coverage must not exceed 40%.

Siting and Size

(4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:

(a) 6.0 metres from a front lot line;

(b) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 6.0 metres from any exterior side lot line.

(5) The floor area of a residential dwelling unit must not exceed 150 m^2.

(6) The floor area of a visitor accommodation unit must not exceed 80 m^2.

(7) The floor area of a restaurant must not exceed 46 m^2 per lot.

(8) The floor area of a retail store must not exceed 46 m^2 per lot.

(9) The total floor area for accessory buildings must not exceed 100 m^2 per lot.

Subdivision Lot Area Requirements

(10) The minimum lot area is 1.0 hectare.

8.14 Commercial 6 – Resort (C6) Zone *(Dive Lodge)*

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) visitor accommodation; and

(b) residential use accessory to visitor accommodation.

Permitted Buildings, Structures and Density

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

(a) accessory buildings and structures;

(b) a maximum of one visitor accommodation lodge per lot not exceeding 12 visitor accommodation units; and

(c) a maximum of one accessory residential dwelling unit per lot.

(3) Lot coverage must not exceed 40%.

Siting and Size

(4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:

(a) 6.0 metres from a front lot line;

(b) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 6.0 metres from any exterior side lot line.

(5) The total floor area of a visitor accommodation lodge must not exceed 325 m^2.

(6) The total floor area for accessory buildings must not exceed 100 m^2 per lot.

(7) The floor area of a residential dwelling unit must not exceed 150 m^2.

Subdivision Lot Area Requirements

(8) The minimum lot area is 1.0 hectare.

8.15 Commercial 7 – Campground (C7) Zone *(Tribune Bay)*

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) campground;

(b) accessory retail sales of camping supplies; and

(c) residential use accessory to campground 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) accessory buildings and structures;

(b) a maximum of 120 camping spaces in the C7 zone; and

(c) a maximum of one accessory residential dwelling unit in the C7 zone.

(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 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) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 8.0 metres from any exterior side lot line.

(5) Camping spaces must be setback 15.0 metres from all lot lines.

(6) The total floor area for accessory buildings must not exceed 100 m^2 per lot.

(7) The total floor area of the accessory residential dwelling unit must not exceed 150 m^2.

Conditions of Use

(8) Camping spaces must not be improved with concrete pads or dividers or water, sewage or electricity connections and campgrounds must not be illuminated with electric lights.

(9) Each camping space must accommodate not more than one vehicle.

(10) Camping spaces may not be used by the same occupants for a period of more than four consecutive weeks.

Subdivision Lot Area Requirements

(11) The minimum lot area is 4.0 hectares.

8.16 Commercial 8 – Campground (C8) Zone *(Ford Cove)*

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) campground.

Permitted Buildings, Structures and Density

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

(a) accessory buildings and structures; and

(b) eight camping spaces per lot.

(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 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) 6.0 metres from a rear lot line;

(c) 3.0 metres from any interior side lot line; and

(d) 8.0 metres from any exterior side lot line.

(5) Camping spaces must be setback a minimum of 15.0 metres from all lot lines.

(6) The total floor area for accessory buildings must not exceed 50 m^2 per lot.

Conditions of Use

(7) Camping spaces must not be improved with concrete pads or dividers or water, sewage or electricity connections and campgrounds must not be illuminated with electric lights.

(8) Each camping space must accommodate not more than one vehicle.

(9) Camping spaces may not be used by the same occupants for a period of more than four consecutive weeks.

Subdivision Lot Area Requirements

(10) Land in the C8 zone may not be subdivided.

8.17 Ecosystem Protection/Groundwater Recharge (EP1) Zone *(Mount Geoffrey)*

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) low impact recreation; and

(b) sustainable ecosystem management.

Permitted Buildings, Structures and Density

(2) No buildings or structures may be constructed or erected.

Subdivision Lot Area Requirements

(3) Land in the EP1 zone may not be subdivided.

8.18 Water Supply Protection Area (WS) Zone

Permitted Uses

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

(a) water collection, storage and distribution.

Permitted Buildings, Structures and Density

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

(a) accessory buildings and structures.

Siting and Size

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

(4) The total floor area of accessory buildings on a lot must not exceed 30 m^2.

Subdivision Lot Area Requirements

(5) The minimum lot area is 1.0 hectares.

Site–Specific Regulations

(6) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Site-Specific Zone	Location Description	Site Specific Regulations
WS(a)	*Portion of LOT 11, SECTION 9, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 25736; PID 002-659-026*	Despite Subsection 8.18(2) above, no buildings or structure are permitted on this portion of the lot.

8.19 Public Park 1 (P1) Zone *(Tribune Bay)*

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) low impact public recreation and education.

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) one public education building; and

(b) other buildings and structures necessary for park and outdoor education use.

Siting and Size

(3) The minimum setback for any building or structure 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.

(4) The floor area for a public education building must not exceed 186 m^2.

Subdivision Lot Area Requirements

(5) Land in the P1 zone may not be subdivided.

8.20 Public Park 2 – Undeveloped (P2) Park Zone (*Mount Geoffrey Regional Nature, Helliwell, Mount Geoffrey Escarpment and Toby, Norris Islets*)

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) low impact public recreation and education; and

(b) accessory uses.

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) pit toilets; and

(b) benches.

Siting and Size

(3) The minimum setback for any building or structure 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.

Subdivision Lot Area Requirements

(4) Land in the P2 zone may not be subdivided.

8.21 Public Use (PU) 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) fire hall;

(b) office of a non-profit society;

(c) community facility;

(d) public use facility;

(e) community trades and services;

(f) art galleries;

(g) theatre;

(h) police station;

(i) health clinic;

(j) museum;

(k) school;

(l) public recreation facility;

(m) library;

(n) farmer's market;

(o) recycling depot;

(p) accessory uses including accessory residential;

(q) radio station;

(r) community housing;

(s) hostel; and

(t) cemetery.

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) buildings and structure for the principal permitted uses;

(b) a maximum of one accessory residential dwelling unit is permitted per lot and a maximum of two accessory residential dwelling units are permitted on a lot on which there is a police station; 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 an accessory residential dwelling unit must not exceed 150 m^2.

(6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m^2.

Conditions of Use

(7) In this zone the sale of alcoholic beverages in a public recreation facility building shall be limited to "Special Occasion" liquor licences only.

Subdivision Lot Area Requirements

(8) The minimum lot area is 1.0 hectare.

Site–Specific Regulations

(9) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the specific regulations that apply:

Site-Specific Zone	Site Specific Regulations
PU(a)	Despite Subsection 8.21(1), the only permitted uses are: (a) Cemetery; (b) Public utility storage yard; (c) Highways maintenance yard; and (d) Recycling depot.

8.22 Marine Conservation (M1) Zone

Permitted Uses

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

(a) private boat anchorage and moorage.

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) mooring buoys, chains and anchors.

8.23 Marine Park (M2) Zone

Permitted Uses

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

(a) boat anchorage and moorage associated with park 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) mooring buoys, chains and anchors.

8.24 Mariculture (M3) Zone

Permitted Uses

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

(a) mariculture; and

(b) private boat anchorage and moorage.

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) mooring buoys, chains and anchors;

(b) markers and signs identifying mariculture lease areas; and

(c) sacks holding molluscs.

Conditions of Use

(3) Except as permitted in Subsection 8.26(2) of this Bylaw no building or structure of any kind, including docks, floats, piers, wharves, breakwaters, fences or any other devices on or embedded into the beach, nor any structure that would impede the free and ready access by pedestrians across the beach are permitted.

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8.25 Marine Access (M4) Zone (*Ferry landing, boat ramp and parking area*)

Permitted Uses

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

(a) marine ferry terminal;

(b) boat launching anchorage and moorage; and

(c) mobile food or take out.

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) mooring buoys, chains and anchors;

(b) buildings and structures necessary for the loading and unloading of motor vehicles and passengers from a marine ferry;

(c) boat ramps; and

(d) accessory buildings and structures.

Siting and Size

(3) The total combined floor area of all accessory buildings on a lot must not exceed 50 m^2.

8.26 Marine Service (M5) Zone (*Ford Cove Dock, Hornby Island Resort and Shingle Spit*)

Permitted Uses

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

(a) marina;

(b) seaplane moorage and anchorage;

(c) government wharves and breakwaters;

(d) boat rentals and sales;

(e) fish buying, packing and sales, excluding Hornby Island Resort;

(f) marine fuel sales, excluding Hornby Island Resort; and

(g) residential use of moored vessels excepting Shingle Spit.

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) floats, docks and wharves;

(b) breakwaters; and

(c) accessory buildings and structures.

8.27 Marine Private Moorage (M6) Zone (*High Salal*)

Permitted Uses

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

(a) marine navigational aids; and

(b) private boat anchorage and moorage.

Permitted Buildings, Structures and Density

(2) A maximum of one float is permitted in the M6 zone and all other buildings and structures are prohibited.

PART 9 DEVELOPMENT PERMIT GUIDELINES

9.1 Commercial Centres (Retail & Visitor Accommodations) Development Permit Area–Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

(1) The character of each development (including campgrounds) should be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.

(2) The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.

(3) Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.

(4) In order to minimize light pollution to neighbouring properties, lighting should be softer and lower than supplied by mercury vapour lighting towers, and alternatives that do not light up adjacent private properties shall be required.

(5) Off-street automobile parking should be provided as required by Bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating places.

(6) Adequate convenient toilet and washroom facilities should be provided for the number of customers anticipated.

(7) Clustering of businesses in order to share in the provision of parking, services, and public facilities and open space should be encouraged.

(8) A landscape plan incorporating natural landscaping should be required.

(9) Neon or internally lit signs should not be permitted.

(10) All buildings should be finished in natural products such as wood or brick.

(11) On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.

(12) Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.

9.2 Development Permit Area No. 1 (DPA 1): Water Supply Protection – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Water Supply Protection Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

(1) Before any residential development is permitted on a new lot created by subdivision there should be a "filing" of an on-site waste disposal plan, in compliance with the Sewerage System Regulation and provisions for water catchment and storage in the development plans.

(2) All development that takes place within this Development Permit Area should be done in a way that minimizes the degradation of water quality in surrounding wells.

(3) If the applicant proposes to or does remove vegetation, then a plan proposed by a professional engineer or biologist with expertise in the area of ground water conservation should be provided setting out any potential impact of the proposed development, together with any protection measures that could be included, including vegetation or trees to be planted, to control storm water drainage, and works should be constructed or natural features should be enhanced or restored to protect stormwater quality.

(4) If a proposed land subdivision is to create additional new lots within this Development Permit Area, then any new lots, roads, building sites, septic fields and driveways should be located and constructed in a way that protects the quality of drinking water supplied from surrounding wells.

(5) If any development or alteration of land is proposed for Lot 11, Plan 25736, protection measures and drainage works should be specified and implemented, to ensure that surface water is directed away from the wells on Lot A, Plan 19879 and Lot 19, Plan 23650. This would require a ditch of sufficient capacity to carry the runoff and that it not pass within 30 metres of the community well seepage trench as defined in the study prepared by Piteau Associates Engineering Ltd. dated October 25, 2002. This system should also ensure that the area around the well on Lot 19, Plan 23650 is not flooded by any such development.

9.3 Development Permit Area No. 2 (DPA 2): Community Service Use - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Community Service Use Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

(1) Before any new development is permitted, there should be approval of a permitted sewage and used water system.

(2) A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.

(3) Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should,

  (a) include a containment system to ensure that no contaminant enters the ground, and

  (b) comply with any applicable Provincial environmental standards and guidelines.

(4) A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.

Exemptions:

(5) A Development Permit will not be required for additions to existing buildings or for accessory buildings or other structures where the addition:

(a) Does not involve alteration of the ground;

(b) Does not involve any removal of vegetation; and

(c) Does not result in any additional activities or uses of the building or structure, or increased levels of water or sewage use in the building or structure.

9.4 Development Permit Area No. 3 (DPA 3): Water Resource Protection – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Water Resource Protection Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

(1) If any vegetation is to be removed then protection measures should be provided including vegetation or trees to be planted, to control storm water drainage and works should be constructed or natural features should be enhanced or restored to protect surface water and groundwater quality.

(2) Any new roads, building sites, driveways and septic fields should be located and constructed in a way that will minimize interference with the hydrological regime (including the natural flow of water on or below the surface of the land) and will not cause the deterioration of surface water or groundwater quality on the subject land or adjacent lands.

Exemptions:

(3) A development permit will not be required for: accessory buildings or subdivisions where all of the lots being created are greater than 4 hectares in area.

9.5 Development Permit Area No. 4 (DPA 4): Mt. Geoffrey Escarpment – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Mt. Geoffrey Escarpment Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in these areas should be in accordance with the following guidelines:

(1) No permanent buildings or structures should be permitted in the area subject to flooding or sloughing.

(2) No septic tank or deposit field should be constructed in the portion of the site that drains into the wetlands.

(3) Alteration of the natural drainage of areas within the permit areas should be minimized and scrutinized for impact and prohibited if such alteration would have a negative impact on the area being protected.

(4) Where the Ministry of Environment & Climate Change Strategy has requested it, vegetation should be retained or planted to control erosion or protect banks.

(5) Areas of 30% slope or greater should remain free of development except in accordance with any conditions contained in the Permit.

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9.6 Development Permit Area No. 6 (DPA 6): Riparian Areas – Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Riparian Areas Development Permit Area shall apply to the Hornby Island Local Trust Committee for a development permit, unless the proposed activity is otherwise exempted by Subsection 9.6.2.

9.6.1 Applicability

The following activities shall require a development permit whenever they occur within the Development Permit Area, unless specifically exempted below:

(a) Subdivision of land;
(b) Construction of, addition to or alteration of a building or other structure;
(c) Alteration of land;
(d) Development as that term is defined in the *Riparian Areas Regulation, BC Fish Protection Act*; and
(e) Installation of any structures within a stream or within the natural boundary of a lake.

INFORMATION NOTE*: The installation of a culvert and construction of a driveway access from a highway is exempt from the requirement to obtain a development permit.*

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another Development Permit Area designated in this plan.

9.6.2 Exemptions

The following activities are exempt from any requirement for a development permit:

(a) works undertaken by a local government or a body established by a local government;
(b) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
(c) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
(d) repair or replacement of a septic field on the same spot;
(e) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
(f) with the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15.0 metres from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
(g) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
(h) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
(i) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less

than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;

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

(k) changes in or about a stream authorized under Section 11 of the *Water Sustainability Act*;

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

(m) emergency procedures to prevent, control or reduce immediate threats to life or property including:

  i. emergency actions for flood-protection and erosion protection,

  ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and

  iii. repairs to bridges and safety fences carried out in accordance with the *Water Sustainability Act;*

(n) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Part 2 of the Agricultural Land Reserve Use Regulation and horticulture as defined in the Hornby Island Land Use Bylaw 150;

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

(p) The construction of a private trail if all of the following apply;

  i. The trail is 1.0 metre wide or less,

  ii. No native trees are removed,

  iii. The surface of the trail is pervious (for example, soil, gravel or wood chips),

  iv. The trail is designed to prevent soil erosion where slopes occur, and

  v. Where the trail parallels the stream, the trail is more than 5.0 metres away from the high water mark of a stream;

(q) Disturbance of soils more than 15.0 metres from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5.0 metres squared;

(r) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15.0 metres from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10.0 metres squared;

(s) Any development more than 8.0 metres from a stream that is a roadside ditch which does not contain instream habitat for fish according to the Stream Identification Reports prepared for Hornby Island by Madrone Environmental Services (January 2014) and Mimulus Biological Consultants (March 2012).

INFORMATION NOTE: *For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.*

INFORMATION NOTE: *Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.*

9.6.3 Guidelines

Prior to undertaking any development activities within the Riparian Areas DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

(a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

(b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.

(c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.

(d) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.

(e) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

PART 10 TEMPORARY USE PERMIT AREAS

10.1 Temporary Use Permits

Section 492 of the *Local Government Act* provides that temporary uses may be permitted in areas designated in a zoning bylaw. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only.

10.2 Objectives

The objectives of this subsection are:

(1) to consider allowing a temporary event as per OCP Policy 6.5.1.10;

(2) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning as per OCP Policy 6.5.1.10;

(3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per OCP Policy 6.5.1.10;

(4) to consider allowing transport of ground water off a lot where the water is extracted as per OCP Policy 5.1.4;

(5) to consider allowing temporary seasonal or emergency accommodations as per OCP policies 6.3.5.18 and 6.3.5.19;

BL153 DEC/2016

(6) to consider allowing detached housing for a relative or caregiver of occupants of the residence as per OCP Policy 6.3.5.14 in association with a housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver;

(7) to consider allowing temporary non-agricultural uses on land within the Agricultural Land Reserve or on land used for agriculture where there is minimal negative impact upon the agricultural land values and where applicable approval has been received from the Agricultural Land Commission as per OCP Policy 6.4.2.5;

(8) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations as per OCP Policy 6.5.5.9; and

(9) to allow vacation home rental use that does not comply with limitations imposed by land use regulation.

