



Hornby Island Local Trust Committee

Regular Meeting Agenda

Date: July 5, 2019
Time: 11:30 am
Location: New Horizons
1765 Sollans Road, Hornby Island, BC

Pages

1. **CALL TO ORDER** 11:30 AM - 11:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **REPORTS** 11:35 AM - 12:00 PM
 - 3.1 **Trustee Reports**
 - 3.2 **Chair's Report**
 - 3.3 **Electoral Area Director's Report**
4. **TOWN HALL** 12:00 PM - 12:10 PM
5. **MINUTES** 12:10 PM - 12:15 PM
 - 5.1 **Local Trust Committee Minutes dated May 24, 2019 - for adoption** 4 - 12
 - 5.2 **Section 26 Resolutions-without-meeting - none**
 - 5.3 **Advisory Planning Commission Minutes - none**
6. **BUSINESS ARISING FROM MINUTES** 12:15 PM - 12:30 PM
 - 6.1 **Follow-up Action List Report dated June 27, 2019** 13 - 16
 - 6.2 **First Nations Relationship Building Action - for discussion**
7. **DELEGATIONS** 12:30 AM - 12:40 AM
 - 7.1 **Hornby Island Community Economic Enhancement Corporation regarding Hornby Vacation Rentals - looking to the future**

8.	APPLICATIONS, REFERRALS and BYLAWS	12:40 PM - 1:40 PM	
8.1	Hornby Island Local Trust Committee Bylaw No. 159 (BEN) - for consideration of adoption		17 - 34
	That Hornby Island Local Trust Committee Bylaw No. 159, cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019”, be adopted.		
8.2	HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina) - Staff Report		35 - 59
8.3	HO-TUP-2018.1 (Baird, 6060 Central Road) - Staff Report		60 - 81
	----- BREAK 1:40 PM to 2:00 PM -----		
9.	LOCAL TRUST COMMITTEE PROJECTS	2:00 PM - 2:20 PM	
9.1	Official Community Plan and Land Use Bylaw Amendments Project - Staff Report		82 - 101
10.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.1	Letter dated June 23, 2018 from Tony Law regarding Vacation Home Rental Regulations		102 - 113
11.	NEW BUSINESS	2:20 PM - 3:00 PM	
11.1	Trust Council Climate Change Resolution - for information		
11.2	Board of Variance Appointments - Memorandum - for decision		114 - 114
11.3	Model Cell Tower Consultation Process - Briefing		115 - 158
11.4	Screening Officer Policy (Bylaw Enforcement Notification - BEN) - Staff Report		159 - 164
12.	REPORTS	3:00 PM - 3:20 PM	
12.1	Trust Conservancy Report dated May, 2019		165 - 168
12.2	Applications Report dated June 27, 2019		169 - 175
12.3	Trustee and Local Expense Report - none		
12.4	Adopted Policies and Standing Resolutions		176 - 178
12.5	Local Trust Committee Webpage		
13.	WORK PROGRAM	3:20 PM - 4:00 PM	
13.1	Top Priorities Report dated June 27, 2019		179 - 179

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for September 13, 2019 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC

15. ADJOURNMENT

4:00 PM - 4:00 PM



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: May 24, 2019
Location: New Horizons
 1765 Sollans Road, Hornby Island, BC

Members Present: Sue Ellen Fast, Chair
 Alex Allen, Local Trustee
 Grant Scott, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager
 Lisa Wilcox, Senior Intergovernmental Policy Advisor
 Miles Drew, Bylaw Compliance and Enforcement Manager
 Jaime Dubyna, Planner 2
 Vicky Bockman, Recorder

Others Present: Daniel Arbour, Comox Valley Regional District Area A Director
 Approximately thirty (30) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Fast called the meeting to order at 11:32 am. She welcomed the public, introduced Trustees, staff and recorder; and acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

The following change to the agenda was presented for consideration:

- Move agenda item 10.3 to before 8.1

By general consent the agenda was adopted as amended.

3. TOWN HALL

Members of the public commented with the following noted:

- Adoption of a Bylaw Enforcement Notification (BEN) Bylaw was supported;
- Include community consultation prior to adoption of a BEN Bylaw;
- Support for water restrictions applied elsewhere to be established here; request that all new construction of over 2,000 square feet to be built on top of cisterns;
- Limitation of time for those wishing to speak in the Town Hall session was opposed;
- Displaying the agenda cover on the room's large screen would be helpful.
 - Trustee Allen offered to follow-up on this suggestion.

4. MINUTES

4.1 Local Trust Committee Minutes dated April 5, 2019 - for adoption

By general consent the Local Trust committee meeting minutes of April 5, 2019 were adopted.

4.2 Section 26 Resolutions-without-meeting - none

4.3 Advisory Planning Commission Minutes - none

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List Report dated May 16, 2019

HO-2019-035

It was **MOVED** and **SECONDED**,

that Activity 1 and Activity 2 be combined into Activity 1 on the Hornby Island Follow Up Action Report.

CARRIED

5.2 Bylaw No.158 - for consideration of adoption

That Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be adopted.

HO-2019-036

It was **MOVED** and **SECONDED**,

that the Hornby Island Local Trust Committee Bylaw No. 158, cited as "Hornby Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be adopted.

CARRIED

6. DELEGATIONS

6.1 Sustainability Focus Group - Hornby Island OCP and Bylaws on Vacation Rentals

Mary McKenzie spoke on behalf of the Hornby Island Sustainability Focus Group.

- Outlined concerns including the lack of information regarding Vacation House Rental (VHR) septic capacities and the need for regulation of VHRs based on demonstrated septic capacity for the number of people being housed.
- The presentation, "Sustainability Group Presentation to IT May 24, 2019", was submitted for the record and requests Local Trust Committee (LTC) to consider addressing water use, septic system capacity and groundwater protection.

7. APPLICATIONS AND REFERRALS

7.1 HO-DP-2019.1 Hornby Island Fire Rescue (CVRD CL License #114434) - Staff Report - for decision

Planner Dubyna presented the Staff Report:

- Asking the LTC to consider an application for the construction of a fire department training facility and an equipment storage building on property located within Development Permit Area (DPA) 2; and

- Advising of a discrepancy in Official Community Plan (OCP) Policy 6.2.2 that appears to reference DPA 3 rather than DPA 2 and suggests that a review of this issue might be included as a part of the LTC Top Priority project “OCP and LUB Amendments Project”.

A representative for the applicant was in attendance, and explained the purpose of the structures and how they will be used.

HO-2019-037

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.1.

CARRIED

8. LOCAL TRUST COMMITTEE PROJECTS

10.3 First Nations Relationship Building - for discussion

10.3.1 Standing Resolution on Reconciliation – Staff Report – for discussion

Senior Intergovernmental Policy Advisor Wilcox facilitated a discussion to solicit input from Trustees and the public regarding possible approaches to community engagement with First Nations.

- Comments from Trustees:
 - Timing of an event might coincide with the annual herring spawn;
 - An event similar to that held on Denman Island with food and interaction with First Nation elders might be considered.
- Comments from the public:
 - There is community knowledge and expertise in First Nations issues that should be included in the planning process.

HO-2019-038

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

- a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;
- b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;
- d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
- e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

CARRIED

HO-2019-039

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee direct staff to design and develop a First Nation Reconciliation Workshop with the community.

CARRIED

8.1 Land Use Bylaw Amendments Project - verbal update

Planner Dubyna advised that a Staff Report on the Land Use Bylaw Amendments project is being prepared for presentation at the next LTC meeting and may include a draft bylaw for LTC consideration. She indicated that the discrepancy in OCP policy 6.2.2 described in agenda item 7.1 will be reviewed as a part of the project.

8.2 Vacation Home Rentals and Draft Bylaw Enforcement Notification (BEN) Bylaw - Staff Report - for decision

Bylaw Compliance and Enforcement Manager Drew presented the Staff Report that addresses the current extent of non-compliant VHRs, proposes a proactive enforcement program to motivate compliance, and asks the LTC to consider adopting a BEN Bylaw to facilitate compliance of unlawful land use activities.

Discussion followed with the following key points noted:

- The proactive VHR compliance and enforcement program may require additional staff resources. A potential process and timeline were identified;
- A Trustee expressed concern that enforcing VHR infractions might present unintended consequences such as revealing unlawful secondary dwellings;
- A Trustee noted that in 2011 the BEN bylaw was considered and did not move forward; however, since that time the scale of unlawful activity has increased.

HO-2019-040

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 159 cited as, "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019" be read a first time.

CARRIED

HO-2019-041

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 159 cited as, "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be read a second time.

CARRIED

HO-2019-042

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 159 cited as, "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be read a third time.

CARRIED

HO-2019-043

It was MOVED and SECONDED,

that Hornby Island Local Trust Committee Bylaw No. 159 cited as, "Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

During discussion, Trustee Scott commented that he understands the importance of enforcing bylaws, however, expressed concern regarding the effect this may have on some individuals.

CARRIED

HO-2019-044

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the following standing resolution:

That the Hornby Island Local Trust Committee authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals.

CARRIED

By general consent the meeting was recessed at 1:25 pm and reconvened at 1:49 pm.

By general consent agenda item 11.4 was moved to follow 8.2.

11.4 Electoral Area Director's Report

Comox Valley Regional District (CVRD) Director Arbour commented on issues of mutual interest including the following topics:

- Septic system workshops are to be delivered this year with one scheduled on June 4 on Hornby Island;
- Options are being reviewed to take a more proactive role in septic system regulation in rural Electoral areas. Trustees at the CVRD/Islands Trust Annual meeting expressed interest;
- Feasibility study funds have been secured to review the composting of residuals from composting toilets on Hornby Island;
- A service was established for affordable housing initiatives and Hornby and Denman Islands might consider participating in this service;
- A grant application has been made for the replacement of the Shingle Spit boat launch;
- A resolution was brought forward that passed at the Association of Vancouver Island and Coastal Communities (AVICC) convention to protect the herring fishery;
- Initiatives to further relationship building with K'ómoks First Nation are ongoing;
- Funding support is being provided to Hornby Island's new art gallery;
- A VHR review is being conducted;
- Animal Control officers are at capacity. Expanding services would require process and funding for the service.

9. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

9.1 Email dated April 25, 2019 from T. Law regarding Hornby Island Housing

Received.

10. NEW BUSINESS

10.1 Islands Trust - 2018-2019 Annual Report - Memorandum - for decision

HO-2019-045

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the following text for inclusion in the 2018-2019 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.

The Hornby Island Local Trust Committee held five regular business meetings in the 2018/19 fiscal year. During this period, the Hornby Island Local Trust Committee continued work on community education and enforcement around vacation home rentals, initiated land use bylaw technical amendments, and commenced a project to address watershed protection and groundwater preservation on the island. The Hornby Island Local Trust Committee also received and considered development applications including four development permit applications, one temporary use permit application, and two Agricultural Land Commission applications.

CARRIED

10.2 Meeting Procedures Regarding Public Input - Memorandum - for decision

Chair Fast explained the background and purpose of the Memorandum that asks the LTC to consider the draft Guidelines for Public Participation During LTC Meetings, and to request that staff post the guidelines on the LTC website and prepare a draft Meeting Procedure Bylaw.

Trustees discussed the proposal and agreed on the following amendments to the draft Guidelines for Public Participation During LTC Meetings:

- Town Hall section, line three: remove the text “10 minute”; and
- Applicants section, second paragraph, second line: change “5 minutes” to “10 minutes”.

HO-2019-046

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the Guidelines for Public Participation During Local Trust Committee Meetings as attached to the memorandum received May 17, 2019, as amended.