10.3 Guidelines

(1) Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions:

  (a) properties less than one quarter of a hectare except when the application is for vacation home rental use;

  (b) land zoned as public park, ecosystem management area or water supply protection, as shown on Schedule B; and

  (c) a parcel identified as an environmentally sensitive area, as shown on Schedule D1 or D2 of the Hornby Island Official Community Plan Bylaw No. 149, unless information is provided to illustrate that the proposed land use does not negatively impact the environmentally sensitive features.

(2) Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

(3) Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.

(4) A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed.

(5) Where approvals are required from other agencies, these should be obtained prior to the issuance of a Temporary Use Permit.

(6) The general conditions for issuing a Temporary Use Permit are as follows:

(a) adequate off-road parking should be provided;

(b) confirmation that site conditions allow for adequate provisions for approved waste disposal;

(c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses;

(d) industrial uses should be screened from adjacent properties and roads;

(e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties;

(f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations;

(g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials;

(h) water supply should be addressed so as to not create negative impacts upon existing common water sources;

(i) other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate;

(j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for such temporary purposes; and

(k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.

(7) Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.

(8) Light industrial activities which require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, may be allowed upon application for a Temporary Use Permit that will contain specific conditions to address these impacts.

(9) The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.

(10) In consideration of applications for vacation home rentals the Local Trust Committee may consider the following:

(a) the cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals;

(b) limitations on any signage that may be placed on the property;

(c) a requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by regional district bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;

(d) the proposed maximum number of occupants;

(e) the proposed time periods that the dwelling will be available for rental or months of the year when the rental will occur; and

(f) other considerations the LTC considers appropriate.

CPAWS
CANADIAN PARKS AND WILDERNESS SOCIETY

WEST COAST
Environmental Law

Blueprint for the Coast

A Coastal Strategy and Law for British Columbia

British Columbia needs a coastal strategy and law to leverage and coordinate the work of provincial ministries, First Nations, local communities, and stakeholder groups.

Why do we need a BC coastal strategy and law?

To assert jurisdiction and leverage engagement from other orders of government

BC exercises considerable jurisdiction in the marine and coastal realm, and works closely with other levels of government who share this jurisdiction. Yet unlike all the Atlantic provinces, BC has no comprehensive coastal and marine strategy. A coastal strategy will clearly articulate provincial jurisdiction and enable the province to better engage with other governments and communities.

To better advance and integrate provincial policy objectives

A coherent BC coastal strategy will enable provincial agencies to find opportunities for greater integration and increase the impact of diverse programs on environmental protection, coastal infrastructure, training and capacity-building, economic development, and technology and innovation.

To advance reconciliation

A coastal strategy will support reconciliation with coastal First Nations by recognizing First Nations' rights and title and upholding the province's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples.

To signal to the world the importance of B.C.'s ocean and coastlines

A coastal strategy will provide a vision and objectives to guide actions in the increasingly crowded coastal zone and highlight the importance the government places on these vital areas. In addition to protecting BC's coast, sensitive marine ecosystems, and vulnerable species, a strategy will also protect our coastal communities and economies.

To establish a home for coastal issues within the government

The province of BC used to have a provincial Ministry of Fisheries, which became a division, then a branch. Now coastal and marine responsibilities are scattered throughout various Ministries. A law could establish a new governance body such as a B.C. Coastal Management Council or Authority.

[1] G.S. Gislason and Associates. 2007. Economic Contribution of the Oceans Sector in British Columbia. (numbers updated to 2018 dollars)

To keep wild places wild

A new law will preserve coastal and ocean health, and halt coastal habitat loss. It will accelerate the completion of a network of marine protected areas to benefit fisheries, biodiversity and the economy. A law can better regulate clean water: it can set marine environmental quality objectives from upland activities. It will help communities adopt ecosystem-based approaches to manage risks from flooding due to extreme weather events, sea level rise, climate change, and ocean acidification.

To implement enforceable coastal and marine zone plans, similar to land use plans

The notable plans from the Marine Planning Partnership for the North Pacific Coast (MaPP) developed collaboratively with First Nations contain zoning and management directions for a wide range of marine uses and activities under provincial jurisdiction like monitoring and enforcement, pollution, and tenured activities. A new law can provide a clear pathway for legislative implementation of these plans and facilitate further marine planning along the southern coast.

To enhance food security by ensuring local access to marine food resources.

A new law will support the implementation of the Wild Salmon Strategy as well as a comprehensive approach to sustainable aquaculture.

A Coastal Strategy and Law will ensure that the government of BC has the right tools in place to protect the coast and keep our ocean healthy for the future.



For more information contact:

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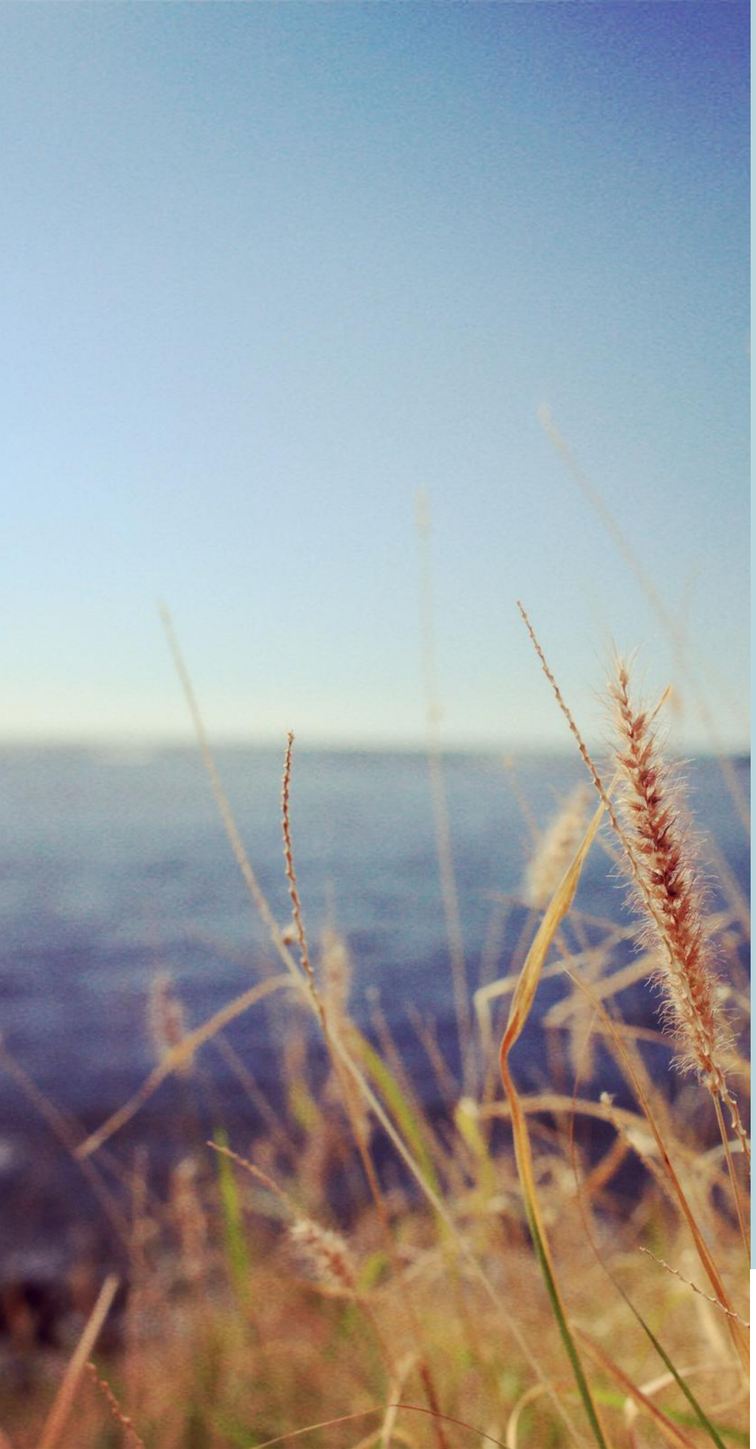
Union of B.C. Municipalities 2020 Conference Resolution

WHEREAS, unlike all the Atlantic provinces, BC has no comprehensive coastal and marine strategy, a BC Coastal Strategy will clearly articulate provincial jurisdiction and enable the province to better engage with other governments and communities; no marine counterpart to the BC Land Act exists, and piecemeal legislation and policy govern numerous coastal marine activities;

AND WHEREAS a BC Coastal Strategy will provide a vision and objectives to guide actions in the increasingly crowded coastal zone and highlight the importance the government places on these vital areas such as sensitive marine ecosystems, and vulnerable species, as well as their importance to protecting our coastal communities and economies;

THEREFORE BE IT RESOLVED THAT UBCM request the BC government to develop and enact a Coastal Strategy and law to leverage and coordinate the work of provincial ministries, First Nations, local communities, and stakeholder groups to preserve coastal and ocean health, halt coastal habitat loss, accelerate the completion of a network of marine protected areas to benefit fisheries, biodiversity and the economy, set marine environmental quality objectives from upland activities, and help communities adopt ecosystem-based approaches to manage risks from flooding due to extreme weather events, sea level rise, climate change, and ocean acidification;

Reference:
City of Port Moody Virtual Council Meeting– April 28th 7:00 pm
https://calendar.portmoody.ca/meetings/Detail/2020-04-28-1900-Special-Council-Meeting/089d195d-32dd-4dbf-9c4d-aba6011a8310



BLUEPRINT FOR THE COAST

THE NEED FOR A COASTAL STRATEGY AND LAW FOR BRITISH COLUMBIA

August 5th 2020

CPAWS
CANADIAN PARKS AND WILDERNESS SOCIETY

WEST COAST
Environmental Law

PRESENTATION OUTLINE

Coastal Strategy and Law

- Introduction
- Background
- Examples From Other Jurisdictions
- Outcomes
- UBCM Resolution

BC needs a coastal strategy and law to leverage and coordinate the work of provincial ministries, local communities, First Nations, and stakeholder groups to better manage and protect our coast.

- To signal to the world the importance of BC's ocean and coastlines
- To establish a home for coastal issues within the provincial government
- Coordinate engagement from other orders of government
- To advance reconciliation in BC
- To implement enforceable coastal and marine zone plans

A BC Coastal Strategy and Law will ensure that the government of BC has the right tools in place to protect the coast and keep our ocean healthy and secure for the future.





PROVINCIAL JURISDICTION

Established Jurisdiction:

- Juan de Fuca Strait, Strait of Georgia, Johnstone Strait, Queen Charlotte Strait
- Areas between the low and high tide marks (the "foreshore") of BC
- Areas between headlands in BC

Assumed Jurisdiction:

- Dixon Entrance, Hecate Strait, Queen Charlotte Sound

ACTIVITIES REQUIRING PROVINCIAL AUTHORITIZATIONS

- Tourism,Recreation
- Log sorts, booms, drops
- Renewable energy
- Docks and wharves
- Float homes
- Finfish and shellfish aquaculture siting
- Marine plant harvest
- Conservation
- Marine research



EXAMPLES OF COASTAL MANAGEMENT

British Columbia

Marine Planning Partnership (MaPP)

NEWFOUNDLAND & LABRADOR

Coastal and Ocean Management Strategy and Policy Framework (2011)

New Brunswick

Coastal Areas Protection Policy (2002)

Nova Scotia

Coastal Protection Act (2019)

Washington

Shoreline Management Act (1971)

Ocean Resources Management Act (1989)

Marine Waters Planning and Management Act (2010)

California

Coastal Act (1976)

Includes Coastal Commission



OUTCOMES OF A BC COASTAL STRATEGY AND LAW:

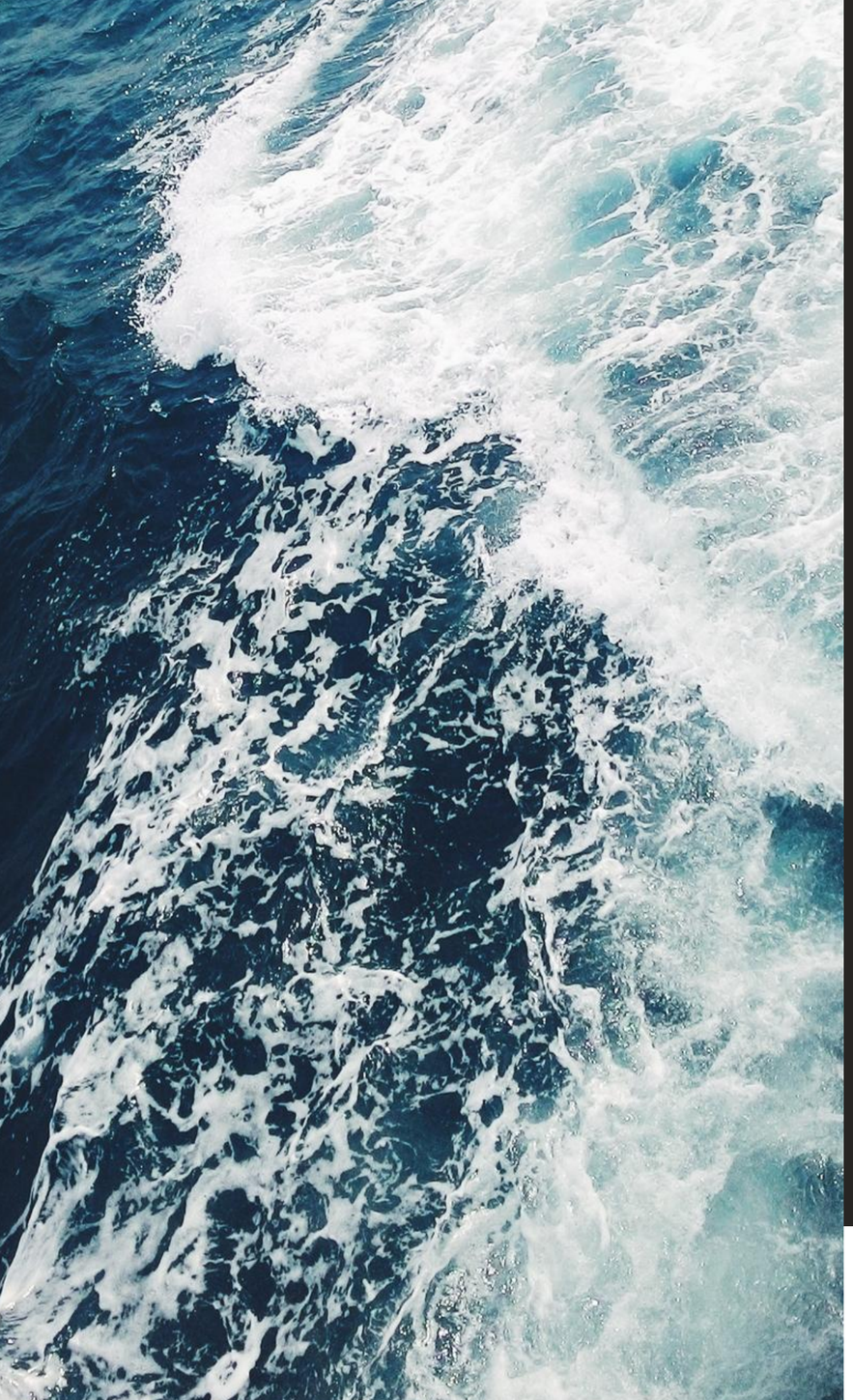
- Support coastal communities to prepare and mitigate climate change impacts.
- Consolidate and coordinate decision-making on the coast.
- Support ocean-dependent economic activities and jobs, including economic recovery for coastal communities.
- To implement enforceable coastal and marine zone plans and facilitate further marine planning along the southern coast.

UBCM VIRTUAL CONFERENCE 2020

We are asking the Islands Trust to consider supporting the resolution being presented at the upcoming UBCM conference.

A copy of this resolution has been provided for your consideration.





For further information please contact:



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CPAWS
CANADIAN PARKS AND WILDERNESS SOCIETY

WEST COAST
Environmental Law

From: Kate MacMillan <kate@cpawsbc.org>
Sent: Monday, July 27, 2020 2:55 PM
To: EC <ec@islandstrust.bc.ca>
Cc: Michael Bissonnette <mbissonnette@wcel.org>
Subject: CPAWS-WCEL | B.C. Coastal Strategy and Law

Dear Islands Trust Executive Committee,

Today I am writing on behalf of West Coast Environmental Law (WCEL) and the Canadian Parks and Wilderness Society (CPAWS-BC). My name is Kate MacMillan and I work with CPAWS-BC and I have cc'd my colleague Michael Bissonnette, who is a staff lawyer with WCEL. We are emailing you to ask if the Islands Trust Executive Committee would be interested in a brief presentation on our joint initiative advocating for a B.C. Coastal Strategy and Law.