CARRIED

HO-2019-047

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request that staff include the Guidelines for Public Participation During Local Trust Committee Meetings on the Local Trust Committee webpage.

CARRIED

HO-2019-048

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare a draft Meeting Procedure Bylaw, which incorporates the Guidelines for Public Participation During Local Trust Committee Meetings for consideration at a subsequent meeting.

CARRIED

10.4 Trust Council Climate Change Resolution - for information

This item was deferred to the next LTC meeting.

10.5 Public Engagement on Hornby Island for Visions 2099 - The Future of the islands in the Salish Sea - Staff Report - for decision

Trustees discussed possible options for public engagement activities that would coincide with the online engagement campaign. They considered that the title could be changed, removing the 2099 reference in order to encourage a more involved discussion.

HO-2019-049

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve the following public engagement activities to take place in the Hornby Island Local Trust Area in support of the Trust Council's Visions 2099: The Future of the Islands in the Salish Sea, as outlined in the May 24, 2019 Staff Report:

- Hold a community public engagement meeting, including topic-focused discussion groups that people can self-select;
- A survey in the newspaper (First Edition); and
- Change the title.

CARRIED

Trustees confirmed that any additional suggestions may be forwarded to staff who will be designing the process.

11. REPORTS

11.1 Trustee Reports

By general consent the LTC requested that Trustee and Chair Reports be moved to before Town Hall in future agendas in order to allow the public an opportunity to comment on the information provided in those reports.

Trustee Allen reported on the following:

- The Agricultural Land Commission regional seminar in Nanaimo;
- A Trust Programs Committee meeting;
- Will be soliciting input from the public for the upcoming Ministry of Transportation and Infrastructure meeting.

Trustee Scott reported on the following:

- AVICC convention;
- CVRD/Islands Trust Annual Meeting;
- Trust Programs Committee;
- Consideration is being given to providing a marine issues presentation on Galiano Island.

11.2 Chair's Report

Chair Fast reported on the following:

- AVICC convention;
- Executive Committee meetings;
- Gambier Island meeting by online webinar;
- Trust Conservancy Meeting;
- An upcoming Financial Planning meeting.

11.3 Trust Conservancy Report dated March, 2019

Chair Fast reported that consideration is being given to strategies that might enhance the ability of the Trust Conservancy to access a potential funding source from Nature Canada, a federal government conservation organization.

11.5 Applications Report dated May 16, 2019

Regional Planning Manager Kjerulf responded to questions that arose.

11.6 Trustee and Local Expense Report dated March, 2019

HO-2019-050

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee authorize the additional expenses incurred by Trustee Scott to cover his participation at the Association of Vancouver Island and Coastal Communities convention in April, 2019.

CARRIED

11.7 Adopted Policies and Standing Resolutions

Received.

11.8 Local Trust Committee Webpage

No changes were requested.

12. WORK PROGRAM

12.1 Top Priorities Report dated May 16, 2019

Received.

12.2 Projects List Report dated May 16, 2019

Received.

13. UPCOMING MEETINGS

13.1 Next Regular Meeting Scheduled for July 5, 2019 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC

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

14. ADJOURNMENT

By general consent the meeting was adjourned at 3:42 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Hornby Island

05-Apr-2019

Activity	Responsibility	Dates	Status
1 LTC requested that the Executive Committee consider the best approach for supporting small farms and producers as unique amenities of the Islands Trust Area regarding (ALC) recent decisions on Hornby Island. Deferred to July 3, 2019 Executive Committee meeting	Ann Kjerulf Jaime Dubyna		In Progress
2 LTC endorsed the revised Watershed Protection and Groundwater Preservation Project Charter; staff to coordinate a follow-up workshop in spring 2019 and prepare communications materials for dissemination to the Hornby Island community.	Ann Kjerulf William Shulba		In Progress

Follow Up Action Report

Hornby Island

24-May-2019

Activity	Responsibility	Dates	Status
1 First Nations Relationship Building: ·Dec. 2016: LTC requested that staff develop an Event Plan with Hornby and Denman LTCs working together for an initial Komoks community and First Nation long-term, sustainable relationship building event; ·Dec. 2016: LTC requested that staff discuss environmental mapping (ecosystems, eel grass, forage fish) KFN staff as a step in relationship-building. ·Dec. 2017: LTC requested that staff organize two or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Hornby island community members, and to invite First Nations who have asserted rights and title on Hornby Island to participate. ·May 2019: LTC requested that staff design and develop a First Nations reconciliation workshop with the community.			In Progress
2 LTC adopted Bylaw No. 158 (APC). Post to website.	Becky McErlean		Completed
3 LTC approved issuance of HO-DP-2019.1 (Hornby Fire Hall).	Becky McErlean		Completed
4 LTC adopted a standing resolution on First Nations relationship building.	Ann Kjerulf Penny Hawley		Completed

Follow Up Action Report

Hornby Island

24-May-2019

Activity	Responsibility	Dates	Status
5 LTC gave three readings to Bylaw No. 159 (Bylaw Violation Notice) and forwarded to Executive Committee for approval.	Ann Kjerulf Becky McErlean Miles Drew		Completed
6 LTC authorized Bylaw Compliance and Enforcement staff to undertake proactive enforcement of non-compliant vacation home rentals.	Miles Drew Penny Hawley		Completed
7 LTC endorsed text for inclusion in the 2018-2019 Islands Trust Annual Report (as presented).	Ann Kjerulf		Completed
8 LTC approved the following engagement activities to take place on Hornby Island in support of Trust Council's Visions 2099 (Islands Trust Policy Statement review) Project: ·Hold a community engagement meeting including a presentation and topic-focused discussion groups (where participants can self-select their discussion group(s)). ·Undertake a community survey (through online engagement and in the local newspaper). and requested that the project title be changed.	Gillian Nicol		In Progress
9 LTC approved the additional expenses incurred by Trustee Scott to attend the AVICC conference in April 2019.	Ann Kjerulf Nancy Roggers		Completed
10 LTC endorsed the Guidelines for Public Participation during Local Trust Committee meetings and requested that staff post the guidelines to the Islands Trust website.	Ann Kjerulf Wil Cottingham		Completed

Follow Up Action Report

Hornby Island

24-May-2019

Activity	Responsibility	Dates	Status
11 LTC requested staff to prepare a draft Meeting Procedures Bylaw, which incorporates the Guidelines for Public Participation during Local Trust Committee meetings, for consideration at a subsequent meeting.	Ann Kjerulf Becky McErlean		In Progress
12 LTC requested that Trustee and Chair reports be moved to before Town Hall on future agendas.	Becky McErlean		Completed

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 159

A BYLAW WITH RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE HORNBY ISLAND LOCAL TRUST AREA

WHEREAS the Hornby Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Hornby Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Hornby Island Local Trust Area;

NOW THEREFORE the Hornby Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as “Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the Islands Trust established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Hornby Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedules “A” and “B” attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedules “A” and “B” as attached to this bylaw;
- (2) if received by the Islands Trust more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Penalty Amount set out in column A3 of Schedules “A” and “B” as attached to this bylaw;

- (3) if received by the Islands Trust more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Penalty Amount set out in column A3 of Schedules “A” and “B” as attached to this bylaw;
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedules “A” and “B” as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.

5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.

6.2 The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8.

6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice, or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

7.2 The following are designated classes of person that may be appointed as screening officers:

- (1) Regional Planning Manager;
- (2) Bylaw Compliance and Enforcement Manager;
- (3) Bylaw Compliance and Enforcement Officer;
- (4) Bylaw Compliance and Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.
- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" and "B" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedules "A" and "B" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Compliance and Enforcement Manager;
- (b) Bylaw Compliance and Enforcement Officer.

9.0 FORM OF BYLAW VIOLATION NOTICE

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*.

10.0 SCHEDULES

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – Hornby Island Land Use Bylaw No. 150, 2014 Contraventions and Penalties
(b) Schedule B – Hornby Island Sitting and Use Bylaw No. 90, 1990 Contraventions and Penalties

READ A FIRST TIME	THIS	24 TH	DAY OF	MAY	,2019
READ A SECOND TIME	THIS	24 TH	DAY OF	MAY	,2019
READ A THIRD TIME	THIS	24 TH	DAY OF	MAY	,2019
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS					
		5 TH	DAY OF	JUNE	,2019
ADOPTED	THIS		DAY OF		,201X

SECRETARY

CHAIR

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2(a)	Over Time Use of Boat/Vessel/Structure as a Residence	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(b)	Non Permitted Float Camp	\$500.00	\$375.00	\$750.00	Yes	100%
3.2 (c)	Non Permitted Use of Accessory Building/Structure as Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(d)	Overnight Accommodation in tents/RVs with Vacation Home Rental	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(e)	Non Permitted Amusement Park/Shooting Ranges/Water Slides/ Go Cart Tracks/Commercial Golf Course	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(f)	Non Permitted Fin Fish Aquaculture	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(g)	Non Permitted Commercial Kennels	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(h)	Non Permitted Airport	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(i)	Non Permitted Heliport	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(j)	Non Permitted Wharves/Breakwaters	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(k)	Pumping Sewerage on to Land	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(l)	Disposing Sewage by Marine Outfall	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(m)	Disposal/Storage of Toxic/Hazardous Waste	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(n)	Storage of Waste/ Sale of Salvage Material	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(o)	Wrecking/Storage or Derelict Automobiles/Vessels/mechanical Equipment	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(p)	Rental of Personal Watercraft/All-Terrain Vehicles/Gas Powered Scooters/ Off Road Motorcycles	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(q)	Non Permitted Inter Island/ Island to Mainland Water Lines	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(r)	Non Permitted Wind Generator	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(s)	Non Permitted Casino	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(u)	Non Permitted Use of Well for Off Lot Use	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(v)	Commercial Raising of Animals/Poultry on Lot Les than 1.0 Hectare	\$500.00	\$375.00	\$750.00	Yes	100%

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HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2(w)	Encroachment Of Building Into Setback From Lot Line That Abuts A Highway	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(2)	Building/Structure Located Too Close/ Less Than 1.5 Metres Above the Natural Boundary of Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(3)	Building/Structure Within 30 Metres of Ford Creek/Beulah Creek/ Wetlands Shown on Schedule D	\$500.00	\$350.00	\$750.00	Yes	100%
3.3(4)	Improperly Placed Fill	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(5)	Building/Structure Too Close to Cliff Edge	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(6)	Pit Toilet Within 15 Metres of Lot Lines	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(7)	Feed Trough/ Manure Piles/ Buildings/ Structures For Animals/Sewage Disposal Fields Within 30.0 Metres From Well/ Natural Boundary Of Lake, Watercourse Or The Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(8)	Keeping Livestock/ Birds Within 15.0 Metres of the Natural Boundary of a Lake/ Watercourse/ Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(8)	Siting Buildings/Structures Used For Livestock/Poultry Within 15.0 Metres of the Natural Boundary of a Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3.(9)	Siting Buildings/Structures For Livestock/Poultry Within 15.0 Meters of the Natural Boundary of a Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(10)	Buildings/ Structures Used for Commercial Growing of Mushrooms/ Commercial Raising of Livestock/ More Than 100 Birds Within 30.0 Metres of Highway/ Lot Line/ Natural Boundary of Lake/ Watercourse/Sea.	\$500.00	\$375.00	\$750.00	Yes	100%
3.4.(1)	Buildings/Structure Over 8.0 Metres High	\$350.00	\$262.50	\$525.00	Yes	100%

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3.4(2)	Building/Structure within 100 Metres of Natural Boundary of the Sea Over 7.0 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(3)	Accessory Buildings/Structure Over 6.0 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(4)	Agricultural Buildings/Structures Over 10 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(1)	Prohibited Home Occupation Use	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(3)	Unpermitted Home Occupation Use on Lot Less Than 0.1 Hectare.	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(4)	Home Occupation Exceeds Maximum Floor Area on Lot Less than 0.1 Hectare	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(5)	Home Occupation Not Wholly Within Principal Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(6)	Home Occupation Not Operated Solely by Residents of the Property	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(7)	Home Occupation Noise Heard Beyond Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(9)	Unpermitted Home Occupation on Lots Smaller than 0.4 Hectare	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(11)	Unpermitted Home Occupation on Lots Smaller than 2.0 Hectare	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(12)	More than Permitted Number of Home Occupations on a Lot	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(13)	Home Occupation Not Wholly Within Dwelling Unit or Accessory Building	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(15)	Unscreened Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(16)	Home Occupation With Oversize Outdoor Area	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(17)	Home Occupation Over Maximum Total Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(18)	Home Occupation Not Operated By Residents of Property	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(20)	Home Occupation Noise Heard of the Lot.	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(22)	Unpermitted Home Occupation on Lot Larger than 2.0 Hectares	\$500.00	\$375.00	\$750.00	Yes	100%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.6(23)	More than Permitted Number of Home Occupations on a Lot	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(25)	Unscreened Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(26)	Home Occupation With Oversize Outdoor Area	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(27)	Home Occupation Over Maximum Total Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(28)	Home Occupation Not Operated by Residents of the Property	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(29)	Home Occupation with More than Maximum Number of Employees	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(30)	Home Occupation Noise Heard of the Lot	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(32)	Dwelling Used for Home Occupation Not Occupied as Residence	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(33)	Home Occupation Improperly Storing Flammable/Toxic Materials	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(34)	Home Occupation Without Containment System to Prevent Water Contaminate	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(35)	Home Occupation without Residential Appearance	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(36)	Home Occupation Storage and Display Area of Incidental Sale Items too Large	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(38)(a)	Bed and Breakfast Providing permanent accommodation	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(38)(b)	Bed and Breakfast Rooms not Within Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(38)(c)	Bed and Breakfast Providing More than Two Beds Per Bedroom	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(38)(d)	Bed and Breakfast Not Serving Breakfast to Overnight Guests	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(39)	Bed and Breakfast Operating on Lot Smaller than 0.1 Hectare.	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(40)	Bed and Breakfast Exceeding Permitted Number of Bedrooms	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(41)	Bed and Breakfast Use Without Required Sewage System Certification	\$500.00	\$375.00	\$750.00	Yes	100%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.7(1)(a)	Vacation Home Rental Operating in Unpermitted Months	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(1)(c)	Vacation Home Rental Used by More than One Party in Seven Day Period	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(d)	Vacation Home Rental Too Many Beds/Bedrooms	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(e)	Vacation Home Rental Without Residential Appearance	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(f)	Vacation Home Rental Use Without Required Sewage System Certification	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(2)	Vacation Home Rental Without Required Sign	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(a)	Secondary Suite Without Siting and Use Permit	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(b)	Secondary Suit Does Not Comply With BC Building Code	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(c)	Secondary Suite Inadequate Rooms	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(d)	Secondary Suite Inadequate Parking	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(e)	Secondary Suite Not in Principle Residential Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(f)	Secondary Suite Not Occupied by owner or Residential Tenant	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)(g)	Secondary Suite Too Large	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(2)	Secondary Suite Without Sewage Disposal Certificate	\$500.00	\$375.00	\$750.00	Yes	100%
3.8(3)	Non Permitted Secondary Suite	\$500.00	\$375.00	\$750.00	Yes	100%
3.9(1)	Over height Fence	\$350.00	\$262.50	\$525.00	Yes	100%
3.10(1)a)/b)/c)/d)	Inadequate Required Screening	\$350.00	\$262.50	\$525.00	Yes	100%
3.11(a)	Temporary Dwelling Without Siting and Use Permit for a Permanent Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
3.11(b)	Exceed occupancy of Temporary Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.11(c)	Temporary Dwelling Without Approved Sewage System	\$500.00	\$375.00	\$750.00	Yes	100%
3.11(d)	Temporary Dwelling Used as Permanent Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%

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3.12(1)	Storage of Derelict Items	\$500.00	\$375.00	\$750.00	Yes	100%
4.1.(1)	Sign Not In Accordance with Table 4.6 of Bylaw No. 150.	\$350.00	\$262.50	\$525.00	Yes	100%
4.2(1)	Prohibited Sign	\$350.00	\$262.50	\$525.00	Yes	100%
4.5	Fail to Remove Obsolete Sign	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(1)	Off Street Parking Wrong Location	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(2)	Disabled Parking Wrong Location	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(1)/(2)/(3)/(4)/(5)	Parking Does Not Meet Design Standards	\$350.00	\$262.50	\$525.00	Yes	100%
5.4	Off-Road Parking Not in Accordance with Table 5.4 of Bylaw No. 150	\$350.00	\$262.50	\$525.00	Yes	100%
8.1(1)	Non Permitted Use in Small Lot (R1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(a)	Non Permitted Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(b)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(a)	Building /Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.6)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.8)	Fail to Comply With Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(1)	Non Permitted Use in Large Lot (R2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(2)(a)/(b)	Non Permitted Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.2(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2.(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2.(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.2.(5)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(1)	Non Permitted Use in Community Housing (R3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%

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8.3(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
	Non Permitted Building/Structure In Community Service Zone	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(6)	Dwelling in Community Housing Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(7)	Community Facility Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(8)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(9)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(1)	Non Permitted Use in Community Housing R3A Zone	\$500.00	\$350.00	\$750.00	Yes	100%
8.3A(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(6)	Community Facility Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(7)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(8)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(1)	Non Permitted Use in Residential 4-Forest (R4) Zone	\$500.00	\$350.00	\$750.00	Yes	100%
8.4(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%

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8.4(6)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(1)	Non Permitted Use in Agriculture1 (A1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.5(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(3)	Exceeds Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(5)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(7)(a)	Winery/Cidery Exceeds Retail Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(7)(b)	Winery/Cidery Exceeds Lounge Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(7)(c)	Winery/Cidery Lounge Operates Outside Permitted Hours	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(8)	Non Permitted Non Farm Use	\$500.00	\$375.00	\$750.00	Yes	100%
8.5(9)	Milling Off Lot Timber	\$500.00	\$375.00	\$750.00	Yes	100%
8.6(1)	Non Permitted Use in Agriculture 2 (A2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.6(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(7)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(8)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(1)	Non Permitted Use in Agriculture 3 (A3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.7(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%

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8.7(6)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(7)	Fail To Meet Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.8(1)	Non Permitted Use in Agriculture 4 (A4) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.8(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(6)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(8)	Fail to comply with Site Specific Regulations	\$500.00	\$350.00	\$750.00	Yes	100%
8.9(1)	Non Permitted Use in Commercial 1 Retail (C1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.9(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
	Non Permitted Use in Commercial 2 Limited Commercial (C2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.10(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(4)	Restaurant Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(5)	Restaurant Exceeds Seating Capacity	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(6)	Bakery Exceeds Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(7)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(8)	Accessory Building/Structures Exceed Height/More than One Story	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(1)	Non Permitted Use in Commercial 3 (C3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.11(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(6)	Visitor Accommodation Unit/ Accessory Dwelling Unit Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(7)	Pub Does Not Meet Minimum Capacity	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(8)	Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(10)	Fail to Meet Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.12(1)	Non Permitted Use in Commercial 4 Resort (C4) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.12(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(5)	Visitor Accommodation Unit Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(6)	Restaurant Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(7)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(8)	Non Permitted Improved Camping Space	\$350.00	\$262.50	\$525.00	Yes	100%
8.12(9)	Camping Space Accommodates More than One Vehicle	\$200.00	\$150.00	\$300.00	Yes	100%
8.12(10)	Camping Space Occupant Overstay	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(1)	Non Permitted Use in Commercial 5 (C5) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.13(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
8.13(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(4)(b)	Building/Structure in Rear Setback	\$500.00	\$375.00	\$750.00	Yes	100%
8.13(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.13(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(6)	Visitor Accommodation Unit Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(7)	Restaurant Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(8)	Retail Store Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.13(9)	Accessory Buildings Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(1)	Non Permitted Use in Commercial 6 Resort (C6) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.14(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(3)	Exceeds Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(5)	Visitor Accommodation Unit Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.14(6)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(1)	Non Permitted Use in Commercial 7 Campground (C7) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.15(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(5)	Camping Space in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(6)	Accessory Buildings Exceeds Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(7)	Accessory Residential Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(8)	Non Permitted Improved Camping Space	\$350.00	\$262.50	\$525.00	Yes	100%
8.15(9)	Camping Space Accommodates More than One Vehicle	\$200.00	\$150.00	\$300.00	Yes	100%
8.15(10)	Camping Space Occupant Overstay	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(1)	Non Permitted Use in Commercial 8 Campground C8 Zone	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.16(2)	Non Permitted Building/Structure/Camping Spaces	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(5)	Non Permitted Improved Camping Space	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(6)	Camping Space Accommodates More than One Vehicle	\$350.00	\$262.50	\$525.00	Yes	100%
8.16(7)	Camping Space Occupant Overstay	\$350.00	\$262.50	\$525.00	Yes	100%
8.17(1)	Non Permitted Use in Ecosystem Protection (EP1) Zone	\$500.00	\$350.00	\$750.00	Yes	100%
8.17(2)	Non Permitted Buildings/Structures	\$500.00	\$375.00	\$750.00	Yes	100%
8.18(1)	Non Permitted Use in Water Supply Protection (WS) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.18(2)	Non Permitted Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
8.18(3)	Building/Structure in Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.18(4)	Exceed Total Floor Area	\$350.00	\$262.50	\$325.00	Yes	100%
8.18(6)	Fail to Comply with Site Specific Regulations	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(1)	Non Permitted Use In Public Park (P1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.19(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.19(4)	Exceed Floor Area of Public Education Building	\$350.00	\$262.50	\$525.00	Yes	100%
8.20(1)	Non Permitted Use in Public Park 2 (P2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.20(2)	Non Permitted Building /Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.20(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.20(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.20(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.20(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$325.00	Yes	100%

Schedule A
HORNBY ISLAND LAND USE BYLAW NO. 150, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.21(1)	Non Permitted Use in Public Use (PU)Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.21(2)	Non Permitted Building /Structure	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(5)	Exceed Floor Area of Residential Building	\$350.00	\$262.50	\$325.00	Yes	100%
8.21(6)	Exceed Combined Floor Area of Accessory Buildings	\$350.00	\$262.50	\$525.00	Yes	100%
8.22(7)	Non Permitted Alcohol Sales	\$500.00	\$375.00	\$750.00	Yes	100%
8.21(9)	Fail to Comply with Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.22(1)	Non Permitted Use in Marine Conservation (M1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.22(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.23(1)	Non Permitted Use in Marine Park (M2) Zone	\$350.00	\$262.50	\$525.00	Yes	100%
8.23(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.24(1)	Non Permitted Use in Mariculture (M3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.24(2)	Non Permitted Building/Structure	\$350.00	\$262.00	\$750.00	Yes	100%
8.24(3)	Building/Structure Impedes Access	\$350.00	\$262.50	\$750.00	Yes	100%
8.25(1)	Non Permitted Use in Marine Access (M4) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.25(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$325.00	Yes	100%
8.25(3)	Exceed Combined Floor Area of Accessory Buildings	\$350.00	\$262.50	\$325.00	Yes	100%
8.26(1)	Non Permitted Use in Marine Service (M5) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.26(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$325.00	Yes	100%
8.27(1)	Non Permitted Use in Maine Private Moorage (M6) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.27(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$325.00	Yes	100%