The Islands Trust has a key role in coastal planning and protection. For this reason, we are reaching out to you to share our initiative and to better understand the unique needs of your coastal communities, and whether a coast-wide strategy and law would support the work that Islands Trust leads in your coastal waters.

I have attached two resources that review coastal strategies and laws from other jurisdictions, that BC can look to when developing its own. If there is interest in learning more please do not hesitate to contact me at the email or phone number below.

Thank you for your consideration.

Sincerely,

Kate MacMillan, MSc
(she, her)
Coastal Campaign Manager
Canadian Parks and Wilderness Society - BC
*** New email: kate@cpawsbc.org ***
P: 1.604.685.7445 x 26
xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish)
& səlilw̓ətaʔɬ (Tsleil-Waututh) | Vancouver, BC

Caring for our Coast:
Lessons for BC from Coastal Management Laws around the World

January 2020

British Columbia's iconic coast extends for tens of thousands of kilometers and is relied upon by millions of people. It is one of the largest coastal jurisdictions in the world. And the future of the coast is in peril - declining biodiversity, intensifying climate change impacts, and increasing conflicts over resources are a few challenges BC is currently facing. Yet, despite the importance of the coast to BC's culture and economy, many are surprised to learn that we don't have a comprehensive provincial coastal strategy or law to care for the coast.

By contrast, most other coastal provinces[1], states[2], and many other countries have coastal management strategies and laws. In the US, 34 of 35 coastal states have Coastal Zone Management programs. If they can do it, why can't we?

BC can benefit from the experience of other jurisdictions as it develops a coastal strategy and law. What follows below is a short, selective look at coastal strategies and laws developed by other jurisdictions to address challenges similar to those currently facing BC. We have focused on six issues in particular that a coastal strategy and law could address in BC: 1) implementing coastal and marine plans, 2) rules to direct climate adaptation, 3) reducing shoreline hardening, 4) prevention of coastal habitat loss, 5) intergovernmental coordination, and 6) maintaining public access. However, this list is in no way exhaustive; there are many other coastal issues that could benefit from a coastal strategy and law.

1. Implementing Coastal and Marine Plans

In BC, no provincial law requires collaborative planning along the coast. As a result, some of the province's busiest coastal and ocean areas have no guiding plan whatsoever. Nonetheless, BC has made considerable progress in developing coastal and marine plans. For example, the provincial government co-led the Marine Plan Partnership (MaPP) with 17 First Nations along the coast and produced Canada's first marine spatial plans with ocean zoning, involving stakeholders in a collaborative process. The MaPP marine plans provide spatial solutions to prevent user conflict, implement ecosystem-based management, and clarify complex jurisdictions. However, in the absence of legislation to ensure these plans are followed, the plans do not have any teeth, and risk being ignored, both by third parties and government decision-makers. Other jurisdictions require legally binding coastal and marine plans.

[1] East Coast Environmental Law Association, "Protecting the Coast: A Multi-Jurisdictional Legislative Review" (August 2018) at 11, online (pdf)*: East Coast Environmental Law* <https://www.ecelaw.ca/media/k2/attachments/ECELAW_Protecting_the_Coast_Report.pdf>.
[2] 34 of the 35 coastal states and territories in the US have coastal zone management laws. For a recent review of the US *Coastal Zone Management Act*, how it works, and how it has been implemented, see: Congressional Research Service, "Coastal Zone Management Act (CZMA): Overview and Issues for Congress" (15 January 2019), online (pdf): *Federation of American Scientists* <https://fas.org/sgp/crs/misc/R45460.pdf>.

Examples:

Washington State – *Washington Marine Waters Planning and Management Act*

Washington State has completed an impressive marine spatial plan for its entire coast line.[3] The *Washington Marine Waters Planning and Management Act*[4] requires all state decisions to be consistent with the final marine spatial plan.

California – *Coastal Act*

This Act is widely considered to be a model for the US. The Act requires local governments to develop local coastal programs (LCPs) that are approved by the California Coastal Commission.[5] All public agencies, including most federal agencies, must comply with the Act.

Scotland – *Marine (Scotland) Act 2010*

In Scotland, the *Marine (Scotland) Act 2010* requires the development of a national marine plan, as well as supplementary marine plans at the regional level. Decision-makers are required to "take any authorisation or enforcement decision in accordance with the appropriate marine plans, unless relevant considerations indicate otherwise" and "have regard to" the plan in making any other decisions.[6]

2. Rules to Direct Climate Change Adaptation

When it comes to sea level rise, BC's own assessments have identified many stretches of coastline[7] that are particularly vulnerable to climate impacts.[8] Scientists are now projecting an acceleration of the rate of sea level rise, with unknown consequences for marine and coastal life.[9] Some potential impacts include loss of property due to erosion and permanent inundation, saltwater intrusion into coastal aquifers, and loss of cultural and historical sites. In addition to this, rising temperatures, changes in the geographic range of key species, increased frequency and severity of coastal storms and acidification will all have significant impacts on coastal communities and ecosystems. Strategies are needed to support adaptation to a climate change future.

BC has developed sea level rise guidance to assist local planning, but more needs to be done to ensure that all communities are safe, to guard against property damage, and to protect and manage coastal ecosystems. Other jurisdictions have enacted coastal management laws that set clear rules for coastal development, ensure new developments are safe in a changing climate, and protect sensitive coastal ecosystems.

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[3] Washington State Department of Ecology, "Marine Spatial Plan for Washington's Pacific Coast" (October 2017), online (pdf): *Washington Marine Spatial Planning* <https://msp.wa.gov/wp-content/uploads/2018/06/WA_final_MSP.pdf>

[4] *Marine Waters Planning and Management*, 43 Wash Rev Code § 372 (Statute Law Committee 2019).

[5] California Coastal Comission, "Description of California's Coastal Management Program (CCMP)" (last visited 14 January 2020), online (pdf): *State of California – Natural Resource Agency* <https://www.coastal.ca.gov/fedcd/ccmp_description.pdf>.

[6] *Marine (Scotland) Act 2010* (Scot), ASP 5, s 15(1) and 15(3).

[7] Doug Biffard et al , "Report: BC Parks Shoreline Sensitivity Model" (June 2014) , online (pdf): *Ministry of Environment* <http://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=42825>.

[8] West Coast Environmental Law, "Protecting the Coast in the Face of Climate Change" (25 September 2019), online (pdf): *WCEL* <https://www.wcel.org/blog/protecting-coast-in-face-climate-change>.

[9] Scott A Kulp & Benjamin H Strauss, "New elevation data triple estimates of global vulnerability to sea-level rise and coastal flooding." (2003) 10:4844 Nature communications 1–12.

Examples:

Nova Scotia – *Coastal Protection Act*

The Act recognizes that the coastline provides valuable services to the health and well-being of Nova Scotians, and that, in a changing climate, long-term economic prosperity depends upon sound environmental management.[10] The Act also recognizes that sea level rise, coastal flooding, storm surges and coastal erosion pose significant threats to coastal areas. The Act sets clear rules to ensure new developments are located in places safe from sea level rise and coastal flooding. Regulations to implement the legislation are currently being developed.

New South Wales – State Environmental Planning Policy (Coastal Management) 2018

This policy, established under the *Coastal Management Act*, defines different types of coastal areas and supports coordinated and integrated management by state and local authorities, taking into account "environments, hazards, pressures and interests."[11] It provides guidance to local governments on controlling development and establishes approval pathways for coastal protection works to support adaptation to climate change impacts.

3. Reducing Shoreline Hardening

The negative effects of hardened shorelines on ecosystems and coastal communities has been extensively documented around the world.[12] On the south coast of BC in particular, shoreline hardening with sea walls, dikes and other structures has had negative impacts on coastal ecosystems and has exacerbated storm damage and flooding. Beaches have disappeared, as well as wildlife, plants and fish. A recent local study explains the links between shoreline hardening and negative impacts on southern resident killer whales. The destruction of coastal habitat for forage fish reduces their availability as a food source for Chinook salmon, which in turn reduces the availability of the salmon as a food source for orcas.[13] Hard shorelines also place coastal infrastructure at risk of damage by amplifying wave energy and the consequences of flooding. Rising sea levels will exacerbate these impacts. Some municipalities, like West Vancouver have taken great steps, at considerable expense, to address these risks.[14]

Other jurisdictions have recognized the costly threats of shoreline hardening and have implemented policies and legislation that encourage soft shore approaches to protect both coastal habitat and development. But in BC, there are significant gaps in existing provincial legislation that make it difficult to implement these approaches, even where coastal property owners and local governments are supportive.

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[10] Bill 106, *An Act Respecting Coastal Protection in Nova Scotia*, 2nd Sess, 63rd GA, NS, (assented to 12 April 2019).
[11] *State Environmental Planning Policy (Coastal Wetlands)* (NSW), 2018/106
[12] See, for example, Gittman, R., Fodrie, F., Popowich, A., Keller, D., Bruno, J., Currin, C. A., et al. (2015). Engineering away our natural defenses: an analysis of shoreline hardening in the US. Front. Ecol. Environ. 13:301–307. doi: 10.1890/150065 and Rangel-Buitrago, N., Williams, A., and Anfuso, G. (2017). Hard protection structures as a principal coastal erosion management strategy along the Caribbean coast of Colombia. A chronicle of pitfalls. Ocean Coast. Manag. 156, 58–75. doi: 10.1016/j.ocecoaman.2017.04.006
[13] Environmental Law Centre, University of Victoria, "Saving Orcas by Protecting Fish Spawning Beaches" (October 2019) online (pdf)*: Environmental Law Centre* <http://www.elc.uvic.ca/wordpress/wp-content/uploads/2019/11/2019-01-11-Saving-Orcas-by-Protecting-Fish-Spawning-Beaches.pdf>.
[14] District of West Vancouver, "Shoreline Protection Plan 2012-2015" (last visited 14 January 2020), online (pdf): *West Vancouver* <https://westvancouver.ca/sites/default/files/shoreline-protection-plan.2012-2015.pdf>.

Examples:

Washington State – *Shoreline Management Act*

This Act delegates responsibility to local governments to develop Shoreline Master Programs (SMPs), while retaining an oversight role for the State through SMP guidelines.[15] The Act recognizes that shoreline armoring (i.e. building physical structures to prevent coastal erosion) can adversely impact shoreline ecology. New developments must be designed to avoid future shoreline armoring and property owners are required to consider soft alternatives to protect their properties.[16]

Oregon – *Oregon Beach Bill*

This legislation gives Oregon a consistent, statutory basis to regulate structures along the shoreline to meet a state land-use planning goal that limits shoreline hardening and protects coastal habitat.[17]

Nova Scotia – *Coastal Protection Act*

The Act was created to protect the coast for future generations by preventing development that: 1) may damage the coastal environment; and 2) may be at risk from sea level rise, coastal flooding, storm surges and coastal erosion.[18] It prohibits any activity that "interferes with the natural dynamic and shifting nature of the coast" unless it complies with the Act.[19] Specific regulations on "shore-stabilizing structures" will be developed in the future.[20]

4. Prevention of Coastal Habitat Loss

In the absence of legislation that prioritizes ecological protection, coastal habitat along BC coasts is being lost at ever increasing rates. For example, by 1978, diking, drainage and development in the Lower Mainland had destroyed more than 80% of salt marshes in the area.[21] Estuaries, eelgrass beds, and marshes are highly productive areas that provide habitats for a host of ecologically and economically important species including herring and salmon. They are also important sites of carbon sequestration and potential climate change adaptation. Unfortunately, these ecosystems are particularly vulnerable to coastal development pressure.[22]

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[15] *Shoreline Management Act*, 90 Wash Rev Code § 58 (Statute Law Committee 1971); Department of Ecology, "Shoreline Master Programs" (last visited 14 January 2020), online: *Department of Ecology – State of Washington* <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-Master-Programs>; Department of Ecology, "Shoreline Master Programs Handbook" (revised December 2017), online: *Department of Ecology – State of Washington* <https://fortress.wa.gov/ecy/publications/SummaryPages/1106010.html>*; State Master Program Approval/Amendment Procedures and Master Program Guidelines*, 173 WAC § 26 (2017).

[16] Washington Department of Fish and Wildlife, "Your Marine Waterfront: A Guide to Protecting your Property While Promoting Healthy Shorelines" (2016) online (pdf): *Washington Department of Fish and Wildlife* <https://wdfw.wa.gov/sites/default/files/publications/01791/wdfw01791.pdf>.

[17] Oregon Beach Bill, HR Res 1601, OR Leg (1967).

[18] Bill 106, *An Act Respecting Coastal Protection in Nova Scotia*, 2nd Sess, 63rd GA, NS, (assented to 12 April 2019) s 2.

[19] Bill 106, *An Act Respecting Coastal Protection in Nova Scotia*, 2nd Sess, 63rd GA, NS, (assented to 12 April 2019) s 10.

[20] Bill 106, *An Act Respecting Coastal Protection in Nova Scotia*, 2nd Sess, 63rd GA, NS, (assented to 12 April 2019) s 28(1).

[21] Province of British Columbia, "Fraser River Estuary Study– Summary" (1978) online (pdf): *Government of Canada – Province of British Columbia* <https://www.for.gov.bc.ca/hfd/library/documents/Bib68894.pdf>.

[22] "Seventy percent of the Fraser River estuary wetlands have been diked, drained, and filled to reclaim land for development (the greatest cause of estuary loss in the past), and this has likely had an impact on the size of the Fraser River fisheries. Similarly, on Vancouver Island, about half of both the Nanaimo and Cowichan estuary wetlands have been lost." – Samantha Flynn, Carmen Cadrin

Intense and inappropriate coastal development at the ocean's edge carries urban sprawl into the marine environment as well as other issues including pollution and erosion.

Many jurisdictions have enacted coastal laws that set clear priorities for ecological protection and protect key sensitive coastal and shoreline areas. In BC, it is the province's responsibility to protect these vulnerable areas where land and sea interact. BC has adopted legislation that protects freshwater shorelines,[23] but does not have similar protection for marine shorelines, despite the fact that much of the foreshore along BC's coast is legally under provincial control.

Examples:

Nova Scotia – *Beaches Act*

The Atlantic provinces have legislated provisions to protect sensitive coastal areas. For example, the Nova Scotia *Beaches Act* prohibits development on listed beaches unless provincial approval is obtained.

Washington – *Shoreline Management Act*

The Act requires any use of the shoreline to be "consistent with the control of pollution and prevention of damage to the natural environment"[24] and prioritizes environmental protection when determining how the coast can be used.[25] The Department of Ecology reviews and approves shoreline development permits to ensure compliance with the Act.[26] The Act also requires local governments to put in place policies to achieve "no net loss of ecological function."[27]

California – *Coastal Act*

In the face of significant population growth, California's iconic *Coastal Act* has successfully protected its coast from overdevelopment.[28] A main goal of the Act is to "protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources."[29] The Act requires "any person," including a state or local agency, to obtain a permit before undertaking development, defined broadly, in the coastal zone.

& Deepa Filatow, "Estuaries in British Columbia" (March 2006) online (pdf): *British Columbia – Ministry of Environment* <http://www.env.gov.bc.ca/wld/documents/Estuaries06_20.pdf>

[23] *Riparian Areas Protection Act* [SBC 1997] c. 21

[24] *State Master Program Approval/Amendment Procedures and Master Program Guidelines*, 173 WAC § 26-176 (2017).

[25] Department of Ecology, "Shoreline Master Programs Handbook" (revised December 2017) at 22 (supra note xxiii), online: *Department of Ecology – State of Washington* <https://fortress.wa.gov/ecy/publications/SummaryPages/1106010.html>.

[26] Washington Department of Ecology reviews the locally approved variance permit and either approves, approves with conditions, or denies it within 30 days of receiving the permit package. Department of Ecology, "Shoreline Permitting Manual- Guidance for local governments" (revised November 2019), online (pdf): *Department of Ecology – State of Washington* <https://fortress.wa.gov/ecy/publications/documents/1706029.pdf>

[27] *State Master Program Approval/Amendment Procedures and Master Program Guidelines*, 173 WAC § 26-186(8)(b) (2017); See also: Department of Ecology, "Shoreline Master Programs Handbook" (revised December 2017), online: *Department of Ecology – State of Washington* <https://fortress.wa.gov/ecy/publications/SummaryPages/1106010.html>.

[28] "Although California's population has doubled again since 1970, the urban footprint along the coast is largely the same today as it was in 1972."- Gary Griggs & Charles Lester, "Coastal protection on the edge: The challenge of preserving California's legacy", *The Conversation* (10 October 2017), online: <https://theconversation.com/coastal-protection-on-the-edge-the-challenge-of-preserving-californias-legacy-76927>

[29] *California Coastal Act,* 20 CA PRC § 30230–30240 (1976).