Schedule B
HORNBY ISLAND SITTING AND USE PERMIT BYLAW NO. 52, 1990
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.	Fail to obtain Sitting and Use Permit	\$500.00	\$375.00	\$750.00	Yes	100%

File No.: HO-DVP-2018.1
(X Ref. No. HO-DP-2018.1)

DATE OF MEETING: July 5, 2019

TO: Hornby Island Local Trust Committee

FROM: Bronwyn Sawyer, Planner 2
Northern Team

SUBJECT: Development variance permit

Applicant: Matthew Fredbeck, Owner

Location: 10835 Central Road, Hornby Island (PID 005-574-285)
Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 Except
part lying to the north east of a boundary parallel to and perpendicularly
distant 50 feet from the north easterly boundary of said lot

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee defer consideration of HO-DVP-2018.1 pending receipt of the following information:**
 - a) **A flood hazard assessment, completed by a qualified Professional Engineer experienced in coastal engineering, as per the Province of British Columbia *Flood Hazard Area Land Use Management Guidelines*, which assesses the impacts of anticipated sea level rise for the year 2100 on the newly constructed commercial building, determines the Flood Construction Level and confirms that the building meets the Flood Construction Level; and**
 - b) **Confirmation by a qualified professional that the newly constructed commercial building will not interfere with natural coastal processes.**

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application HO-DVP-2018.1 to authorize:

- The siting of a building 4.7 metres to the natural boundary of the sea
- A reduction in on-site parking and disabled parking spaces
- Remove the requirement for hard permeable surfaces for parking
- The siting of a building from 1.4 metres to the exterior side lot line setback
- Increase the floor area permitted in the zone for retail and restaurant

This application is also to vary several sections of the zoning bylaw to legalize recent unauthorized changes and alterations made to the commercial operation – specifically, the retail and restaurant building.

BACKGROUND

The subject property is located at the end of Central Road at Ford Cove, as shown in Figure 1 below.

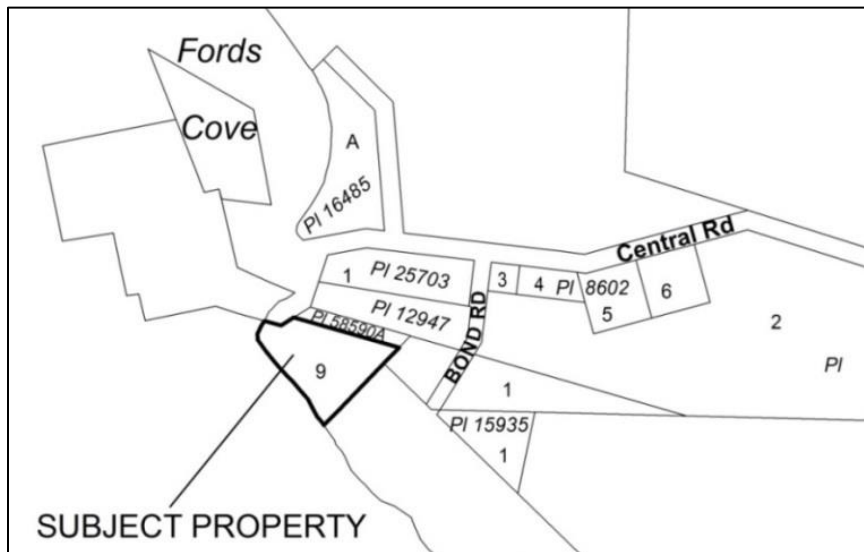


Figure 1. Subject Property Map

There have been several planning applications made over the years. These were itemized in the August 3, 2018 memorandum and have been communicated in the Site Context (Attachment 1).

The proposed variances that are the subject of this application are the result of an unauthorized addition and renovation to an existing building. From the application, it has been stated the building previously was home to a store and gallery (Attachment 2). A renovation and ongoing redevelopment of the site initiated a bylaw enforcement investigation and it was determined that a siting and use permit was not issued prior to the construction and that, if the building was not going to be removed, the construction being undertaken would require a development variance permit in order to proceed.

The following is from the August 2018 memorandum:

HO-DVP-2018.1: *This Development Variance Permit (DVP) application is proceeding as a result of bylaw enforcement file HO-BE-2018.1, regarding the recent replacement and construction of the existing retail store/restaurant that is currently within the 15.0m setback from the natural boundary of the sea (spot elevations on the survey (Attachment 3) indicate that the building is above the minimum required 1.5 metres above the natural boundary of the sea). Planning Staff requested the applicant to submit a complete survey of the property, as per regulation 2.7(1) of the Hornby Island Land Use Bylaw, No. 150 (LUB), which is included as Attachment 3. From the survey, staff noted that portions of the building are also within the 6.0 metre setback from the exterior side lot line on Central Road, so altering the floor and roofline of the building within that setback also requires a variance for that regulation.*

Since the August 2018 memorandum was presented to the LTC, the applicant has provided staff with additional information, which includes: MoTI permit, survey of property, update on work with the Archaeology Branch, history of septic field, verification of a water licence application, and follow up material on permits from Island Health.

Upon review of the application and survey, it has been determined by planning staff that a total of eight (8) variances to the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) are required to authorize existing and proposed development. In detail, this application involves the following variance requests:

- Relax the 15.0 metre setback from the natural boundary of the sea to a minimum of 5.3 metres;
- Relax the parking regulations requiring a hard, permeable surface for parking spaces;
- Relax the minimum number of parking spaces for a 76-seat restaurant from 38 parking spaces to 24 parking spaces;
- Relax the number of disabled parking spaces for 6 visitor accommodations from 1 parking space to 0 parking spaces;
- Relax the minimum number parking spaces for 140.6 m² retail use from 8 parking spaces to 6 parking spaces;
- Relax the exterior side lot line setback from 6.0 metres to 1.4 metres;
- Relax the maximum allowable floor area of a restaurant from 46m² to 144.5 m² for the newly constructed building; and
- Relax the maximum allowable floor area of a retail store from 46m² to 140.6 m² for the newly constructed building.

The draft DVP and public notice are found in Attachments 3 and 4.

Many letters of support for the application have been received.

ANALYSIS

Islands Trust Policy Statement:

Staff have reviewed the Islands Trust Policy Statement (ITPS) and have highlighted the relevant policies in Attachment 1.

Official Community Plan:

The Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) designates the subject property as CS/VA (Retail and Personal Service/Visitor Accommodation). A list of relevant OCP objectives and policies is provided in Attachment 1.

The subject property is located within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area. If the LTC approves the DVP as part of this concurrent DVP/development permit (DP) application, the DP portion will be brought forward at a subsequent LTC meeting.

Land Use Bylaw:

The applicant is requesting several variances to the LUB. Table 1 summarizes the regulation that pertain to the lot and how the proposal complies or does not comply with the regulation. Attachment 1 provides additional LUB regulation and definitions relevant to this application.

Table 1. Relevant LUB Regulations

Hornby Island Land Use Bylaw, No. 150	Relevant Regulation	Requirement LUB No. 150	Proposed
	Permitted Uses	Commercial 5 - Visitor accommodation - Restaurant - Retail - Liquid fuel sales (boats) - Accessory residential	OK

	Density	- Maximum one accessory residential - Maximum six visitor accommodation units - Lot coverage 40%		
	Size	- Maximum height of 7 metres Maximum floor area - Not exceed 46m² for restaurant - Not exceed 46m² for retail stores		- 7 metres - 144.5m² - 140.6m²
	Siting	Setbacks - 6.0 metres from a front lot line - 6.0 metres from a rear lot line - 3.0 metres from an interior side lot line - 6.0 metres from an exterior side lot line		- OK - OK - OK - 1.4 metres
	General Siting and Setbacks	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 (NBS)		- 1.54 metres above the NBS - 4.7 metres from NBS
	Parking Spaces	Min. # of spaces	Min. # of parking spaces for disabled	
		Restaurant: 38	1	- 24, 1
		Visitor accommodations: 6	1	- 6, 0
		Retail: 8	1	- 6, 1

Issues and Opportunities

Variances

Natural boundary of the sea

As mentioned, there has been a retail and gallery building in the same general location for several years as evidenced by the development permit that was issued in the 1990s. In 1996, the development permit showed the building being, at its closest, approximately 3 metres (not a surveyed measurement) from the shoreline and the 2009 development permit for the wind mill shows building as being approximately 4.7 +/- metres from the high water mark (surveyed distance). This distance is requested as part of the DVP.

While the horizontal setback to the natural boundary of the sea is being considered in this application, there is also a vertical component. The proposal will result in a much larger and taller building albeit closely replicating the footprint of the original building. It is worth stating that although the height meets the maximum permitted by the LUB, this height regulation was created with the understanding that development would conform to the setbacks to the natural boundary of the sea. Not included in the application submitted by the property owner is the height of the original building and, basing the planning review on the 1996 development permit, it seems that the retail building was approximately 4 metres (to highest point in roof line) and the gallery 3.5 metres, but at a higher relative elevation. The proposed building will be 7 metres - the maximum height for the zone. The vertical impacts of such a building in the setbacks should also be considered. This building is in a high traffic area given that the marina and other businesses are nearby, and the site is highly visible from the public foreshore and marine area.

Maximum Floor Area

The applicant has begun demolition and rebuilding of the store and has plans to replace the gallery with a restaurant. The variance to the LUB associated with this proposal is considerable. The LUB allows for a 46 m² for restaurant use and 46m² for retail use. The applicant has requested an increase to these maximums to 144.5 m²

for the restaurant and 140.6 m² for the retail; this is a request to more than triple the maximum floor area of these uses from what is permitted in the LUB. In making this application, the applicant has stated that the LUB did not accurately reflect what existed; however, it is possible that this was considered in the LUB and that the community may have planned for smaller-scale development of the property in the future.

Parking

There is insufficient parking for the proposed development to meet the requirements of the LUB. After several iterations (in part due to the unsuccessful non-farm use application made to the ALC), the applicant would now be committing a large amount of the property to parking as part of this application. 38 parking spaces are required for a 76-seat restaurant and the proposal is for 24 – a shortfall of 14 spaces. Likewise, there would be a shortfall of 2 required parking spaces for the new store and one less space than required for persons with disabilities.

The applicant seeks to vary the requirement to provide hard, permeable parking surfaces for the spaces. The planning issue with this request is that the parking spaces may not be created on the subject property and that the parking problems that have arisen in the Ford Cove neighbourhood would likely be exacerbated by the new development. On the other hand, there is an argument to be made that hard surface parking might have a greater environmental impact.

There have been several variances applied for as part of this application and the LTC may wish to amend the permit from what has been requested by the applicant. The LTC has the option to approve a DVP, with or without amendments to the draft permit (if the amendment is a reduction in the variance request, such as removing variances to the LUB from the permit, no further notifications are necessary) and with or without conditions.

Water and Sewage disposal

The applicant has provided Islands Trust staff with the following information pertaining to water and sewage disposal: a completed provincial *Existing Use Groundwater Application* form (dated February 19, 2019); a letter signed by Ron McMurtrie, P.Eng. stating that the existing sewerage system has been designed and the capacity to support the expanded uses contemplated in this development variance permit (dated April 11, 2019); and a Vancouver Island Health Authority (IHA) *Permit to Operate* effective as of August 25, 2006 with an expiration date of March 2019. It is possible that the property owner is in the process of renewing the IHA permit; however, this information has not been confirmed.