5. Intergovernmental Coordination

Effective coastal management requires coordination among several provincial ministries, as well as Indigenous, federal and municipal governments. A coastal management law can clarify the responsibilities of the provincial and local governments and ensure improved cooperation and coordination among all orders of government. Without coordinated governance, gaps and overlaps in jurisdiction arise resulting in piecemeal and patchwork management of the coast and inefficient decision-making. The lack of clarity also creates confusion and conflict between users and governing bodies, and results in cumulative impacts that are not adequately measured or addressed.

The new BC *Declaration on the Rights of Indigenous Peoples Act* requires that all provincial laws be in harmony with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This requires the Province to effectively engage with Indigenous governments in a coordinated manner. A coastal management strategy and law can proactively ensure provincial decision-making along the coast complies with UNDRIP.

Other jurisdictions have established through law a specialized agency as a 'one-stop shop' for coastal management. Internally, this ensures government resources and capacity are allocated efficiently, and that policy and decision-making are coordinated instead of being spread across different ministries and working groups. Externally, this supports communication, cooperation and action with other orders of government and ensures the public knows where to go with coastal issues.

Examples:

Washington – Department of Ecology under the *Shoreline Management Act*

The *Shoreline Management Act* was created to prevent the "inherent harm in an uncoordinated and piecemeal development of the state's shorelines"[30] and to meet federally mandated state obligations to implement coastal management laws. Under the Act, the Department of Ecology (DOE) is the lead coastal management agency which provides a "single point of contact for Federal agencies"[31] and users. The DOE has the authority to cooperate with the federal government, receive any benefits available through federal statutes, and represent Washington's interests. The DOE also coordinates coastal policy at the state level by setting requirements for local governments in regards to planning and regulation.

California – Coastal Commission under the *Coastal Act*

In California, coastal management is overseen by the Coastal Commission, which has rule making authority over land and water use within the coastal zone. The Coastal Commission was set up in 1972 to help control development and maintain the character of the coast. It provides an integrated, 'one-stop shop', approach to coastal management.[32]

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[30] *Shoreline Management Act*, 90 Wash Rev Code § 58.020 (Statute Law Committee 1971).
[31] *Federal Consistency with Approved Coastal Management Programs,* 15 CFR § 930.6 (2019)
[32] "The Coastal Commission approves local coastal plans, hears appeals of certain local decisions, regulates development from the high tide line out to the three-nautical mile boundary of state waters, and reviews federal actions to ensure they are consistent with the Act's policies." – Jordan Diamond et al, "The Past, Present, and Future of California's Coastal Act – Overcoming Division to Comprehensively Manage the Coast" (August 2017), online (pdf): *Berkeley Law* <https://www.law.berkeley.edu/wp-content/uploads/2017/08/Coastal-Act-Issue-Brief.pdf>.

Louisiana – Coastal Protection and Restoration Authority

The Louisiana Coastal Protection and Restoration Authority[33] was created after Hurricanes Katrina and Rita devastated the coast in 2005 and painfully demonstrated the need to coordinate state-level policy. The Authority carries out strategic planning for the coast, bringing together resources from across different government departments, and develops a master plan of projects for protection and restoration.

6. Maintaining Public Access

Public access to the coast is a contentious issue in BC.[34] Public shoreline access is not only important for local residents but is critical for a growing tourism sector. As the population grows, concern over coastal access will only increase. In BC, while there are common law rights to land boats on and embark from the foreshore in cases of emergency, riparian rights for coastal property owners, and rights of navigation, anchoring, mooring, and fishing over lands covered by water, there are no general public rights of access to the coastline or provincial standards. In contrast, in the US, coastal access is a highly protected and valued legal right.

Example:

California – *Coastal Act*

The Act guarantees public access to the coast and prohibits development from interfering with that access. It also requires "conspicuously posted" signage to encourage access.[35] The Act requires appropriate and feasible public facilities (including parking) to be distributed throughout an area to mitigate against impacts of overcrowding or overuse, and provides safeguards to prevent visitor and recreational facilities from becoming unaffordable.[36]



California coast (Photo: Alejandro De La Cruz).

[33] Coastal Protection and Restoration Authority, https://coastal.la.gov
[34] See for example: S Gorkoff and W Kelowna, "Common law protects public and private rights on foreshore", *The Daily Courier* (27 April 2017), online: <http://www.kelownadailycourier.ca/opinion/letters_to_editor/article_26896c14-2ada-11e7-87e3-4321fdef42b5.html>.
[35] Jordan Diamond et al, "The Past, Present, and Future of California's Coastal Act – Overcoming Division to Comprehensively Manage the Coast" (August 2017), online (pdf): *Berkeley Law* <https://www.law.berkeley.edu/wp-content/uploads/2017/08/Coastal-Act-Issue-Brief.pdf>.
[36] *California Coastal Act,* 20 CA PRC § 30210, 30211, 30212, 30212.5, 30213, 30214 (1976).

Conclusion

A brief look around the world shows that BC is an outlier in not having a coastal management strategy and law and that there is much more the BC government can do to address the challenges faced along the coast.

As West Coast Environmental Law has detailed elsewhere, the BC government has considerable jurisdiction to regulate the coast.[37] A provincial coastal management strategy and law could address many other coastal issues not mentioned in this brief including: oil spill response, marine debris, land-based marine pollution, moorage, blue carbon, coastal habitat restoration, ocean renewable energy, community-based fisheries, aquatic plant harvest and protection, provincial contributions to orca recovery, and aquaculture. Without such a strategy and law, BC puts the ecological integrity of the coast as well as the economic and cultural future of coastal communities in jeopardy.

We encourage you to contact WCEL with any questions about coastal management and law.

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[37] West Coast Environmental Law, "Frequently Asked Questions: Provincial Jurisdiction of British Columbia over Coastal and Ocean Matters" (Accessed 14 January 2020), online (pdf): <https://www.wcel.org/sites/default/files/publications/2019-10-08-faq-provincialjurisdiction-coastal-final.pdf>

B.C. Coastal Strategy and Law:
A Review of Washington State and Nova Scotia's Coastal Management

July 2020

British Columbia is one of the few coastal jurisdictions in North America that does not have a coastal law or strategy. With escalating issues threatening its coastal areas such as rising sea levels, declines in wild salmon, and increased marine debris and plastics, the Government of BC has the opportunity to address this long-standing gap in its legal framework and show national leadership in coastal marine management.

In January 2020, we produced a brief titled Caring for our Coast: Lessons for BC from Coastal Management Laws around the World[1] which provided examples of coastal strategies and laws throughout the world that BC could emulate. This report will answer the following questions by focusing on Washington State and Nova Scotia. Both jurisdictions have implemented coastal laws that address the most significant threats to their coastal environments and facilitate cooperation with other levels of government.

1. How did other governments develop and implement coastal strategies and laws?

2. How have other governments reorganized their bureaucracy to do so?

3. What were the outcomes of developing and implementing a coastal strategy and law?

Key Findings

Washington State

- First coastal law enacted in 1971.
- Periodic review of coastal strategy that includes updating and developing new policies when recommended.
- Creation of new governing bodies to coordinate coastal management with local and Federal governments.
- Local governments develop marine spatial plans for their coastal waters to specifically address the unique needs of their communities and marine environments.

Nova Scotia

- In 2007, created an interdepartmental group to conduct province-wide studies and public consultation to understand current and future coastal issues.
- Enacted its *Coastal Protection Act* in 2019.
- Rather than creating a new governing body, coastal development decisions are the responsibility of local governments and must be consistent with the Act.

[1] Georgia Lloyd-Smith, Deborah Carlson and Michael Bissonnette, "Caring for our Coast: Lessons for BC from Coastal Management Laws around the World", West Coast Environmental Law, January 17, 2020, accessed online on June 8, 2020 at: https://www.wcel.org/sites/default/files/publications/2020-01-caringforourcoast-brief-lessonsfromotherjurisdictions.pdf

1. How did other governments develop and implement coastal strategies and laws?

As Washington and Nova Scotia demonstrate, different approaches can be taken to develop coastal policies. Each of these jurisdictions has a unique history of how they developed their coastal laws and strategies and each can provide lessons for BC.

Washington

Washington was one of the first states in the U.S. to develop a coastal strategy and law and has some of the most comprehensive coastal management on the continent.

In the late 1960s, development of Washington State's first coastal law began. The environmental organization, Washington Environmental Council (WEC), drafted shoreline legislation and obtained enough signatures to submit the bill to the legislature.[2] The bill would apply to areas 500 feet landward from ocean and freshwater shorelines and out to three nautical miles offshore and grant the Department of Ecology the primary responsibilities for managing these areas.[2] Instead of adopting the WEC's bill, the Washington State Legislature enacted its own bill, the *Shoreline Management Act of 1971*, which limited the application of the legislation to 200 feet landward and granted greater responsibilities under the Act to local governments (rather than the Department of Ecology).[2] In the 1972 state election, voters were given the choice to accept either of the two bills (or reject them both). Ultimately, voters favoured the *Shoreline Management Act of 1971* and it has remained in force ever since.[2]

The *Washington Shoreline Management Act* forms the foundation of Washington's coastal strategy (or "coastal program" as it is referred to in Washington).[3] Washington has since progressively expanded the scope of its coastal laws and strategy. Most prominently, Washington enacted the *Ocean Resources Management Act* in 1989 to provide guidance to and influence federal government decisions in offshore areas where the Shoreline Management Act did not apply.[4] And in 2010, Washington enacted the *Marine Waters Planning and Management Act* to facilitate marine spatial planning in cooperation with the federal government.[5] This series of laws shows Washington State's increasing interest and involvement in coastal and ocean management.



Long Beach, Washington State (Photo: Udo S)

[2] Geoffrey Crooks, The Washington Shoreline Management Act of 1971, 49 Wash. L. Rev. 423 (1974), at pp. 423-425.

[3] Washington Department of Ecology. Managing Washington's Coast: Washington State's Coastal Zone Management Program, p. 96, accessed online on May 20, 2020 at: https://fortress.wa.gov/ecy/publications/documents/0006029.pdf

[4] *Ocean Resources Management Act*, RCW 43.143.

[5] Bridget Trosin, Tiffany Smythe, Jennifer McCann, Christian Fox and Nicole Andrescavage. "A Case Study of the Washington Coast", Marine Spatial Planning Process, 2010-2015", Coastal Resources Center and Rhode Island Sea Grant College Program, University of Rhode Island Graduate School of Oceanography, January 2016, p. 12, accessed online on May 20, 2020 at: https://www.crc.uri.edu/download/WashingtonCoastMSP_FIN.pdf; *Marine Waters Planning and Management Act*, RCW 43.372.

Nova Scotia

A different approach was taken in Nova Scotia, where a coastal strategy was developed prior to a law.

In the mid-1990s, encouraged by environmental NGOs and community organizations who wanted greater community involvement in decisions affecting coastal areas, the Nova Scotia commissioned a committee to prepare a coastal governance framework.[6] However, a strategy to implement the framework (Coastal2000) was lacking and the suggested governance reforms were never applied.[6]

In 2007, under increasing pressure from environmental and community groups, Nova Scotia renewed its commitment to improving its coastal governance. Nova Scotia established a group of 15 representatives from departments with coastal responsibilities to form the Provincial Ocean Network to facilitate interdepartmental collaboration on coastal issues.[7] In 2009, the Provincial Ocean Network produced the *State of the Coast* report which compiled extensive information on the province's coast, identified important coastal issues, and identified information gaps where more research was required.[7]

In October 2011, the provincial government released a draft coastal strategy, however several factors prevented the coastal strategy from being finalized. Notably, a devastating flood in Truro, Nova Scotia brought public attention to the risks of coastal flooding, an issue that was essentially ignored in the draft coastal strategy. Moreover, a new government was elected in 2013 that did not prioritize the coastal strategy.[6]

Nonetheless, concerns about sea-level rise and coastal flooding remained in Nova Scotia, especially given warnings that the province would face some of the worst climate change induced sea-level rise in Canada.[8] In the 2017 election, the government promised to adopt legislation to manage coastal development and limit erosion.[9] In the summer of 2018, the government carried out public consultations and finally enacted its *Coastal Protection Act* in 2019.[10] Nova Scotia is currently creating regulations to complement the Act.[11]

Lessons for BC

- Both Washington State and Nova Scotia developed strategies and enacted laws to address gaps in coastal governance and to address alarming threats to their coastal communities and environments. Similarly, in British Columbia, there is growing public concern regarding a wide-range of coastal issues such as sea-level

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[6] Jennifer Graham and Anthony Charles, "Messy Intertidal Zone: Transformation of governance thinking for coastal Nova Scotia", from *Governing the Coastal Commons: Communities Resilience and Transformation*, edited by Derek Armitage, Anthony Charles, Fikret Berkes, 2017, p. 214.

[7] Government of Nova Scotia, Draft Coastal Strategy, October 2011, p. 4, accessed online on May 20, 2020 at: http://www.surfns.com/wp-content/uploads/2011/10/NS-draft-coastal-strategy2011oct.pdf; Jennifer Graham and Anthony Charles, "Messy Intertidal Zone: Transformation of governance thinking for coastal Nova Scotia", from *Governing the Coastal Commons: Communities Resilience and Transformation*, edited by Derek Armitage, Anthony Charles, Fikret Berkes, 2017, p. 215-216.

[8] Zachary Markan, "Halifax sea levels spiked by 11cm in two years", CBC News, February 27, 2015, accessed online on May 20, 2020 at: https://www.cbc.ca/news/canada/nova-scotia/halifax-sea-levels-spiked-by-11cm-in-two-years-1.2974329

[9] Caitlin Grady, Coastal Protection Act: A Future Scenario Analysis of Coastal Policy in Nova Scotia, unpublished thesis, College of Sustainability, Dalhousie University, p. 16, accessed online on May 20, 2020 at: https://dalspace.library.dal.ca/bitstream/handle/10222/73873/Grady_Final%20Honours%20Thesis.pdf?sequence=1&isAllowed=y

[10] Province of Nova Scotia, Public and Stakeholder Consultations on Coastal Protection Legislation in Nova Scotia, January 2019, p. 3, accessed online on May 20, 2020 at: https://novascotia.ca/coast/CoastalProtectionLegislationConsultationReport.pdf

[11] Nova Scotia *Coastal Protection Act* website, accessed online on May 20, 2020 at: https://novascotia.ca/coast/.

rise and flood management,[12] shoreline hardening,[13] and the lack of coordination and management to address them.

- Washington demonstrates the approach to enact a law first and strategy second whereas Nova Scotia developed a strategy first, and law second.

- Washington repeatedly reviews the effectiveness of its coastal management and expanded its laws and strategy to meet the changing needs of its coastal communities and environments.

- Nova Scotia ensured that a coastal law addressed its most important coastal concerns through interdepartmental collaboration and public consultation.

- Community organizations were involved in the coastal policy development process for both jurisdictions.

- Public engagement was key to the success of coastal strategies and laws in both jurisdictions. In Washington, the public selected the coastal law to enact. Whereas in Nova Scotia, the public did not support a proposed 2011 coastal strategy because it failed to address a key coastal concern. However, once sea-level rise and flooding were addressed, there was public support and the *Coastal Protection Act* was enacted.



Peggy's Cove, Nova Scotia (Photo: Darin House)

[12] Justine Hunter, "Who's in charge of keeping B.C. dry as sea levels rise? With no singular climate plan, it's every community for itself", The Globe and Mail, February 9, 2020 accessed online on June 8, 2020 at: https://www.theglobeandmail.com/canada/british-columbia/article-whos-in-charge-of-keeping-bc-dry-as-sea-levels-rise-with-no/

[13] Calvin Sandborn, "BC must act to protect spawning beaches from carelessly built Accessed online on June 8, 2020, The Province, February 19, 2020,accessed online on June 8, 2020 at: https://theprovince.com/opinion/calvin-sandborn-b-c-must-act-to-protect-spawning-beaches-from-carelessly-built-seawalls

2. How have other governments reorganized their bureaucracy to do so?

The main purpose of adopting a coastal strategy and law is to achieve better governance of coastal and marine areas. A potential concern in doing so is that it will be expensive and require extensive reorganizations of government. However, as examples from other jurisdictions demonstrate, this does not need to be the case.

Washington

Washington's approach to coastal management is referred to as a "networked" approach because it relies upon several different pieces of coastal and marine legislation to carry out its overarching coastal strategy.[14] Washington has delegated much of the responsibility of administering its coastal strategy to local governments. However, Washington has also created new government structures to further its coastal objectives and coordinate decision-making. As mentioned above, Washington's network of coastal laws began with the *Shoreline Management Act of 1971* (SMA) and the state has since enacted several others acts to enhance the state's coastal management.

Under the SMA, the Washington Department of Ecology was tasked with establishing guidelines for local governments to develop their own Shoreline Master Plans (SMP). The plans are then reviewed and approved by the Department of Ecology.[15] A Shoreline Hearings Board was established to resolve disputes between local governments and the Department of Ecology.[16]

Washington has also established the Coastal Marine Advisory Council within the executive office of the Governor composed of government directors of ocean related agencies and stakeholder representatives.[17] The committee provides advice to government and serves as the point of contact for the state on coastal issues.[18]

Washington's coastal programs are partially funded by the U.S. federal government through its coastal zone management program (and other programs under the federal *Coastal Zone Management Act*), which encourages coastal states to enact coordinated coastal programs.[19]

Nova Scotia

Nova Scotia's newly enacted *Coastal Protection Act*[20] does not re-organize government or create new agencies. Instead, it requires that when local governments make decisions on new developments within their jurisdictions, they do so in keeping with the Act. The Act and its regulations, which are currently in development, will provide clear province-wide rules to "ensure new construction is built in places safer from sea level rise and coastal flooding."[21] The Act prohibits a local government from issuing a development permit, subject to certain exceptions, unless the "application for the permit is accompanied by a recommendation from an independent designated professional certifying that the proposed structure or modification and its

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[14] Washington Department of Ecology. Managing Washington's Coast: Washington State's Coastal Zone Management Program, p. 97, accessed online on May 20, 2020 at: https://fortress.wa.gov/ecy/publications/documents/0006029.pdf

[15] *Shoreline Management Act of 1971*, RCW 90.58.090.

[16] *Shoreline Management Act of 1971*, RCW 90.58.170.

[17] *Ocean Resources Management Act,* RCW 43.143.050.

[18] *Ocean Resources Management Act,* RCW 43.143.060.

[19] Washington Department of Ecology, Washington Coastal Zone Management Program & policies website, accessed online on May 20, 2020 at: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management/Programs-policies;

[20] *Coastal Protection* Act, SNS 2019, c 3.

[21] Nova Scotia Coastal Protection Act website, accessed online on May 20, 2020 at: https://novascotia.ca/coast/.

location are in compliance with this Act and the regulations."[22] Accordingly, much of the costs of complying with the Act are borne by developers and the Act is administered by local governments who already had the role of permitting developments in their jurisdictions.

Lessons for BC

- Both Washington and Nova Scotia grant local governments significant responsibilities for administering their coastal strategy and laws.

- The Washington coastal strategy has benefitted from support from the federal government and has specifically created bodies to ensure smoother cooperation with the federal government. Given that the Canadian federal government continues to create new initiatives and laws to further its objectives on the Pacific coast such as the *Oceans Act,*[23] the Ocean Protection Plan,[24] and the expansion of the Port of Vancouver[25], BC can create a coastal management framework to efficiently work with the federal government while furthering its own objectives.

- Nova Scotia's *Coastal Protection Act* did not require any significant government reorganization or increases in spending. The coastal management functions within the existing governance framework, however the Act now requires that local governments all follow the same coastal development regulations.

3. What were the outcomes of developing and implementing a coastal strategy and law?

Washington

Washington's coastal strategy and laws have led to extensive and coordinated spatial planning along the state's coastline and in its marine waters. There are more than 260 local government Shoreline Master Programs (SMPs) and most are administered by local governments.[26] These SMPs must be periodically reviewed and updated and the Department of Ecology continues to provide oversight.[27] For example, in 2003, the Department of Ecology established new guidelines that required that SMPS achieve "no net loss" of ecological functions.[28]

Moreover, through its coastal strategy, Washington has supported several effective local environmental initiatives. For example, Washington created the Puget Sound Partnership to oversee the restoration of

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[22] *Coastal Protection* Act, SNS 2019, c 3, s. 12.
[23] *Oceans Act*, SC 1996, c 31
[24] Office of the Prime Minister of Canada, Canada's Ocean Protection Plan, 2016, accessed online on May 22, 2020 at: https://www.tc.gc.ca/communications-eng/oceans-protection-plan.pdf
[25] Grant Cameron, "Work begins on expansive Vancouver container terminal", August 23, 2019, accessed online on May 22, 2020 at: https://canada.constructconnect.com/joc/news/projects/2019/08/work-begins-expansive-vancouver-container-terminal
[26] Washington Department of Ecology, Shoreline Master Program website, accessed online on May 20, 2020 at: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-Master-Programs
[27] *Shoreline Management Act of 1971*, RCW 90.58.195.
[28] Washington Department of Ecology, Shoreline Master Plan Handbook, Chapter 4: No Net Loss of Shoreline Ecological Functions, accessed online on May 20, 2020 at: https://fortress.wa.gov/ecy/publications/parts/1106010part4.pdf

environmental health in Puget Sound.[29] The Partnership has created an action plan and implementation strategies to achieve its objectives.[30] One of its ambitious objectives has been to restore 10,080 net acres of shellfish beds in Puget Sound to a harvestable condition by 2020.[31] While 2020 has not come to an end, the initiative has led to large increases in shellfish beds in the Sound.[32] This is especially significant given that just north of the border in BC, shellfish harvesting has been closed in Burrard Inlet since 1972 because of contamination concerns[33] and the shellfish industry has faced significant declines.[34]

Nova Scotia

The enactment of Nova Scotia's *Coastal Protection Act* was largely motivated by public concern that the province was the highest risk area in Canada for sea-level rise.[35] The Act is not in force yet as the government is still developing regulations that will define exactly how the legal framework will work. But the intention is to provide clear province-wide rules to ensure new developments will be safe from sea level rise and coastal flooding.[36]

A 2016 report estimated that sea-level rise and storm surges will cost Canada $50 billion[37]. Given the huge costs associated with sea-level rise and flooding, the coastal strategy and act will not only prepare communities and mitigate threats but are also a cost-saving measure.

Lessons for BC

- The coastal program in Washington has enabled it to create legally-underpinned spatial plans for most of its coastal waters. Also, the coastal program has enabled Washington to address issues like cleaning up shellfish beds for safe harvest that BC has struggled to resolve in some regions.

- Nova Scotia's *Coastal Protection Act* has a clear goal to ensure sensitive coastal ecosystems are not overdeveloped and new developments are safe from sea-level rise and flooding. Given the predictions of significant sea-level rise for BC's coast as well, a coastal strategy and law will also prepare communities before it's too late.

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[29] *Puget Sound Water Quality Act*, RCW 90.71.210, 2007 c 341 § 3, accessed online on May 20, 2020 at: https://app.leg.wa.gov/RCW/default.aspx?cite=90.71.210

[30] Puget Sound Partnership, The 2018-2022 Action Agenda for Puget Sound, December 2018, accessed online on May 20, 2020 at: https://pspwa.app.box.com/s/osxaeqg19fevxu5n3k8xnjytzkwol512; Puget Sound Partnership, Implementation Strategies website, accessed online on May 20, 2020 at: https://www.psp.wa.gov/implementation-strategies.php

[31] Christopher Dunagan, "Implementation Strategies will target Puget Sound 'Vital Signs'", Encyclopedia of Puget Sound, accessed online on May 20, 2020 at: https://www.eopugetsound.org/magazine/is/implementation-strategies

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[37] Alison Auld, "The Big Picture: The looming threat of rising sea levels — and what we can do about it", Dal News, December 12, 2019, accessed online on May 20, 2020: https://www.dal.ca/news/2019/12/12/the-big-picture--the-looming-threat-of-rising-sea-levels---and-w.html

Conclusion

There is growing awareness that BC needs a coastal strategy and law as the current legal framework is not able to adequately address and manage many of the threats facing its coastal waters. Washington State and Nova Scotia provide good examples for BC of how this can be accomplished. While the process and scope of their coastal strategies and laws are very different, Nova Scotia and Washington State have both enacted legal frameworks to manage their coastlines in a coordinated fashion with other levels of government.

In both cases, the coastal framework has recognized and empowered local governments demonstrating that a state or province-wide coastal framework need not require consolidating power in a central government and can enhance cooperative government with other levels of government.

A British Columbia coastal strategy and law could go beyond Nova Scotia and Washington State, in terms of cooperative governance, by recognizing and empowering Indigenous decision-making in coastal areas. At the end of 2019, BC committed to recognizing and supporting Indigenous governance and rights in a manner that is consistent with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). By co-developing with First Nations a coastal strategy and law that supports Indigenous governance and rights, BC can meet its commitments under UNDRIP while becoming a leader in collaborative coastal management.

Authors:

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REQUEST FOR DECISION

To:	**Executive Committee**	**For the Meeting of:**	August 5, 2020
From:	**CAO**	**Date Prepared:**	July 30, 2020
SUBJECT:	**Hosting of an electronic UBCM 2020 Islands Trust Session**		

RECOMMENDATION: At the direction of Executive Committee.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: Executive Committee may wish to consider whether to host an electronic 'breakfast' meeting at UBCM 2020 in keeping with previous years.

---

1 **PURPOSE:** To decide whether to host an Islands Trust UBCM session for the fully electronic 2020 UBCM meetings in September.

2 **BACKGROUND:** In the past several years, the Islands Trust has traditionally hosted a UBCM Breakfast, where federal, provincial, regional and local decision makers and stakeholders are provided an overview of current work of the Trust and asked for input or assistance on appropriate Trust initiatives. Such a breakfast was held last year in Vancouver, which was attended by 15 invitees. It was noted that a preferred format was mentioned last year, where instead of presentations on the full spectrum of Islands Trust issues by Trust representatives, that single topic issues common to all might be more valuable.

The 2O2O UBCM meetings will be unprecedented as the meetings are reorganized to respond to the current COVID-19 pandemic. As such, instead of attendees from all over the province meeting in one physical location, the UBCM will be virtual with a series of electronic meetings.

The question at hand is whether the Islands Trust should follow suit and try to replicate the breakfast meeting in a virtual manner.

Generally this is a governance question. If Executive Committee determines that it has something to share with thought leaders on various issues, that are topical, then a meeting could be arranged. Whether hosting another ZOOM meeting in a vast number of ZOOM meetings during UBCM week would be welcome or well attended is a consideration for the Committee.

Options

1. Host a ZOOM Meeting with appropriate elected officials at all levels during the UBCM week. The Islands Trust would follow its traditional format and provide some general or specific updates on Trust activity.
2. Islands Trust host a focused ZOOM meeting on a topic of interest to attendees with a regional focus i.e.: COVID 19 recovery, Private Managed Forest Lands (PMFL), climate change, abandoned vessels, anchorages, First Nations engagement, etc.
3. Not host a meeting this year given the exceptional circumstances.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Implementation of a meeting would simply be a matter of scheduling a ZOOM meeting and sending out invites to relevant attendees. Further work would be dedicated to developing presentations or topic specific materials to support the meeting.

FINANCIAL: Financial impacts are minimal.

POLICY: NA

IMPLEMENTATION/COMMUNICATIONS: The Islands Trust would communicate with attendees and provide any required context or information.

FIRST NATIONS: A regional meeting of this nature would be an opportunity to discuss Islands Trust work towards UNDRIPPA and could include interested First Nations.

OTHER:

4 RELEVANT POLICY(S):

5 ATTACHMENT(S):

RESPONSE OPTIONS

Recommendation: At the direction of Executive Committee.

Alternative:

Prepared By: **Russ Hotsenpiller**

Reviewed By/Date: **July 30, 2020.**

Strategic Plan Implementation through LTC's and Projects - Discussion

From: Sue Ellen Fast <sfast@islandstrust.bc.ca>
Sent: Friday, July 17, 2020 7:40 PM
To: EC <ec@islandstrust.bc.ca>
Subject: strategic plan on next EC agenda

Hi Peter - can we have a discussion about keeping the strategic plan alive to trustees through LTC meetings and projects over the next few years?

For example the contiguous forest mapping report seem to have landed quietly at Trust Council last month. Interested in what follow-up may be planned, or in discussing ideas at EC for generating engagement among trustees for using the product in the years ahead. The recommendation passed by TC just says to circulate to LTCs and BIM for information - but I hope to start using the valuable maps and report before 2023 when the model DP is scheduled to be available for LTCs (post-election?). And to share the maps with collaborators such as local conservancies. I have added the report to recent LTC agendas and am introducing it briefly at the meetings and have observations to share.

Because I aim to engage, encourage, enable and exemplify re our collaborative strategic plan over the term, questions arise:

• Is there some degree of alignment among all the various LTC projects with the overall strategic plan? If so how much? (Am I recalling correctly that we saw something like this during development of the strategic plan?)

• Are there actions we can take to support trustees in thinking ahead and preparing to apply the maps and interim products, and eventually to implement tools such as model DP for CDF being created through the strategic plan?

• Are there alignments between LTCs and strategic plan that could be supported if timelines need to shift for Covid or budget or other reasons?

Expanding on my brief apparently cryptic response to an earlier email, hope this makes more sense, and wishing everybody a splendid weekend -

Sue Ellen

Sue Ellen Fast
Bowen Island Trustee | Municipal Councillor | Islands Trust Vice Chair
sefast@bimbc.ca sfast@islandstrust.bc.ca
604 833-2418
Feeling fortunate to live in beautiful Átl'ka7tsem / Howe Sound in the territory of Squamish Nation

Hi Peter, can we discuss this at the next EC meeting under an item like Strategic Plan Collaboration or Update or Visibility? I am wondering about the phrase "if we intend to get anything done", imagining what the trustee might have in mind, and seeing no reference to our TC Strategic Plan here, or in discussions with other trustees where I would be happy to see it referenced.

"As we are successful in achieving our strategic goals, we will be collaborative leaders in coastal zone management. We will ", from the Statement of Trust Council page framed by trustee photos in our strategic plan.

Sue Ellen

Sue Ellen Fast
Bowen Island Trustee | Municipal Councillor | Islands Trust Vice Chair
sefast@bimbc.ca sfast@islandstrust.bc.ca
604 833-2418
Feeling fortunate to live in beautiful Átl'ka7tsem / Howe Sound in the territory of Squamish Nation

Begin forwarded message:

From: Peter Luckham <pluckham@islandstrust.bc.ca>
Subject: Re: quorum of LTCs
Date: July 17, 2020 at 8:58:24 AM PDT
To: Steve Wright <stwright@islandstrust.bc.ca>, EC <ec@islandstrust.bc.ca>

Thank you Steve for the email. Interesting out of the box thinking, I however do not believe an act amendment of this nature would meet with the Ministers approval.

I would recommend that you talk to staff about scheduling more meetings if there is more work to do at the LTC.

Enjoy the weekend, it might be a warm one.

Peter Luckham, Chair Trust Council
Trustee, Thetis Island
Islands Trust
#200 1627 Fort Street
Victoria, B.C. V8R 1H8
Home Phone: (250) 210-2553
Office Fax: (250) 405-5155
www.islandstrust.bc.ca
Preserving island communities, culture and environment

On 7/13/2020 2:43 PM, Steve Wright wrote:

Hi Peter,

I sent this to trustees awhile back and although nothing came from the Trust's legal counsel who attended Council in resolving it, I'm finding this situation problematic.

SP has a scheduled LTC meeting every 3 months so it is imperative that Cameron and I discuss issues informally between those meetings if we intend to get anything done during our term.
I'm wondering whether, as a solution, we can have the Chair designate 2 alternates to the LTC which would raise the LTC membership to 5 members and the quorum to 3 members, thus allowing the island trustees to speak without incurring legal concerns. I would suggest that there be some wording to ensure the LTC, when meeting publicly, is limited to the current membership (2 local trustees and 1 Exec member as chair), unless there is a vacancy in the LTC. That should alleviate any concern by the community that the Executive is determining local matters.
Not sure of all the details in our ability to do this but it may provide a better alternative than simply ignoring the current quorum concerns.
If you think this might work, I'd be willing to work with you or the appropriate staff member to present an RFD for Sept Council to consider.
Let me know your thoughts.
Thanks,

s

BRIEFING

To:	Trust Council	**For the Meeting of:**	August 5, 2020
From:	**David Marlor, MCIP, RPP** **Director, Local Planning Services**	**Date Prepared:**	July 28, 2020
SUBJECT:	**Development Application Volumes –May 11, 2020 – July 10, 2020**		

PURPOSE: To update the Trust Council on the volume of development applications over the past two months.

BACKGROUND:

Development applications are entered into the Trust Area Property Information System (TAPIS) on receipt. This systems allows Staff to track applications, and allows us to run reports for any point in time.

From May 11, 2020 to July 10, 2020 we have received 83 applications. Of these 68 are referrals such as building permits, Crown land, liquor and cannabis referrals, or siting and use permit applications. We have received one rezoning application, eight development variance permit applications, three development permit applications, two subdivision referrals, and one temporary use permit application.