Site profile

There are fuel tanks and associated fuel lines on the subject property. The *Environmental Management Act* (EMA) and *Contaminated Site Regulation* (CSR) have been used to create a provincial system to note potentially contaminated sites and this system is, in part, populated through site profiles completed by property owners when certain local government land use applications are made. The Islands Trust has opted out of administering the site profile system and, therefore, staff are unaware of the state of the tanks and lines and there will be no follow up or action by Islands Trust on these potential sources of contamination. It is advisable for the property owner to contact the Ministry of Environment and Climate Change Strategy to determine what provisions in the EMA and CSR might apply.

Flood construction level and setback to natural boundary of the sea

Effective January 1, 2018, the Province's amended '[Flood Hazard Area Land Use Management Guidelines](#)', require that local governments must consider the amended guidelines when developing bylaws for designated sea level rise planning areas. The guidelines note that, in the absence of site-specific studies by a qualified professional, it is recommended that the provincial minimum requirements for land use management in flood hazard areas be used. The minimum requirements are shown in Figure 2:

Table 5-1: Main Elements of Flood Hazard and Land Use Management Guidelines (2004)

Location	Setback	FCL
Strait of Georgia (SOG) (Sec 3.5.1-p.22)	• 15 m from natural boundary (NB). • 7.5 m from NB where protected from erosion by natural bedrock or protective works designed by professional engineer. • No reduction from 15m in new subdivisions unless each building site is on non-erodible bedrock or local government assumes maintenance responsibility for works designed by a professional engineer. • May be increased (from 15 m) for exposed erodible beaches and areas of known erosion hazard.	• At least 1.5 m above NB • Higher than any FCL established for specific coastal areas

In regards to building life span, the *Guidelines* document makes the following statement: “Many other buildings, such as multi-family, commercial or light industrial buildings may have a life span of 75 years” (http://www.env.gov.bc.ca/wsd/public_safety/flood/pdfs_word/draft_policy_rev.pdf p. 30). By allowing the construction of buildings within the setback to the natural boundary of the sea, there could be a resulting want or need to build sea walls, hard armouring or other mitigations to reduce sea-level rise damage over the life of the buildings. This has become a concern throughout the Islands Trust Area as this rationale can be used by property owners for structures in or near the foreshore to protect infrastructure that has been built close to the sea edge.

Although not an application to modify a flood plain bylaw, the setbacks to the natural boundary of the sea in the LUB closely align with such bylaws. In the *Guidelines* document, it is stated that “setback requirements should not be reduced unless a serious hardship exists and no other reasonable option is available. A valid hardship should only be recognized where the physical characteristics of the lot (e.g., exposed bedrock, steep slope, the presence of a watercourse, etc.) and size of the lot are such that building development proposals, consistent with land use zoning bylaws, cannot occur unless the requirements are reduced” (p. 8). The construction that has occurred without authorization and the rationale for the construction would not, it appears, meet this definition of hardship.

The Site Context refers to the Shoreline maps for Hornby Island. In reviewing these maps, it should be noted that the shoreline adjacent to the subject property is identified as being *vulnerable*. From Map 3 *vulnerability* refers to:

1. Natural areas or features vulnerable to human disturbance; or
2. Buildings or facilities, vulnerable to disturbance from natural or human-altered system processes.

The mapping also shows this area is low lying and, therefore, vulnerable to sea level rise.

By building down and reducing the elevation of the floor in the building without any other measures in place to address the risk of sea level rise, there is a chance the building may be at increased risk in the coming years. The applicant has not provided evidence that this would not be the case and has not considered sea level rise in this application.

Policy 6.8.4 of the OCP states, “*The Local Trust Committee should consider any proposal for new development potential in the context of the overall development potential of the Island, and the global dynamic of climate change*”.

The applicant has justified making the application to reduce the elevation of the building so as to make the store more accessible; however, according to the previous development permit, there were three stairs up to the store. There is no evidence that other options were explored that would not have resulted in this DVP and may have reduced the vulnerability of the building to sea level rise by ensuring a higher elevation.

Previous Development Permit

A development permit was issued in 1996 for a gallery and a store. In the designs, it shows that the store was to be 4 metres in height (to the peak of roof). From the ocean, the gallery would be seen above the store level. The new development will be taller and will look taller at the shoreline. The gallery was approximately 81 m² with a 17m² deck, as shown in the 1996 development permit and it appears that the store was approximately 94 m².

From HO-DP-01-96: *“2.i. Any **future alterations or additions** to the store/café/gallery building or any other buildings on lands subject of this permit **will be required to comply with the minimum 15-metre setback to the natural boundary of the sea**, as per Section 9.21.6.1 of the Land Use Bylaw.”*

From the wording of this section of the development permit, it appears that careful consideration was given to the fact the building was constructed close the natural boundary of the sea and that this should be corrected in the future. It may have been the expectation of the Local Trust Committee at the time that the existing building would be modified to accommodate the 15-metre setback or a future redevelopment of the site would take into account this setback requirement. By legalizing the building through this DVP, it would seem incongruent with past planning activities and the commitments made by past property owners to advance development.

OCP

The scale of the proposed development is considerable and will see much greater traffic and intensity of use on the property. It is unclear as to whether or not when the OCP was created – that the community anticipated this level of development in Fords Cove.

There are no policies in Section 6.5 of the OCP that appear directly applicable to the proposed development. There was a policy in the original 2014 OCP (3.8.1) that stated: *areas identified as hazardous to development including the slump area on the south-west side of Mount Geoffrey and other area that may be particularly vulnerable to earthquake activity may be designated as a Development Permit Area and added to Schedule E of this plan.* No development area was created for the mapped hazardous areas; however this property and some of the proposed parking spaces are identified on Schedule F (hazardous area map).

Policy 3.6.1 states *“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”.*

In the OCP, such areas have not been identified. Given that the bird habitat has not been identified in the OCP, the onus should be on the applicant to provide evidence that the development building will not adversely affect potential coastal bird habitat. As part of such a professional assessment, the increase in users (e.g. vehicle traffic, people accessing the beach) would also be worth considering.

Consultation

No community consultation beyond the public notification requirements has been undertaken.

Statutory Requirements

In accordance with Section 499 of the *Local Government Act* and Section 8 of the Hornby Island Local Trust Committee Development Procedure Bylaw No. 74, 1992 statutory notice of the proposed variance was distributed

to neighbouring property owners and tenants within 100 metres of the subject property's boundaries on June 14, 2019.

This application has generated much correspondence. In all, 77 responses were received at the time of preparing this report. The vast majority of the correspondence was in support and reflected the importance of the store to the community, an appreciation of the proposed installation of solar panels as a green initiative, and the value in making the store more accessible. Some concerns and letters in opposition were received raising issues of congestion/parking, the property owner not seeking permission before undertaking construction and difficulty in navigating emergency vehicles in Fords Cove during peak times.

Rationale for Recommendation

Staff have analysed the application and find that there is not enough information to recommend approval of the DVP. The property is zoned appropriately for a restaurant and a store; however, the limited parking available in the area draws attention to the intensity of use and whether what is proposed is greater than what was desired by the community in the OCP and LUB. The adjacent shoreline and the subject property have been identified as having important ecological features and the property owner has not provided any evidence that there will be no increased impact resulting from the proposed development. In addition, it is appropriate to consider climate change and sea level rise when the LTC is asked to vary the setbacks of building and structure within 15.0 metres of the natural boundary of the sea; a minimum distance that has been recommended by the Province. In addition, authorization of the development through a DVP may, in the long term, result in future applications to build shoreline retaining structures near or in the foreshore to address storm surge and sea level rise concerns.

There is public support for the modifications the property owner has made to the building intended to make the store more accessible; however, this application was initiated through bylaw enforcement action. Given that an application had been made previously to address a bylaw enforcement issue, it is worth considering that the property owner should have a good understanding of the LTC's regulatory requirements before commencing development.

There are policy statements, both in the Islands Trust Policy Statement and the OCP, that have not been addressed. Directive Policy 4.5.3 states, *it is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.*

In the opinion of staff, it cannot be confirmed that the proposed development will not interfere with natural coastal processes. The OCP Policy 6.8.4 states, *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 and staff do not feel that this application has adequately addressed the issue of sea level rise.*

The scope and extent of the variances as requested are in line with might be contemplated in a rezoning application. A shortcoming of the development variance permit process to address such an application as this is that widespread community notification is not necessary. The review of the application has proved challenging given the lack of detailed planning work that has been undertaken in this high traffic area and different user groups (e.g. marina, recreational, other businesses) that may be impacted. Given that a Ford Cove Consultation Project is identified on the LTC project list, the scale of this application may be better suited for consideration in conjunction with that planning project. At this time, the bottom floor (retail) of the building has been constructed and there could be impacts to the shoreline in removing the building. It may be appropriate to allow the building as it has been reconstructed and disallow further construction (i.e. the restaurant); particularly in advance of the LTC Fords Cove Consultation project. The development that is envisioned in this development variance permit could be brought to the community through this project.

ALTERNATIVES

1. Deny Issuance of HO-DVP-2018.1

That the Hornby Island Local Trust Committee deny issuance of Development Variance Permit HO-DVP-2018.1 due to inconsistency with the Islands Trust Policy Statement and Hornby Island Official Community Plan.

2. Request further information

The LTC may defer further consideration of the requested variance and request additional information from staff or the applicant. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the following information be provided prior to further consideration of Development Variance Permit HO-DVP-2018.1 [specify request information].

3. Request Notice of Heritage Status (prior to further consideration of HO-DVP-2018.1)

The LTC may request the applicant register a notice on title to flag to potential future property owners or developers of the property's status in relation to the *Heritage Conservation Act*.

That the Hornby Island Local Trust Committee request the applicant for HO-DVP-2018.1 work with the BC Archaeology Branch to place a Notice of Heritage Status, under Section 32 of the Heritage Conservation Act on the title of the subject property (10835 Central Road - PID 005-574-285).

4. That the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2018.1

HO-DVP-2018.1 may be approved, with or without amendments to the draft permit, and with or without conditions (e.g. reports from qualified professionals, notice of heritage status).

NEXT STEPS

If the LTC concurs with the staff recommendations, the applicant will be advised to provide further information.

Submitted By:	Bronwyn Sawyer, MCIP, RPP Planner 2	June 14, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 25, 2019

ATTACHMENTS

1. Site Context
2. Application
3. Notice
4. Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT AND POLICIES

LOCATION

Legal Description	Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 Except part lying to the north east of a boundary parallel to and perpendicularly distant 50 feet from the north easterly boundary of said lot
PID	005-574-285
Civic Address	10835 Central Road, Hornby Island
Lot Size	0.85 Ha

LAND USE

Current Land Use	Commercial – retail, visitor accommodations, restaurant and accessory residential
Surrounding Land Use	West – Marina East – Agriculture North – Commercial South – Water 

HISTORICAL ACTIVITY

File No.	Purposes/Notes (information from August 3, 2018 memorandum)
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HO-DP-1981.10	To vary and supplement Hornby LUB (1972) related to construction of sundeck extension to existing store, including landscaping and provision of parking. Repealed and replaced by HO-DP-1996.1
HO-DP-1982.14	To vary and supplement Hornby LUB (1972) to permit 4 visitor accommodation cottages with limited floor area, plus setback requirement and exterior finishing requirements. Repealed and replaced by HO-DP-1996.1
HO-DVP-1992.13	<i>Not issued</i>
HO-SUB-1991.22	Created parcel A from Lot 9 (PID 005-574-668)
HO-DP-1996.1	To account for all existing and proposed development at the time (repealing and replacing HO-DP-10-81 and HO-DP-14-82) and to vary/supplement Hornby LUB No. 86. Excerpts from the 1996 Permit: “Section 9.21.6.1 of Hornby Island Land Use Bylaw No. 86, 1993 (setback from natural boundary of the sea) is varied from 15 metres to 3 metres that applies to the existing store/café/gallery building only as shown on Schedule “A”” “Any future alterations or additions to the store/café/gallery building or any other buildings on lands subject to this permit will be required to comply with the minimum 15-metre setback to the natural boundary of the sea, as per Section 9.21.6.1 of the LUB”
HO-RZ-1996.1	Bylaw No. 91 amended HO LTC Land Use Bylaw No. 86 to site-specific rezone from Commercial Resort – Marina (C5) to Commercial Resort – Marina 1 (C5-1) for PID 005-574-285
HO-DVP-2009.1 & HO-DP-2010.1	To increase the maximum height of an accessory structure and decrease the setback from the natural boundary of the sea for a wind turbine. Variances granted. Permits issued.