As of the date of printing the attached report, there were a total of 181 open applications (files that staff are working on) including the 68 new applications.

The attached report shows the breakdown by local trust area and type of application for the period May 11, 2020 to July 10, 2020.

By comparison, for the same period in 2019 (May 11, 2020 to July 10, 2020) we had received 83 applications, 61 were referrals such as building permits, Crown land, liquor and cannabis referrals, or siting and use permit applications. In the same period in 2019 we also received four development variance permit applications, three development permit applications, two agricultural land reserve application, one rezoning application, six temporary use permit application, one Board of Variance application, three subdivision referrals, and two other type of application (not specified).

ATTACHMENT(S):

1. Application Statistic – May 11, 2020 to July 10, 2020

Note that in the attachment:

***/FTE** means number of applications per full-time equivalent (planner)*

FOLLOW-UP:

None.

Prepared By: **David Marlor, DLPS**

Reviewed By/Date: **Russ Hotsenpiller, CAO**

Islands Trust

Application Statistics

Applications Received: May 11, 2020 to July 10, 2020

	NORTHERN TEAM									SALT SPRING		SOUTHERN TEAM							TOTAL	
Application	EX	DE	GB	GM	HO	LA	TH	SUM	/FTE	SS	/FTE	GL	MA	NP	SA	SP	SUM	/FTE	SUM	/FTE
ALR	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
BOV	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
CL/BP/SUP/LCB	0	4	11	4	4	0	2	25	5.00	20	5.00	4	6	10	2	1	23	5.75	68	5.23
DP	0	0	0	0	0	0	0	0	0.00	2	0.50	0	0	0	1	0	1	0.25	3	0.23
DVP/FPE	0	0	0	0	0	0	1	1	0.20	3	0.75	2	2	0	0	0	4	1.00	8	0.62
HAP	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
OTH	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
RZ	0	0	0	0	0	0	0	0	0.00	0	0.00	0	1	0	0	0	1	0.25	1	0.08
SC	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
SDP	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
SRP	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
SUB	0	0	0	0	1	0	0	1	0.20	0	0.00	0	1	0	0	0	1	0.25	2	0.15
TUP	0	0	0	0	0	0	0	0	0.00	0	0.00	0	1	0	0	0	1	0.25	1	0.08
TOTAL	0	4	11	4	5	0	3	27	5.40	25	6.25	6	11	10	3	1	31	7.75	83	6.38

FTE = # of planner positions (North = 5, SS = 4, South = 4)

Application	EX	DE	GB	GM	HO	LA	TH	SUM	FTE	SS	FTE	GL	MA	NP	SA	SP	SUM	FTE	SUM	FTE
CL,BP,SUP,LCB	0	4	11	4	4	0	2	25	5.00	20	5.00	4	6	10	2	1	23	5.75	68	5.23
Permits/Referrals	0	0	0	0	1	0	1	2	0.40	5	1.25	2	4	0	1	0	7	1.75	14	1.08
RZ	0	0	0	0	0	0	0	0	0.00	0	0.00	0	1	0	0	0	1	0.25	1	0.08
TOTAL	0	4	11	4	5	0	3	27	5.40	25	6.25	6	11	10	3	1	31	7.75	83	6.38

Application	EX	DE	GB	GM	HO	LA	TH	SUM	FTE	SS	FTE	GL	MA	NP	SA	SP	SUM	FTE	SUM	FTE
OPEN	0	14	11	22	17	4	4	72	14	69	17	10	11	11	7	1	40	10	181	14

Report Date: July 28, 2020

BRIEFING

To:	Executive Committee	**For the Meeting of:**	August 5, 2020
From:	**CAO**	**Date Prepared:**	July 29, 2020
SUBJECT:	**COVID-19/Safety Plan Update**		

PURPOSE: To receive an update on current actions by the Islands Trust with regard to the COVID-19 pandemic.

BACKGROUND:

- Ministry update regarding Ministerial Order 192 (Attachment 1). This update from the Ministry simply provides a summary of the transition provisions begin provided local governments and the process for public engagements. It is provided here for reference but the key findings have been provided under a previous report to Executive Committee in July.
    - Short-term vacation rentals (STVRs): There is a pending order, at the time of this writing, from the Chief Medical Health Officer (CHO) upon boats, homes, rooms, Airbnb, and houseboats and is in response to an uptick in report of COVID-19 infections. The industry across the Trust Area will fall under new guidelines and the public may enquire with the Islands Trust around any new order. Note that this is a health matter jurisdiction rather than a bylaw (local government) issue. Also, if requested, Islands Trust bylaw enforcement staff could be recruited by the Local Health Unit to investigate any potential violation of an order by the CHO.

- Office openings
    - Staff: Offices are open to the staff under the Safety Plan and are operating under restrictive occupancy limits.
    - Public access to offices is pending the receipt and installation of appropriate barriers for the main reception areas. We are aware that there are different circumstances for the regional offices and that Salt Spring is a priority for installation and public opening of the office. The offices are targeted for opening in early August.

- Public hearings: Public hearings signify the greatest challenge in terms of anticipating public attendance and maintaining social distancing under health orders. At this point, public facilities across the Trust area remain closed. At this time, we do not have any public hearings scheduled at any local trust committee (LTC) so we can anticipate that we will not need to schedule anything through August. In September, things may change and there be an increased interest and capacity to hold live public hearings. This is of course against the backdrop of an increase in COVID-19 infections in BC as a consequence of moving into Stage 3 of the province's Restart Plan. We are also aware that if a single jurisdiction moves to hold live public hearings that we will need to be prepared to offer them to all LTCs.

ATTACHMENT(S):

1. Circular from Assistant Deputy Minister, Tara Faganello, Ministry of Municipal Affairs and Housing (MAH) re: Ministerial Order 192
2. Update report on COVID-19 from the CRD # 52 for reference

FOLLOW-UP:

Prepared By: CAO

Reviewed By/Date: July 29, 2020

Ministry of Municipal Affairs and Housing

Local Government Division
PO Box 9838 Stn Prov Govt
800 Johnson St, 6th Floor
Victoria BC V8W 9T1

CIRCULAR

July 24, 2020

To: All local government clerks and corporate officers

Re: Ministerial Order 192

As you are aware on June 17, 2020 Ministerial Order 192 (Order) on local government meetings and bylaw process was signed, repealing and replacing MO139.

The purpose of this circular is to provide an overview of the Order and the implications for local government operations. We recognize the changes brought about by the Order may require extra effort from local government staff, in particular clerks and corporate officers as local governments transition to restart and appreciate and thank you for the work you have done during this unprecedented time.

The Order transitions local governments back to operating under the normal legislative rules and requirements, while balancing the health and safety recommendations of the Public Health Officer (PHO). The Order recognizes that local governments continue to need flexibility with respect to the rules depending on their local circumstances. The Order and guidance materials also support the principles of openness, transparency, accountability and accessibility which are fundamental principles of the local government system.

The main changes in the Order relate to public attendance at open meetings, electronic meetings, and timing requirements for bylaw passage. We understand that the capacity, technology and space available to local governments differs across the Province and have therefore intended the Order to provide flexibility to local governments to decide what will work best for their community as they reopen.

We encourage local governments to consider what steps they can take to accommodate in-person attendance at open meetings or provide a space where the public can hear the meeting to understand the local government decision-making process.

Public Hearings

Public hearings are separate from council and board meetings and are addressed accordingly under Division 5 of the Order. Under the Order, a council, board or local trust committee of the Islands Trust may conduct a public hearing by electronic or other communication facilities. These provisions provide local governments another tool to hold public hearings while complying with the public health orders on mass gatherings and recommendations on physical distancing.

It is up to each local government to decide which format of public hearing is best suited to its circumstances, whether it be electronic, in-person or a combination of both. For more information about public hearings under the Order please see "Guidance for the conduct of public hearings under Ministerial Order M192" available at on the Ministry's website: https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/covid-19.

Public Attendance at Open Meetings

Under the Order, local governments may decide when they are ready to safely provide in-person public attendance at open meetings. We encourage local governments to consider a phased approach to making "best efforts" to provide public access to open meetings if needed. A phased approach may include providing limited public access initially to open meetings, exploring other meeting venues, and working toward providing added options (e.g. teleconferences or live streaming) for the public to participate in meetings if in-person attendance can't be accommodated.

If, after developing a plan for meetings, a local government is unable to accommodate in-person public attendance, the Order requires the local government to pass a resolution to provide a rationale for the continued need to meet without the public present. The local government must also describe what measures are being taken to meet the principles of openness, transparency, and accessibility. The resolution may apply to one meeting or to multiple meetings if the same circumstances apply.

Electronic Meetings

The Order continues to make it easier for elected officials to meet through electronic mediums while allowing local governments to conduct their day-to-day business as they follow physical distancing guidelines. If a local government meeting is held electronically, we encourage local governments to explore whether they can provide facilities that enable the public to listen to or watch and listen to the meeting. This may include exploring another space at the municipal or board office or another facility where the public could attend to listen to, or watch and listen to, the meeting using available technology.

We recognize that not all local governments have access to the space or technology to accommodate the public to listen to or watch and listen to a meeting. The Order provides flexibility so that local governments can pass a resolution providing the reasons for being unable to provide a facility the enables the public to listen to or watch and listen to the meeting if this is the case. The local government must also describe what measures are being taken to meet the principles of openness, transparency, and accessibility in respect of the meeting.

Timing Requirements for Bylaw Passage

The Order repeals the authority for expedited bylaw passage which authorized bylaw adoption in the same day as third reading for regional districts and the Islands Trust and narrows the eligibility for expedited single-day bylaw adoption to certain financial bylaws for municipalities.

Municipalities can continue to pass certain bylaws, described in the Order, in a single day to ensure that they are resilient and flexible in a time of economic disruption and fiscal uncertainty. The changes ensure that council and boards are operating under the principles of good governance, public process, transparency and accountability.

Conclusion

We appreciate that local governments in B.C. are addressing many competing issues as we move through this unprecedented time. The Province will continue to work collaboratively with local governments to ensure the needs of elected officials, local government staff and the public are balanced.

As COVID-19 is an evolving issue, the Province will continue to monitor the effects of these measures, consider other measures that may be required and provide updates of actions taken to support local governments.

Shortly, the ministry will be reaching out to local governments with a survey to understand their experiences working under the Minister Orders. The information shared back will assist the ministry in understanding measures needed moving forward. The focus of the survey will be on:

- How council and board meetings are operating during the pandemic;
- What technology and resources are being utilized for meetings;
- Whether there are procedural issues arising from working under the Order; and
- How they plan to move forward.

If you should have any questions regarding this circular or the Order, I encourage you to contact our Governance and Structure Branch. You can reach the Governance and Structure Branch by phone or email at: 250 387-4020 or LGGovernance@gov.bc.ca.

We sincerely thank local governments for their support and cooperation throughout this process

Sincerely,

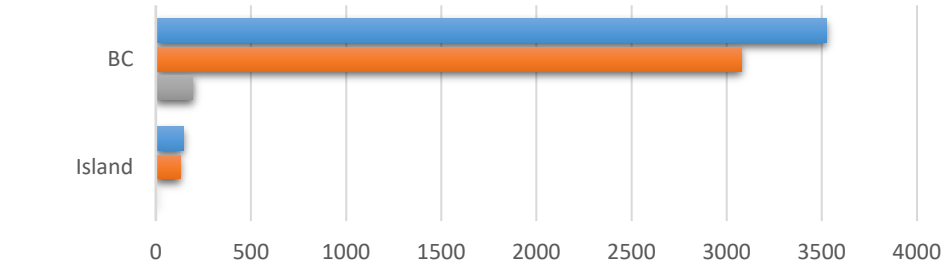


Tara Faganello
Assistant Deputy Minister and Inspector of Municipalities
Local Government Division
Ministry of Municipal Affairs and Housing

Making a difference...together

CRD Emergency Operation Centre Situation Report

Event	**COVID – 19 Pandemic**	**Issued**	2020-07-29 16:30
EOC Activation	**Activation Level:** **1** CRD Sit Rep Number: **#52** Operating Location: 625 Fisgard Street (decentralized model) Operational Period: 08:30 – 16:30 After Hours Contact: 250-360-3223 EMBC Task Number: #206451 EOC Director: Shawn Carby		
Status	**Improving** ☐ Static ☒ Deteriorating ☐		
COVID-19 Situation	Provincial State of Emergency remains in force.		



	Island	BC
Cases	143	3,523
Recovered	129	3,076
Deaths	5	194

Changes Since Last Sit Rep	New Cases	New Recoveries	New Deaths
Vancouver Island	+3	+1	0
British Columbia	+195	+203	+5

Provincial & Regional Updates

BC Education Restart Plan Stage 2

- BC announced it will move into Stage 2 of the Education Restart Plan starting on September 8th where most students will return to full time in-class learning. New health and safety guidelines will be released later today. Students will be assigned to cohorts or learning groups to minimize contacts and reduce the potential for transmission. This will allow BC Public Health to do effective contact tracing to help manage/control the spread of COVID-19. The Return of 200,000 BC students in June demonstrated that schools can safely re-open when community transmission is low.

Dr. Murray Fyfe Update, BC Medical Health Officer Update:

- Numbers province-wide are continuing to increase including on Vancouver Island through July. All new cases on the South Island have been associated with returning travellers or guests from other regions. No unknown source transmission has occurred on Vancouver Island.

- Google mobility data indicates many people have returned to near pre-COVID daily activities. This doesn't include people not returning to the workplace due to work from home policies or unemployment.
- Ripple effects continue weeks after the exposure events related to gatherings in Kelowna, BC over the July long weekend.
- The US continues to set daily new records for COVID infections with many states returning to previous lockdown/containment measures. The border closure continues till the end of August and is expected to be reassessed, this is helping to reduce the risk to British Columbians.

Issues

Details of BC Education Restart Plan Stage 2	• School districts will determine how to implement the new guidelines suitable to their communities. • Dr. Henry advised that all people and organizations who intersect with the education to be patient and flexible. School districts may adjust bell schedules to prevent learning groups from interacting with other learning groups. Large schools with more than 1500 students may implement a hybrid delivery model. School Districts will assess the delivery models to meet the needs of communities (year-long, linear, quarterly or a semester system) and will depend on existing infrastructure and student population. • BC Government will support school districts with funding for enhanced cleaning, addition of new hand hygiene stations, and supports for learners with disabilities and complex learning needs, and provide reusable masks (when they may be required such as on school buses). • In the event of increased community transmission or unknown transmission sources, the Government of BC may re-evaluate the Education Restart Plan. • Working parents may have new and changing child care needs if school timetables are adjusted. Services offered by recreation centres including after school programming may be impacted. School District re-opening plans are to be posted by August 26th

EOC Overview

Planning **Logistics** **Operations**	**Planning** • Collating COVID-19 department debrief sessions. • Developing an emergency staffing simulation calculator. • Conducting after action review at Mill Hill Fire Site. **Operations** • Operations maintains engagement with numerous agencies and all electoral areas on COVID-19 issues and topics. • Ongoing debriefs with EOC participants and stakeholders continue as well as regular updates and communications with Emergency Management BC, Regional Emergency Management Partnership in the Capital Region and other stakeholders.

Working Groups	

Communications	**Internal**
	• Reviewed/Updated SharePoint COVID page
	  ○ Posted CAO update to staff on July 22, 2020
	• Reviewed SIT Report #51
	• Updated capacities in Outlook for meeting and room bookings
	
	Website
	• Reviewed/Updated COVID Page/Panels
	  ○ SSI Market update - Opening August 8th
	  ○ Recreation Centres – removed data content
	
	Social Media
	• Monitored CRD Social Media accounts
	  ○ Posted Tweets – Use of parks and beaches safely
	  ○ Regional Parks and Trails – Offering StoryWalk - Self-guided Walks with a focus on social distancing.
	
	Media
	• Information Bulletin: CRD Reminds Park and Beach Visitors to Maintain Social Distancing – released
	• Information Bulletin: Salt Spring Island Saturday Market Update – released
	• Interviews:
	  ○ Regional Parks and Trails – Jeff Leahy, Senior Manager, conducted several interviews on social distancing in parks and on beaches.
	  ○ Environmental Resource Management - Russ Smith, Senior Manager, conducted interview on COVID-19 impacts on recycling and blue box program

Recreation Updates	
Panorama Recreation	**Programs & Services Available:** • Outdoor fitness/yoga classes – reservation only • Summer Camps • Weight room – reservation only • Indoor & Outdoor tennis courts • Outdoor basketball courts • Playgrounds • Arena
SEAPARC	**Programs & Services Available:** • Outdoor recreation is open including the skate park, bike park and golf course.

	• Weight room – reservation only • Summer Camps
SSI PARC	**Programs & Services Available:** • Summer Camps • Shower facilities available to public at no charge Monday, Wednesday, and Friday from 9:00 to 13:00. • Outdoor recreation is open including tennis courts, multi-sport court, bike park, and skate park. • Rainbow Road Aquatic Centre is open with limited services. The pool is open Monday to Friday, 8:00 to 15:00 for registered lap swim, aquafit, swim club, and summer camps.
Greenglade	**Programs & Services Available** • Community garden • Playground • Outdoor basketball court • Building closed to public
CRD Campgrounds	• Online registration is available for Island View Beach Regional Park Campground. The campgrounds at Sooke Potholes Regional Park and Jordan River Regional Park are available on a first-come first-served basis.
CRD Department/ Division Updates	
Parks & Environmental Services	
SEAPARC	• Maintenance staff continue to work on routine facility projects. • Select indoor and outdoor fitness classes have been implemented. • Staff continue to work on plans for re-opening the pool, arena and select fall programs.
Planning & Protective Services	
Protective Services	• Division operating normally.

BRIEFING

To:	Executive Committee	**For the Meeting of:**	August 5, 2020
From:	**Lisa Wilcox, SIPA**	**Date Prepared:**	July 24, 2020
SUBJECT:	**Calls for Justice – National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG)**		

PURPOSE: Further to the resolution from Executive Committee: that the Executive Committee request a staff report with options regarding Missing and Murdered Indigenous Women and Girls Calls for Justice for the August 5, 2020, Executive Committee meeting

BACKGROUND: In September 2016, the federal government established the National Inquiry into Missing and Murdered Indigenous Women and Girls.

The purpose was to examine and report on the causes of systemic violence and the greater vulnerability faced by Indigenous, Métis, and Inuit women, girls, and two-spirited people. The factors considered by the commission related to child welfare practices, policing, health, education, justice, and the public safety sector. Each province and territory established its own commission and British Columbia established their inquiry in November 2016. The Inquiry work was conducted under the BC *Public Inquiry Act*. BC provided written submissions related to the commissions mandate.

On June 3, 2019 Premier John Horgan issued the following statement regarding the final report:

> *There is no statement I can make that will do justice to your lived experiences, or the pain you have endured. It has taken immense courage and leadership to share the truth of the trauma that you, your families and your communities have experienced and continue to experience. In honour of the women, girls and two-spirit peoples who have been stolen and those who have survived, we are committed to learning from your stories, to taking action and to enacting change.*
>
> *This report brings to the forefront the magnitude of the gendered impacts of colonial violence, one so severe the inquiry has called it a 'Canadian genocide.' We will be reviewing the report and recommendations in detail and considering them along with historic recommendations from survivors, families and communities, and the work currently underway in B.C. – as well as our government's broader commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action.*
>
> *Dismantling the underlying and systemic issues that result in Indigenous women experiencing violence at a much higher rate than non-Indigenous women is fundamental to our government's work toward true and lasting reconciliation. We are actively working in collaboration with Indigenous partners and communities to build relationships based on the inherent right to self-determination and we believe that this is an important part of addressing the conditions that result in violence.*

> *We are committed to developing a path forward to end violence against Indigenous women and girls that will be directly informed by survivors, family members and communities. Community-based engagement to collaborate on taking concrete steps together will soon begin and will continue through the summer and early fall.*

Survivors, families, witnesses, elders, and knowledge keepers participated in the Inquiry with 2,380 participants, 15 community hearings, 270 family and 147 stories and private in camera sessions, and 750 people sharing statements, with 819 artistic expressions. The report encompasses not only present time but reflects on Canadian social structure from 1650 through to 1815 to Confederation in 1867 and then to the present.

On June 17, 2020, UBCM encouraged members to bring the Calls for Justice to their respective councils or boards for review, prioritization and consideration of endorsement in collaboration with local Indigenous communities.

On July 5, 2020, the Executive Committee requested a staff report with options regarding Missing and Murdered Indigenous Women and Girls Calls for Justice for the August 5, 2020, Executive Committee meeting

Report Summary

Supplementary Report on Genocide

The report provides the following highlight on genocide against First Nations, Inuit and Métis women, girls and 2SLGBTQQIA people:

The violence the National Inquiry heard about amounts to a race-based genocide of Indigenous Peoples, including First Nations, Inuit and Métis, which especially targets women, girls, and 2SLGBTQQIA people. This genocide has been empowered by colonial structures, evidenced notably by the *Indian Act*, the Sixties Scoop, residential schools and breaches of human and Indigenous rights, leading directly to the current increased rates of violence, death, and suicide in Indigenous populations.

The report defines genocide as:

> *Genocide is defined in the Genocide Convention as: […] any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*
>
> *(a) Killing members of the group;*
> *(b) Causing serious bodily or mental harm to members of the group;*
> *(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
> *(d) Imposing measures intended to prevent births within the group;*
> *(e) Forcibly transferring children of the group to another group.*

The report provides the definition as per the Canadian Crimes Against Humanity and War Crimes Act as:

> *[…] an act or omission committed with intent to destroy, in whole or in part, an identifiable group of persons, as such, that, at the time and in the place of its commission, constitutes genocide according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission.*

At present Canada has recognized genocide as: the Holocaust, the Holodomor genocide, the Armenian genocide 1915, Rwandan genocide 1994, and Bosnia 1992-1995.

The report states that despite First Nations, Inuit, and Métis peoples still living and experiencing population growth this does not diminish "the charge of genocide" but demonstrates the resilience "both historically and contemporary".

The report acknowledges that Canada is a "settler colonial country" that imposed laws, institutions, and cultures upon Indigenous peoples. Occupation of lands, racist attitudes, policies of assimilation, and other oppressive legislation all "sought to eliminate First Nations, Inuit, and Métis peoples as distinct Peoples and communities". This is "embedded in everyday life . . . in the laws, policies and structures of Canadian society".

The report states, "Canadian society shows an appalling apathy to addressing the issue".

Establishing a New Framework

The Report reviewed and incorporated guiding principles from the following:

- the International Convention on the Prevention and Punishment of the Crime of Genocide (PPCG);
- the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- the International Covenant on Civil and Political Rights (ICCPR);
- the International Convention on Economic, Social, and Cultural Rights (ICESCR);
- the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- the Convention on the Rights of the Child (UNCRC); and
- the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Colonization

The report defines and provides education on colonization by stating:

> *Colonization refers to the processes by which Indigenous Peoples were dispossessed of their lands and resources, subjected to external control, and targeted for assimilation and, in some cases, extermination. It is important that we remember that colonialism is a structure that includes many different events – all created under the same, destructive logic. Viewing colonization as a structure means that we cannot dismiss events as parts of the past, or as elements of someone else's history. This prevents the dismissal of Indian residential schools, or the Sixties Scoop, as events that people should just "get over."*
>
> *Harmful encounters for Indigenous women and gender-diverse people in what is now called Canada started with 16th century "explorers," who used terra nullius and the Doctrine of Discovery to dismiss them as savages and claim rights to the land. Early Christian missionaries then challenged Indigenous women's leadership and Indigenous notions of gender. From 1650 to 1815 there was a "middle ground" period, where First Nations held a fairly even distribution of power with the Europeans, but Confederation in 1867 fundamentally changed this relationship . . .*
>
> *Between 1883 and 1996, the Indian residential school system enforced a patriarchal Christian dogma that devalued women, enforced homophobia and transphobia, and exposed them to abuse that made them easy targets for abuse from others. First Nations women were also subjected to forced sterilization, further poverty and marginalization, and were targeted by the Sixties Scoop and ongoing child welfare policies.*

Terms such as **terra nullius** and **Doctrine of Discovery** are also addressed in UNDRIP and the TRC Calls to Action as false beliefs/doctrines and must be stopped and addressed as false.

Encountering Oppression

The Report outlines four pathways that maintain colonial structures and violence:

1. Historical, multigenerational and intergenerational trauma;
2. Social and economic marginalization;
3. Maintaining the status quo and institutional lack of will; and
4. Ignoring the agency and expertise of Indigenous women, girls, and 2SLGBTQQIA people.

The Report proposes a supportive approach that includes dignity, cultural safety, and access to traditional healing. Wellness comes from embracing a holistic perspective, ensuring emotional, physical, mental, and spiritual aspects are considered. These supports can be enacted through on-the-land healing programs, commemorative ceremonies, and travel costs.

Core principles include:

- valuing wellness as wholeness, with a holistic understanding of safety and well-being, caring for mental, emotional, spiritual and physical needs;
- using an interdisciplinary, systemic approach to coordinating services, rather than "silos" or forcing programs to compete against each other for funding;
- understanding the importance of cultural safety, integrating Indigenous values and traditions in social services;
- ongoing, mandatory training to equip frontline workers and management with the education necessary to engage with Indigenous communities in culturally safe ways; and
- being able to build long-term, trusting relationships with service providers, including social workers, healthcare professionals, law enforcement, with continuity of care.

Although the core principles may not name elected officials, public servants, or individuals specifically the principles should apply to all people working with, building relationships and liaising with Indigenous community, First Nations, Indigenous, Métis people, and Inuit.

The Report states:

> *Addressing these four pathways means full compliance with all human and Indigenous rights instruments, as well as with the premise that began this report: that the daily encounters with individuals, institutions, systems, and structures that compromise security must be addressed with a new view toward relationships.*

Recognizing Distinctions

The Report defines self-identification, geographical, and residency as the following:

- Self-identification: First Nation Inuit Métis
- Geographical- or regional-specific information: North, South, East, West
  - Proximity to urban centers, oceans, water, and natural resources
  - Locations of traditional territories and homelands
  - Municipal, provincial, and territorial boundaries
- Residency:
  - On-reserve/off-reserve
  - Rural/urban
  - Remote and northern
  - Communities and settlements

Therefore, the Report and Calls for Justice apply to all those self-identifying, to all geographic locations of lands and waters, within treaty or territories, and for residents living on or off-reserve, in rural or urban areas, hence in all communities of British Columbia and Canada.

CULTURAL SAFETY

Cultural safety is a term that is used within the BC government and is an emerging requirement for public servants and those working within government structures and is defined within the Report as:

> *Cultural safety goes beyond the idea of cultural "appropriateness" and demands the incorporation of services and processes that empower Indigenous Peoples. The creation of cultural safety requires, at a minimum, the inclusion of Indigenous languages, laws and protocols, governance, spirituality, and religion.*

Currently the Public Service Agency offers staff a cultural safety certificate that explores bias and stereotypes. SIPA has completed this certification.

ONE-YEAR ANNIVERSARY – JUNE 2020

Many groups have been critical at the one-year anniversary, stating that the Calls for Justice have not been adequately addressed. At this time, the National Action Plan is not in place, and a National Task Force as requested by the Native Women's Association of Canada (NWAC) has not been formed. However, in BC the government has passed *the Declaration on the Rights of Indigenous Peoples Act* (DRIPA), and is currently reviewing legislation.

First steps as a guiding principle that could be outlined as options in an RFD include:

- Calls for Justice should be reviewed as part of training received by elected officials and government employees, with particular emphasis for those employees in communication roles, policy, and decision-making;
- Cultural safety should be a mandatory training process for all elected officials and employees interacting with First Nations.

FOLLOW-UP: Staff will provide an RFD to the Executive Committee on September 4, 2020 with options for responding to the Calls for Justice.

ATTACHMENT(S):

1. Appendix A – Summary of relevant Calls for Justice for non-service related government agencies

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Prepared By: Lisa Wilcox, Senior Intergovernmental Policy Advisor, Trust Area Services

Reviewed By/Date: Clare Frater, Director Trust Area Services / July 23, 2020
Russ Hotsenpiller, CAO Islands Trust / July 29 , 2020

Appendix A - Calls for Justice

The Report makes clear that the following obligations are an "essential legal obligation of all governments in Canada" (below is a summarization of relevant obligations):

1.1 We call upon federal, **provincial**, territorial, **municipal**, and Indigenous governments **(hereinafter "all governments")**, in partnership with Indigenous Peoples, to develop and implement a National Action Plan . . . we call upon all governments to ensure that equitable access to basic rights such as employment, housing, education, safety, and health care is recognized as a fundamental means of protecting Indigenous and human rights, resourced and supported as rights-based programs founded on substantive equality . . .

1.2 We call upon all governments, with the full participation of Indigenous women, girls, and 2SLGBTQQIA people, to immediately implement and fully comply with all relevant rights instruments . . .

1.3 We call upon all governments, in meeting human and Indigenous rights obligations, to pursue prioritization and resourcing of the measures required to eliminate the social, economic, cultural, and political marginalization . . .

1.9 We call upon all governments to develop laws, policies, and public education campaigns to challenge the acceptance and normalization of violence.

2.1 We call upon all governments to acknowledge, recognize, and protect the rights of Indigenous Peoples to their cultures and languages as inherent rights, and constitutionally protected as such under section 35 of the Constitution.

2.2 We call upon all governments to recognize Indigenous languages as official languages, with the same status, recognition, and protection provided to French and English . . .

2.3 We call upon all governments to ensure that all Indigenous women, girls, and 2SLGBTQQIA people are provided with safe, no-barrier, permanent, and meaningful access to their cultures and languages in order to restore, reclaim, and revitalize their cultures and identities . . .

2.4 We call upon all governments to provide the necessary resources and permanent funds required to preserve knowledge by digitizing interviews with Knowledge Keepers and language speakers.

2.6 We call upon all governments to educate their citizens about, and to confront and eliminate, racism, sexism, homophobia, and transphobia. To accomplish this, the federal government, in partnership with Indigenous Peoples and provincial and territorial governments, must develop and implement an Anti-Racism and Anti-Sexism National Action Plan to end racist and sexualized stereotypes of Indigenous women, girls, and 2SLGBTQQIA people. The plan must target the general public as well as public services.

4.1 We call upon all governments to uphold the social and economic rights of Indigenous women, girls, and 2SLGBTQQIA people by ensuring that Indigenous Peoples have services and infrastructure that meet their social and economic needs. All governments must immediately ensure that Indigenous Peoples have access to safe housing, clean drinking water, and adequate food.

4.2 We call upon all governments to recognize Indigenous Peoples' right to self-determination in the pursuit of economic social development . . .

4.4 We call upon all governments to provide supports and resources for educational, training, and employment opportunities for all Indigenous women, girls, and 2SLGBTQQIA people . . .

4.7 We call upon all governments to support the establishment and long-term sustainable funding of Indigenous-led low-barrier shelters, safe spaces, transition homes, second stage housing, and services for Indigenous women, girls, and 2SLGBTQQIA people who are homeless, near homeless, dealing with food insecurity, or in poverty, and who are fleeing violence or have been subjected to sexualized violence and exploitation. All governments must ensure that shelters, transitional housing, second-stage housing, and services are appropriate to cultural needs, and available wherever Indigenous women, girls, and 2SLGBTQQIA people reside.

4.8 We call upon all governments to ensure that adequate plans and funding are put into place for safe and affordable transit and transportation services and infrastructure for Indigenous women, girls, and 2SLGBTQQIA people living in remote or rural communities . . .

6.1 We call upon all media, news corporations and outlets, and, in particular, government funded corporations and outlets; media unions, associations, and guilds; academic institutions teaching journalism or media courses; governments that fund such corporations, outlets, and academic institutions; and journalists, reporters, bloggers, film producers, writers, musicians, music producers, and, more generally, people working in the entertainment industry to take decolonizing approaches to their work and publications in order to educate all Canadians about Indigenous women, girls, and 2SLGBTQQIA people. More specifically, this includes the following:

i. Ensure authentic and appropriate representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, in order to address negative and discriminatory stereotypes;
ii. Support Indigenous people sharing their stories, from their perspectives, free of bias, discrimination, and false assumptions, and in a trauma-informed and culturally sensitive way.

13.2 We call upon all governments and bodies mandated to evaluate, approve, and/or monitor development projects to complete gender-based socio-economic impact assessments on all proposed projects as part of their decision making and ongoing monitoring of projects. Project proposals must include provisions and plans to mitigate risks and impacts identified in the impact assessments prior to being approved.

15.1 Denounce and speak out against violence against Indigenous women, girls, and 2SLGBTQQIA people.

15.2 Decolonize by learning the true history of Canada and Indigenous history in your local area. Learn about and celebrate Indigenous Peoples' history, cultures, pride, and diversity, acknowledging the land you live on and its importance to local Indigenous communities, both historically and today.

15.4 Using what you have learned and some of the resources suggested, become a strong ally. Being a strong ally involves more than just tolerance; it means actively working to break down barriers and to support others in every relationship and encounter in which you participate.

15.5 Confront and speak out against racism, sexism, ignorance, homophobia, and transphobia, and teach or encourage others to do the same, wherever it occurs: in your home, in your workplace, or in social settings.