POLICY/REGULATORY

Islands Trust Policy Statement	a) Directive Policy 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. b) Directive Policy 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. c) Directive Policy 4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. d) Directive Policy 4.5.5 It is Trust Council’s policy that development should be directed to sites away from: • areas of environmental sensitivity, and • areas of naturally occurring stocks of clams or oysters. e) Directive Policy 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. f) Commitments of Trust Council 5.2.1 Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.
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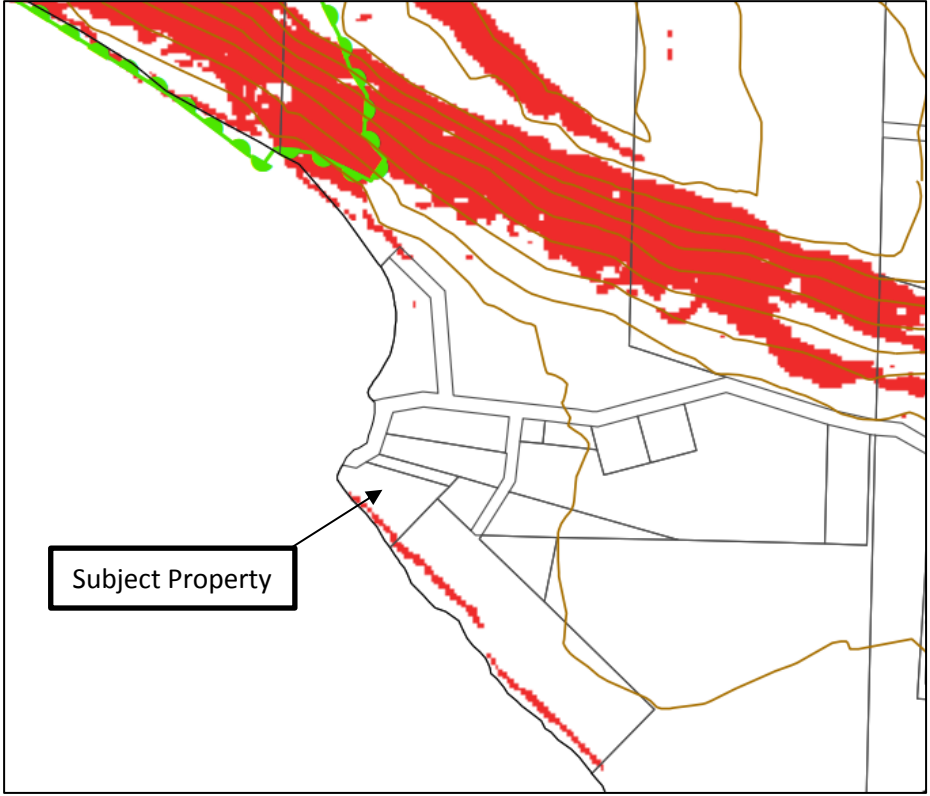
	g) Directive Policy 5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development. h) Directive Policy 5.2.4 Local trust committees and island municipalities 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. i) Directive Policy 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. j) Directive Policy 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. k) Directive Policy 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.						
Hornby Island Official Community Plan	Subject property is located within a development permit area (Commercial). Relevant OCP objectives include: 2.1 Broad Community Objectives To limit or reduce present and future stresses upon natural and community resources, particularly those generated by increasing seasonal uses. To ensure changes, growth and development are gradual and support the sustainability of the community. To preserve the rural character of the Island. 3.1 Environmental Stewardship 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” of the Ministry of Environment and with the regulations of the Vancouver Island Health Authority, and the orders and discretion of the Fire Marshall. 3.2 Environmentally Sensitive Areas <table><tr><td>Sensitive Ecosystem</td><td>Area (Ha)</td><td>Portion of Local Trust Area (%)</td></tr><tr><td>Cliff</td><td>26.6</td><td>0.9</td></tr></table> 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;	Sensitive Ecosystem	Area (Ha)	Portion of Local Trust Area (%)	Cliff	26.6	0.9
Sensitive Ecosystem	Area (Ha)	Portion of Local Trust Area (%)					
Cliff	26.6	0.9					

	(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. Marine Conservation - Policy: 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. Water Supply Systems Advocacy policy 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). Recycling and Disposal of Solid Waste Advocacy policy 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. SECTION VI — OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE Advocacy policy 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. Section 6.5.1 Retail and Personal Service Objectives (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 development harmonize with the natural surroundings and the rural character of the island Section 6.8 Climate Change Adaptation and Mitigation 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. Policy 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.
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Hornby Island Land Use Bylaw, No. 150	Relevant Regulation	Requirement LUB No. 150		Proposed
	Permitted Uses	Commercial 5 - Visitor accommodation - Restaurant - Retail - Liquid fuel sales (boats) - Accessory residential		- Restaurant - Retail
	Density	- Maximum one accessory residential - Maximum six visitor accommodation units - Lot coverage 40%		
	Size	- Maximum height of 7 metres Maximum floor area - Not exceed 46m² for restaurant - Not exceed 46m² for retail stores		- 7 metres - 144.5m² - 140.6m²
	Siting	Setbacks - 6.0 metres from a front lot line - 6.0 metres from a rear lot line - 3.0 metres from an interior side lot line - 6.0 metres from an exterior side lot line		- OK - OK - OK - 1.4 metres
	General Siting and Setbacks	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 (NBS)		- 1.54 metres above the NBS - 4.7 metres from NBS
	Parking Spaces	Min. # of spaces	Min. # of parking spaces for disabled	24, 1
Restaurant: 38		1	6, 0	
Visitor accommodations: 6		1		
Retail: 8		1		
BC Sewerage System Regulation, 2010	Sewerage system capacity and maintenance confirmed			
Covenants	Currently none recorded			
Bylaw Enforcement	HO-BE-2008.1 HO-BE-2009.1 HO-BE-2018.1			

SITE INFLUENCES

Islands Trust Conservancy	This proposal does not directly affect an Islands Trust Conservancy Board (ITC)-owned property or conservation covenant nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore, referral to ITC for comment is not required.
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Islands Trust Regional Conservation Plan (2018-2027)	Fords Cove is identified on map "Important Natural Areas in the Hornby Island Local Trust Area" as having medium value.
Species at Risk	Schedule D1 Environmentally sensitive areas Primary Class – Woodland (parking areas) Secondary Class – WN Tertiary Class - WD
Sensitive Ecosystems	Rare Ecosystem – Mature Forest/Primary Ecosystem (western portion of property) Woodland (WD) – Tertiary (shoreline) Wetland (WN) – secondary (shoreline)
Hazard Areas	Schedule D2 Environmentally Sensitive Areas Aquifers IIIA – moderately developed, high vulnerability Schedule F Hazard Areas Property identified as having slopes > 30% 
Archaeological Sites	Owner has contacted Archaeology Branch
Climate Change Adaptation and Mitigation	Sea level rise Increased motor vehicle traffic to the property should be expected
Shoreline Classification	The following information comes from Shoreline Maps for Hornby Island . The subject property is adjacent to a pebble/sand beach (see Map 1). The beaches comprise 13% of the Hornby shoreline. The beach has also be identified as a low lying area (see Map 3). Areas 0-4m in elevation about existing mean sea level and greater than 50m of width from the shore are mapped 'vulnerable' to sea level rise.

	The beach is identified in Map 3 as a soft shoreline, which is defined as typically associated with high recreational values and high ecological values (pocket beaches, estuaries, etc).
Shoreline Data in TAPIS	Islands Trust mapping indicates the presence of eel grass offshore of the subject property.

Section 7:

Renovations to the store/gallery building at Ford's Cove started in 2007. In 2009 the Islands Trust (IT) received complaints and no bylaw enforcement action was taken. We were advised by the IT that it was fine to renovate the building over time as long as the footprint was not changed. In 2018 the IT received complaints and the IT advised us that the renovations were fine but if we lower the floor we are in violation of Bylaw 150 as this is an expansion downward. We have been instructed to apply for a variance to lower the floor. We are lowering the floor to make the store wheelchair accessible and barrier free which will eliminate the steps to access the building. We also are applying for a variance to change the roofline to accommodate 21,000-watts of solar panels so the roof will be high to the North and low to the South, ideally at a 30-degree angle. This will be the largest solar panel installation on Hornby Island. We are going with a lesser 15-degree angle so that the building remains under height. The 15-degee angle will result in a small loss of power production but is acceptable to us so as to not put the building over regulation height.



NOTICE
HO-DVP-2018.1
M FREDBECK (FORD'S COVE MARINA)
HORNBY ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Hornby Island Local Trust Committee will be considering the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsections of the Hornby Island Land Use Bylaw No. 150, 2014, as follows:

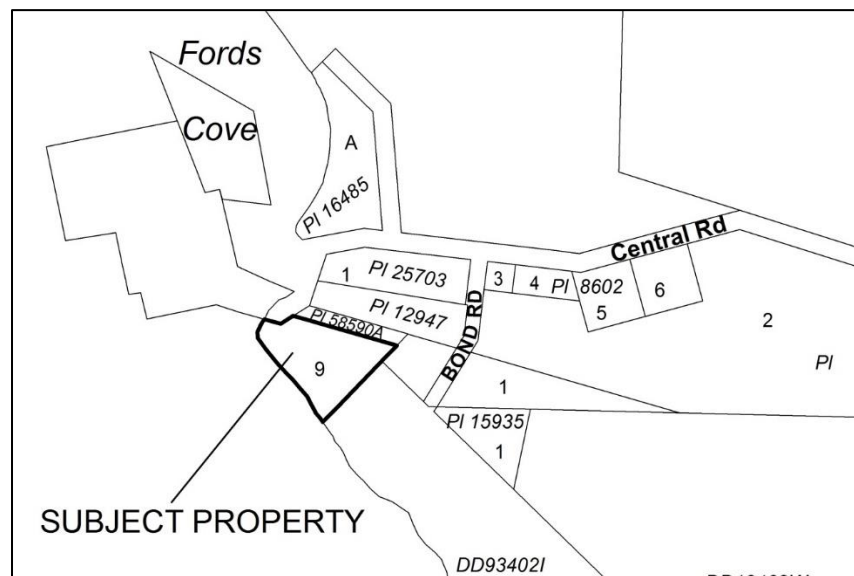
- The minimum natural boundary of the sea setback would be varied to permit the siting of a commercial building from the required 15.0 metres to 4.7 metres.
- The parking surfaces would be varied to allow surfaces other than hard, permeable, durable surfaces that do not produce dust.
- The number of parking spaces required for a 76-seat restaurant would be varied from 38 to 24.
- The number of parking spaces required for persons with disability would be varied from 1 to 0 for the visitor accommodation.
- The number parking spaces required for the store would be varied from 8 to 6.
- The exterior side lot line setback for the commercial building would be varied from 6.0 metres to 1.4 metres.
- The maximum allowable floor area of a restaurant would be varied from 46m² to 144.5m².
- The maximum allowable floor area of a retail store from 46m² to 140.6m².