15.7 Create time and space for relationships based on respect as human beings, supporting and embracing differences with kindness, love, and respect. Learn about Indigenous principles of relationship specific to those Nations or communities in your local area and work, and put them into practice in all of your relationships with Indigenous Peoples.

BRIEFING

To:	Executive Committee	**For the Meeting of:**	August 5, 2020
From:	**David Marlor, Director, Local Planning Services**	**Date Prepared:**	July 31, 2020
SUBJECT:	**Clarifying Local Trust Committee Procedures**		

PURPOSE:

To provide clarity on procedures undertaken for approval of local trust committee regular and special business meeting agendas.

BACKGROUND:

At its regular business meeting on July 8, 2020 the Executive Committee, by general consent, requested staff to clarify the procedures in regards to the review and approval of draft agendas for LTC meetings and to communicate those procedures to all trustees and appropriate Staff.

Trust Council Policy 4.1.1[Local Trust Committee Chair Guidelines] states that:

> *B.1.2 To oversee staff's preparation of meeting agendas in consultation with trustees for such items as: standardized agenda format, list of agenda-specific items, agenda notices, complete agenda information packages, meeting location/teleconference confirmation and proper public notice posting.*
>
> *B.1.3 To oversee staff's follow-up to meetings, Follow-Up Action List (FUAL) monitoring, minutes of decisions made, decisions to affected parties, and subsequent approval of minutes.*

Trust Council Policy 5.9.1[Best Management Practices for Delivery of Local Planning Services to Local Trust Committees] states that:

> *B.3.2 Legislative clerks and planners will prepare LTC business meeting agendas. LPS staff will release LTC business meeting agendas to trustees and post them on the Islands Trust website at least one week in advance of the meeting day.*
>
> *B.3.6 LPS staff and LTC Chairs will ensure that all decisions on the LTC business agenda that require LPS staff resources are relevant to the responsibilities of LTCs to regulate the development and use of land, pursuant to s. 24 of the Islands Trust Act, or relevant to any powers that may be delegated to an LTC under s. 10 of the Islands Trust Act. LTCs should not instruct LPS staff to undertake work that is unrelated to these responsibilities.*

For each local trust committee, staff will prepare the agenda in accordance with the Trust Council policies listed above; for clarity, Staff will undertake the following process:

1. Prepare a draft agenda, and, approximately two weeks before the meeting date, send out by email to all local trust committee members to ask for any additional items to be added; trustees will be given three business days to provide additional agenda items.

2. At least 10 days before the meeting date, the Legislative Clerk will email the draft agenda to the Chair, or Alternate Chair if the Chair is not available, and request the Chair, or Alternate Chair, to approve of the draft agenda, or to contact the Regional Planning Manager or Island Planner if there are any concerns.
3. On approval of the agenda by the Chair (or Alternate Chair if the Chair is not available), staff will finalise the agenda, and make available to the local trust committee one week in advance of the meeting date. The agenda will also be posted 24 hours later on the website for the public. This delay in posting is to ensure the local trust committee members have had a chance to receive the agenda before the public have access.

ATTACHMENT(S):

1. None

FOLLOW-UP:

A copy of this briefing will be provided to Local Planning Services Staff, and any internal procedures will be adjusted as necessary.

Prepared By: David Marlor, MCIP, RPP, Director, Local Planning Services

Reviewed By/Date: Russ Hotsenpiller, Chief Administrative officer/July 31, 2020

From: [redacted]

Sent: Tuesday, July 7, 2020 8:14 PM

To: chair <chair@islandstrust.bc.ca>

Subject: Contact Form Submission

Contact: Chair, Islands Trust Council

Name: Walter Sudmant

Email: [redacted]

If you would like to be contacted using a different method than E-mail, please enter the details:

Write your message:

Thanks for your recent email on the court ruling regarding tree cutting on Denman. For me there is not nearly enough information to understand the infraction or the ruling. It does not even say who owned the property. I would like to learn something from this, and share it with others but I feel slightly insulted by the meagre legalistic message you have sent. Walter Sudmant

From: Steve Wright <stwright@islandstrust.bc.ca>
Sent: Wednesday, July 22, 2020 5:11 PM
To: Peter Luckham <pluckham@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Sue Ellen Fast <sfast@islandstrust.bc.ca>; Dan Rogers <drogers@islandstrust.bc.ca>
Cc: Clare Frater <cfrater@islandstrust.bc.ca>; Russ Hotsenpiller <rhotsenpiller@islandstrust.bc.ca>
Subject: tag lines used on Trust media, signs, and local papers

Members of the Executive,

I have previously mentioned my opinion that the Trust's practice of referring to itself as a "local government" is inappropriate for the simple reason that it is not. I would further argue that the phrase "13 independent local governments" is a stretch. LTCs, if they were independent, would not be reliant upon Trust Council to determine their budget, allocate their staff resources, or require the Executive to approve their bylaws. I have also stated that I believe the phrase "preserving island communities, culture, …." oversteps the jurisdiction of the Trust.

My intention is not to "nit pick" for the sake of being controversial. I believe our use of words is important, and that they must be used accurately and truthfully. Describing ourselves as a "local government", in my opinion, misleads the public in thinking we are more than a single purpose trust. The public seems to know too little about what the Trust is, let alone what it does, but they do understand what a "local government" is responsible for, and that is far more than trustees have the authority and ability to deliver.

I believe it should be enough for us to pride ourselves with preserving and protecting the environment and natural character of these islands and the Salish Sea to be able to represent ourselves for what we truly are. We must leave the socioeconomic matters to those local governments and agencies who have the responsibility for them.

I ask that the Executive consider removing these tag lines and replace them with wording that more accurately describes our purpose: preserving and protecting the environment of the Trust Area.
I also think the description of LTCs should embrace our connection to the Trust Area rather than separate, "independent" entities. The Act was initiated for and about the Trust Area, not individual islands. Some trustees may feel defensive about this request and likely it will incur some lively discussion at Council, but I'd like to open the conversation with you.

Thanks for your time in considering this matter.

Steve Wright

THE COMPASS
News and information from the Union of BC Municipalities

July 8, 2020

B.C. considering auxiliary policing options

Following the recent decision by RCMP National Headquarters to terminate its previous Auxiliary Program on April 1, 2020, B.C. is evaluating options for the continued delivery of auxiliary policing services across the province. Options under consideration are consistent with a recent motion made by the UBCM Executive. Read more

Funding & resources update

Each month we provide an update on UBCM funding programs and information on other programs, events and resources that may be of interest to local governments and First Nations. Read more

Marine Liability Act review

Transport Canada is seeking feedback on the review of the Marine Liability Act. The review examines the scope of losses eligible for compensation under the current ship-source oil pollution liability and compensation regime. The deadline for feedback has been extended to September 30, 2020.

Call for climate action project ideas

The BC Climate-Aligned Stimulus Working Group is seeking project ideas from BC communities that would contribute to post-COVID economic recovery and stimulus, while advancing local and provincial climate mitigation and adaptation goals. The deadline for submitting project ideas is July 12. Read more

diversity
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2020 Virtual Convention Updates

Excellence Awards deadline Friday

The deadline for the 2020 Community Excellence Awards is fast-approaching. Interested UBCM members should submit their applications by Friday, July 10th. All delegates are invited to the awards ceremony during UBCM's Virtual Convention. Winners will be announced at 1:20 pm on September 23rd. Come and celebrate the achievements of local governments during this challenging time.

UBCM Convention registration now open

Online registration for the 2020 Virtual Convention, September 22-24, is now open! To register, please use the online registration form and be sure to review the registration policies before completing the registration process. You can find the draft long program for the virtual convention here.

Refund policies for cancellations are as follows:

- Cancel by August 7: 100% refund
- Cancel between August 8-21: 50% refund
- Cancel on/or after August 22: no refund

Modify Your Registration

UBCM Union of BC Municipalities

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DAVID LOUKIDELIS QC
Associate Counsel
Young, Anderson

Leaders in
Local Government Law
& Labour Relations

YOUNG ANDERSON



If you need to make changes to your Convention registration, you can now login and update your profile here. You will need the email address that you used when registering and your registration number (found on your confirmation email). If you can't find the registration number, you can retrieve it here.

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THE COMPASS
News and information from the Union of BC Municipalities

July 15, 2020

Survey: COVID-19 impact on local government staffing

As part of its ongoing efforts to monitor the financial impacts of the pandemic on local government operations and services, UBCM is conducting a survey on local government staffing decisions. Read more

UBCM draft climate action recommendations

UBCM will be hosting a series of webinars on the draft recommendations of the UBCM Special Climate Action Committee. The webinars will seek feedback on a series of recommendations on buildings, transportation, waste management, resilience, governance, and social mobilization. Read more

911 emergency communications update

Earlier this year, UBCM was informed that the Province would not be tabling new 911 emergency communications legislation during the spring 2020 legislative session. Prior to the COVID-19 pandemic, UBCM was involved in reviewing the existing framework as part of a provincial steering committee. Read more

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2020 Virtual Convention Updates

Virtual convention platform selected

UBCM has secured the services of a professional virtual event planning company to bring the Convention to life for 2020. The company has over nine years of virtual events experience including hybrid and fully virtual conferences. Read more

Call for nominations: UBCM Executive

A Call for Nominations has been issued to local elected officials wishing to serve on the 2020-2021 UBCM Executive. Please note that nominations will not be accepted off the floor at the virtual Convention. The deadline for all nominations is Friday, July 31, 2020.

UBCM Union of BC Municipalities

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lidstone@lidstone.ca

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THE COMPASS
News and information from the Union of BC Municipalities

Province earmarks funds for local government, transit restart

July 22, 2020

Earlier today Finance Minister Carole James introduced supplementary estimates in the legislature for up to $1 billion to fund the Province's portion of municipal and transit services assistance, depending on the outcome of further federal cost-sharing discussions in this priority area. "This is good news for B.C. local governments. UBCM has been making the case that transit systems in particular need to be prioritized as federal restart funding is allocated. Today's announcement demonstrates the province is committed to maximizing the value of this program for local governments. We will continue to engage with the province as the final approach takes shape and look forward to seeing the final details."

UBCM Union of BC Municipalities

Follow us on Twitter

Update on settlement of longstanding RCMP issues

The Ministry of Public Safety and Solicitor General, on March 23, 2020, reached an agreement with the federal government to resolve three long-standing disputed items under the Police Service Agreements. The Settlement Agreement between BC and Canada is retroactive to April 1, 2019, and will impact the cost of policing for local governments that utilize RCMP services. UBCM has sought additional information subsequent to the announcement to make that available to our members. Read more

LEADERS IN LOCAL GOVERNMENT LAW
LIDSTONE & COMPANY
lidstone@lidstone.ca

UBCM releases draft climate action recommendations

UBCM will be hosting a series of webinars on the twenty-one (21) draft recommendations of the UBCM Special Climate Action Committee. The webinars will seek feedback on a series of recommendations on buildings, transportation, waste management, resilience, governance, and social mobilization. Read more

Ius Laboris Canada
MathewsDinsdale
Practical Advice From Labour & Employment Experts
mathewsdinsdale.com

Emergency Program Act review update

UBCM continues to work with Emergency Management BC (EMBC) through the UBCM-EMBC Flood and Wildfire Advisory Committee to address the modernization of provincial emergency management legislation. Engagement is expected to continue until the tabling of new legislation, which has been delayed due to COVID-19 from fall 2020 to spring 2021. Read more

Streamlined process for temporary layoff variance applications

A new initiative by the provincial government is helping to keep employers and workers connected as British Columbia continues on the path towards economic recovery. A streamlined variance application process is now available for employers and workers to jointly apply to the Employment Standards Branch to extend a temporary layoff period. Read more

FireSmart funding renewed, expanded

Grants to assist BC local governments and First Nations to undertake wildfire prevention activities have been renewed under the 2021 Community Resiliency Investment (CRI) program announced last week by the Province.
Read more

Cariboo RD - NsTQ, Tsilhqot'in & Southern Carrier partnership

The Northern Secwepemc Te Qelmucw (NsTQ), Tsilhqot'in, and Southern Carrier / Dakehl First Nations are working with the Cariboo Regional District to

undertake a regional labour market study. Theirs is one of the stories featured in Pathways to Collaboration, a project to showcase the growing number of successful economic development collaborations and partnerships between First Nations and local governments in BC.

Asset Management Planning intake

The delayed intake deadline for this year's Asset Management Planning program is approaching on September 11, 2020. Matching grants of up to $15,000.00 are being offered. Read more

Right to Home

COVID-19 has exposed the vulnerabilities in Canada's housing and shelter systems. As communities rethink housing, the current crisis may present an opportunity for transformative change. Organized by the Canadian Urban Institute and The Shift, Right to Home offers a week of virtual film screenings and live panel discussions from coast to coast about what's working, what's not, and what's next, as communities consider the right to home. The event will run from July 27-31.



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THE COMPASS
News and information from the Union of BC Municipalities

July 29, 2020

Final call for nominations: UBCM Executive

A reminder to local elected officials wishing to serve on the 2020-2021 UBCM Executive that the deadline for **all** nominations is **Friday, July 31, 2020**. Nominations will not be accepted off the floor at the 2020 virtual Convention. Please reference the Call for Nominations for more information on submitting your nomination.

UBCM Union of BC Municipalities

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Updated resolutions process for 2020 Convention

With the 2020 UBCM Convention moving to a virtual format, UBCM has adapted this year's resolutions process. The following article outlines important resolutions information for 2020, and provides some updates and new information since the first article that was published on June 30.
Read more



Community climate preparedness opportunity

The Fraser Basin Council invites Indigenous and rural BC communities of less than 10,000 people to express interest in taking part in a Community Climate Preparedness Virtual Workshop Series in the fall or winter of 2020/21. This series will consist of four training sessions on the basics of how to conduct a climate change adaptation engagement and planning process. Links will be made between building resilience to climate change and building general community resilience as part of the recovery from COVID-19. The deadline for submissions is **August 14, 2020**.

diversity
BY DESIGN | UBCM 2020

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From: Oceans Protection Plan BC Registration / Plan de Protection des Océans CB Enregistrement (TC) <TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca>
Sent: Thursday, July 30, 2020 4:59 PM
Subject: Oceans Protection Plan Newsletter

Hi everyone,

The Oceans Protection Plan newsletter is now available. If you would like to receive more information on marine safety and marine environmental protection actions, we encourage you to subscribe to this newsletter.

Thank you,

Trevor J. Heryet

Executive Director, Oceans Protection Plan
Transport Canada, Pacific Region / Government of Canada
trevor.heryet@tc.gc.ca / Tel: 604-666-1275

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Islands Trust

Print Date: July 31, 2020

Top Priorities Report

Executive Committee

1. *Islands Trust Act Amendments*	Responsible	Dates
Investigate possibility of amendments to the Islands Trust Act to broaden the Islands Trusts ability to serve its communities and to strengthen its mandate to preserve and protect.	Russ Hotsenpiller	Rec'd: 26-Oct-2016

2. *Update Islands Trust Policy Statement*	Responsible	Dates
Undertake a First Nations and public engagement process to prepare for Policy Statement amendments.	Clare Frater	Target: 15-Sep-2022

3. *Climate Change Emergency*	Responsible	Dates
Matters pertaining to Islands Trust declaring a climate change emergency.	Russ Hotsenpiller	Rec'd: 05-Jun-2019

4. *Business Response to COVID-19*	Responsible	Dates
Draft and implement safety plan, consider public messaging as needed.	Russ Hotsenpiller	Rec'd: 15-Apr-2020

Top Priorities Report

Executive Committee

5. *Electronic Meetings*	Responsible	Dates
The development of electronic meetings to conduct business.	Russ Hotsenpiller	Rec'd: 15-Apr-2020

Islands Trust

Print Date: July 31, 2020

Projects Report

Executive Committee

1. *Advocate to reduce negative impacts of shellfish aquaculture practices*	Responsible	Date Received
Develop project charter and budget requests to build organizational capacity (knowledge and time) related to shellfish aquaculture advocacy	Clare Frater	16-Aug-2017

2. *Improve communications about the Islands Trust object and history*	Responsible	Date Received
Develop communications strategy	Clare Frater	30-Aug-2017

3. *Revisions to Crown Land protocol agreements and letters of understanding*	Responsible	Date Received
Negotiate with BIM and FLNRORD	Clare Frater	19-Jun-2014

4. *Oil Spill and Shipping Safety*	Responsible	Date Received
Various advocacy activities including Chair letters and participation in forums	Clare Frater	01-Apr-2014

5. *Bowen Island Signage*	Responsible	Date Received
That Executive Committee request that Bowen Island signage be added to the Executive Committee projects list and that staff clarify the details of the request contained in the February 26th correspondence from Bowen Island Municipality.		25-Mar-2020