The property is legally described as:

PID: 005-574-285

Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 Except part lying to the north east of a boundary parallel to and perpendicularly distant 50 feet from the north easterly boundary of said lot

The general location of the subject area is shown in the following sketch:



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays,

commencing **June 24, 2019** and continuing up to and including **July 4, 2019**. Also, a copy of the proposed Permit can be viewed on the current applications page of our website at <http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/current-applications/>.

If you have any questions or comments regarding the proposed Permit, please contact Bronwyn Sawyer, Planner 2, at 250-247-2207; for Toll Free Access request a transfer via Enquiry BC, in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

Mail: Islands Trust
700 North Road
Gabriola Island, BC
V0R 1X3
Fax: 250-247-7514
Email: bsawyer@islandstrust.bc.ca

Following the end of the notice period, the Hornby Island Local Trust Committee may consider issuance of the proposed Permit at a Regular Business Meeting to be held at 11:30 am, Friday, July 5, 2019 at New Horizons, 1765 Sollans Road, Hornby Island, BC.

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

Becky McErlean
Deputy Secretary

PROPOSED



HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT - HO-DVP-2018.1
FORD'S COVE MARINA

TO: Matthew Fredbeck and Ford's Cove Marina Ltd.

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

PID: 005-574-285

Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 Except part lying to the north east of a boundary parallel to and perpendicularly distant 50 feet from the north easterly boundary of said lot (10835 Central Road, Hornby Island)

2. Pursuant to Section 498 of the *Local Government Act*, the *Hornby Island Land Use Bylaw No. 150, 2014* is varied as follows:

- a) **PART 3 GENERAL REGULATIONS, Section 3.3 Siting and Setback Regulations, Article 3.3(2):** "No building or structure may be located within 15.0 metres or, nor less than 1.5 metres above, the natural boundary of any lake, watercourse, or the sea";

- Is varied to reduce the setback of a building or structure to the natural boundary of the sea from 15.0 metres to 4.7 metres for an existing commercial building as shown on Schedule "A".

- b) **PART 5 PARKING REGULATIONS, Section 5.2 Design Standards, Article 5.2(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";

- Is varied to allow parking surfaces other than hard, permeable, durable surfaces that do not produce dust.

- c) **PART 5 PARKING REGULATIONS, Section 5.4 Number of Off-Street Parking Spaces, Article 5.4(1):** "Every owner of land must provide and maintain on the lot off-road vehicle parking spaces in accordance with Table 5.4":

- Is varied to reduce the minimum number of parking spaces for a 76-seat restaurant from 38 to 24;
- Is varied to reduce the minimum number of parking spaces for persons with disability from 1 to 0, for visitor accommodation.
- Is varied to reduce the minimum number of parking spaces for 140.6m² retail use from 8 to 6.

- d) **PART 8 ZONE REGULATIONS, Section 8.13 Commercial 5 – Comprehensive Commercial (C5) Zone (Ford Cove), Subsection Siting and Size, Article 8.13(4)(d):** "The minimum setback for any building or structure, except for a fence or pump/utility house shall be: 6.0 metres from an exterior side lot line";

- Is varied to reduce the exterior side lot line setback from 6.0 metres to 1.4 metres for an existing commercial building and covered deck as shown on Schedules "A" and "B".

- e) **PART 8 ZONE REGULATIONS, Section 8.13 Commercial 5 – Comprehensive Commercial (C5) Zone (Ford Cove), Subsection Siting and Size, Article 8.13(7):** "The floor area of a restaurant must not exceed 46m² per lot";

- Is varied to increase the maximum allowable floor area of a restaurant from 46m² to 144.5m² as shown on Schedule "C".

f) **PART 8 ZONE REGULATIONS, Section 8.13 Commercial 5 – Comprehensive Commercial (C5) Zone (Ford Cove), Subsection Siting and Size, Article 8.13(8):** “The floor area of a retail stores must not exceed 46m²;

- Is varied to increase the maximum allowable floor area of a retail store from 46m² to 140.6m² as shown on Schedule “D”.

3. Schedule “A” indicates the existing site plan and the buildings shall be consistent with Schedule “B”, which are both attached to and form part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Hornby Island Land Use Bylaw No. 150, 2014 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2019.

Deputy Secretary, Islands Trust

Date of Issuance

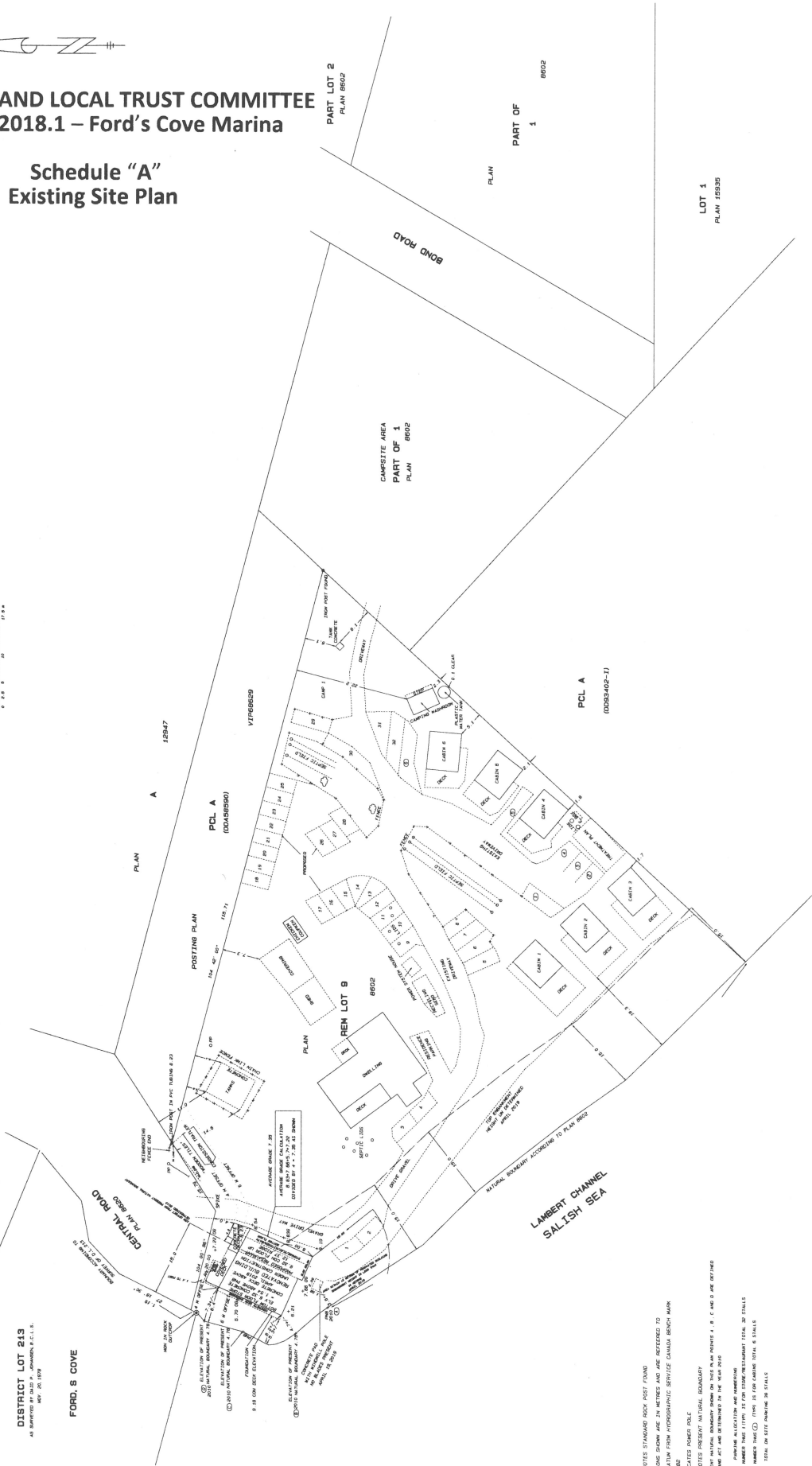
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2021, THIS PERMIT AUTOMATICALLY LAPSES.

HORNBY ISLAND LOCAL TRUST COMMITTEE HO-DVP-2018.1 – Ford's Cove Marina

Schedule "A" Existing Site Plan

PLAN OF SURVEY OF PART OF
LOT 9, SECTIONS 2 AND 18 HORNBY ISLAND
NANAIMO DISTRICT PLAN 8602 EXCEPT
PART LYING TO THE NORTH EAST OF A BOUNDARY PARALLEL
TO PERPENDICULAR DISTRICT 50 FEET FROM
THE NORTH EASTERLY BOUNDARY OF SAID LOT.

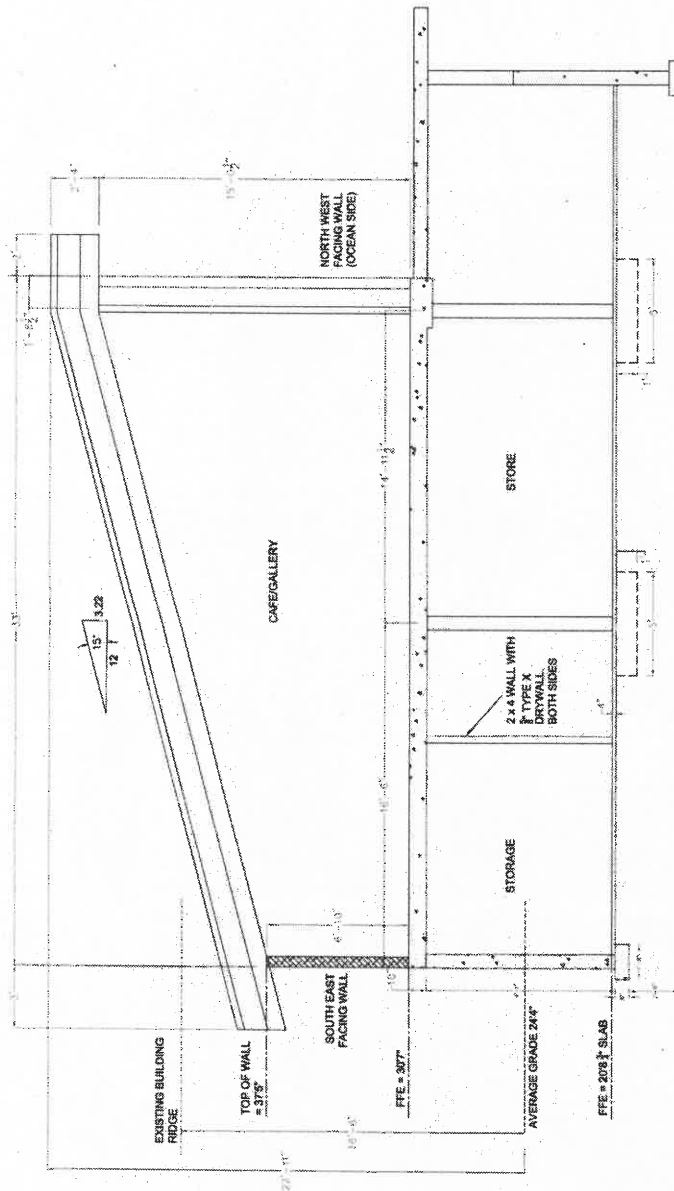
SCALE OF: 1:250
ALL DIMENSIONS ARE IN METERS



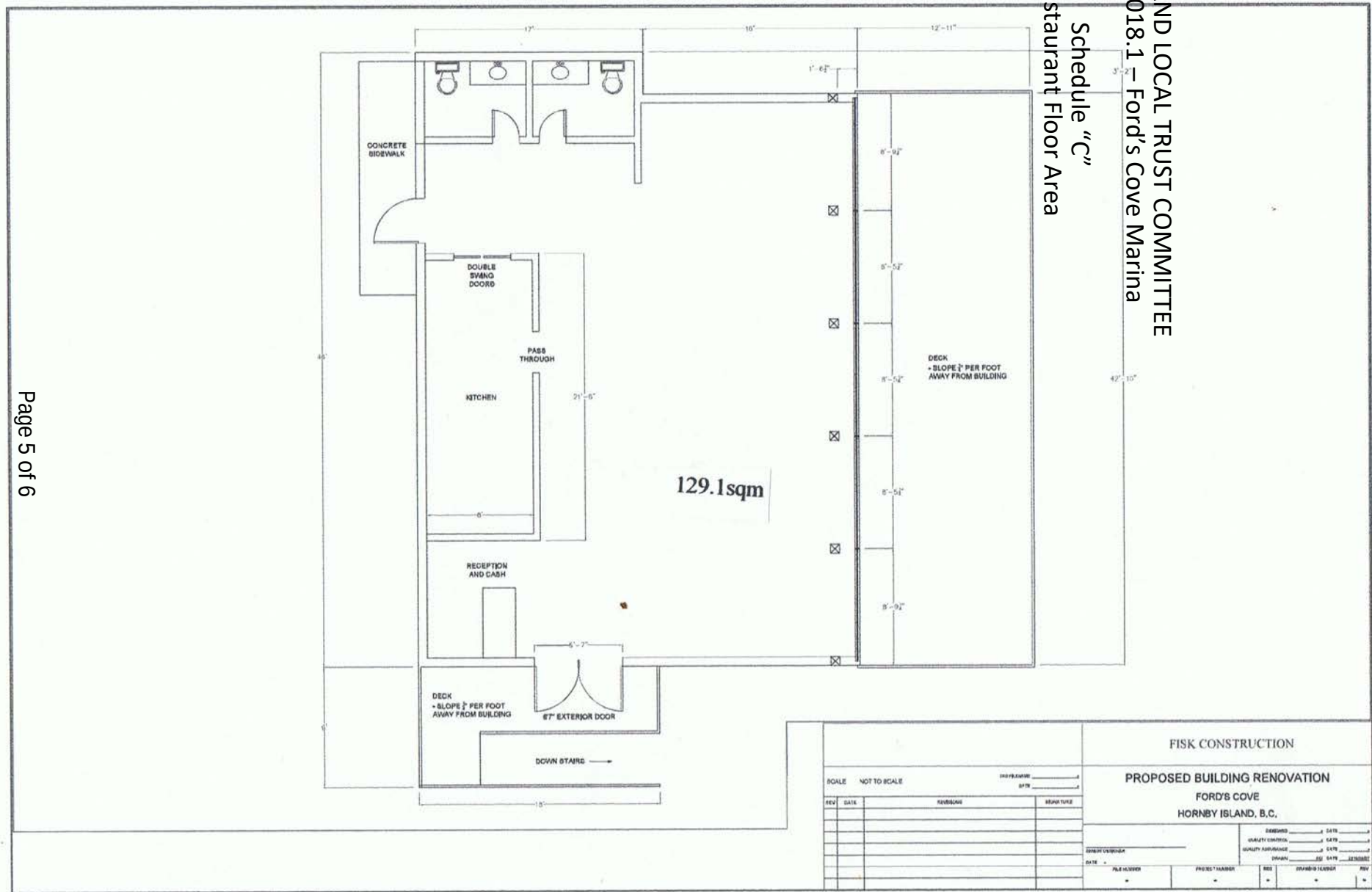
NOTES:
1. HORNBY ISLAND LOCAL TRUST COMMITTEE
2. DISTRICT LOT 213
3. FORD'S COVE
4. CENTRAL ROAD
5. BOND ROAD
6. LAMBERT CHANNEL
7. SALISH SEA
8. REM LOT 9
9. CAMPESTE AREA
10. PART OF 1
11. PART LOT 2
12. DISTRICT LOT 213
13. FORD'S COVE
14. CENTRAL ROAD
15. BOND ROAD
16. LAMBERT CHANNEL
17. SALISH SEA
18. REM LOT 9
19. CAMPESTE AREA
20. PART OF 1
21. PART LOT 2

SURVEYED AND PREPARED BY PETER J. MASON, S.C.L.S.
REGISTERED LAND SURVEYOR
IN 2014, 2017 AND 2018
Digitally signed by
Peter Mason RGJENK
Date: 2019.05.14
11:08:43 -07'00'

Schedule "B"
Proposed Building Renovation – Elevations

[illegible]

Schedule "C"
Restaurant Floor Area

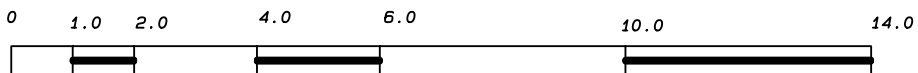


FISK CONSTRUCTION			
PROPOSED BUILDING RENOVATION			
FORD'S COVE			
HORNBY ISLAND, B.C.			
DESIGNED _____	DATE _____	QUALITY CONTROL _____	DATE _____
QUALITY ASSURANCE _____	DATE _____	DRAWN _____	DATE _____
DATE _____	FILE NUMBER _____	PROJECT NUMBER _____	DRAWING NUMBER _____
REV _____	DATE _____	REV _____	DATE _____

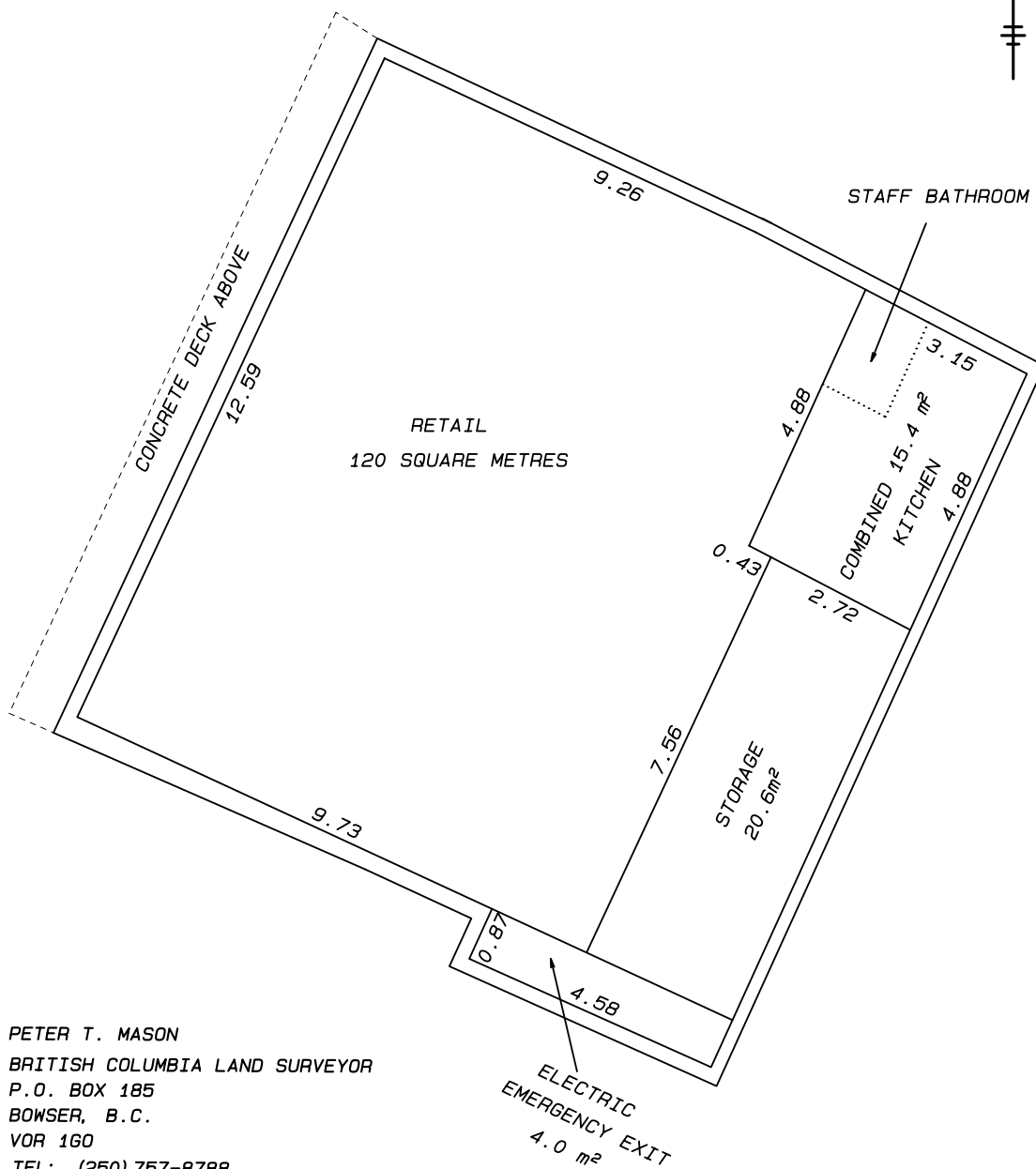
Floor area calculation is
 33 ft x 46 ft = 1518 sqft - 3 ft x 16 ft (48 ft) =1470 sqft outside dimension of the floor
 1470sqft =136.6sqm – exterior walls (7.5 sqm) = 129.1 sqm total floor area of building

BOTTOM FLOOR DETAILS

SCALE: 1: 100



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



PETER T. MASON
BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 185
BOWSER, B.C.
VOR 160
TEL: (250) 757-8788
EMAIL: SURVEYOR-ARK@UNISERVE.COM

FILE: 18-4031 DRWG: \drwgs\4031G.SIT



DATE OF MEETING: July 5, 2019

TO: Hornby Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: **Temporary Use Permit application – Seasonal Juice Bar and Outdoor Vendor Tables**

Applicant: Michael Baird (c/o Greg Titcomb)

Location: 6060 Central Road; PID 000-081-973; THE WEST 1/2 OF THE NORTH WEST
1/4 OF SECTION 6, HORNBY ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN
PLANS 26454 AND 30067

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Temporary Use Permit HO-TUP-2018.1 for a seasonal juice bar and outdoor seasonal vendor tables for a period of three (3) years from the date of issuance.

REPORT SUMMARY

This report concerns an application for a Temporary Use Permit (TUP) for the temporary operation of a seasonal juice bar and for occasional outdoor vendor table on the subject property. Pursuant to Section 6.10 of the Hornby Island Official Community Plan (OCP) Bylaw No. 149, a TUP may be issued to allow temporary non-agricultural uses on land within the Agricultural Land Reserve (ALR) 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 (ALC), as per OCP Policy 6.4.2.5.

Staff are recommending approval subject to conditions, as noted in the draft permit (Attachment 4).

BACKGROUND

The subject property is located at 6060 Central Road, at the corner of Central Road and Central Road, as shown in Figure 1. The property is approximately 11.01 hectares (27.21 acres) in area, and is surrounded by residential, agricultural and commercial properties.

The application proposes an approx. 16.7 m² (180-square foot) structure to be used as a seasonal juice bar, and an outdoor area to be used for occasional vendor tables. There is an existing nursery operation that sells shrubs, plants and trees grown on the lot; and an area to the rear of the property is used to graze livestock.

Temporary use permit HO-TUP-2009.1 was previously issued a temporary food outlet on the subject property:

HO-047-2009

It was **MOVED** and **SECONDED**,

that the Hornby Island Local Trust Committee issue to Greg Titcomb, care of Michael Baird, temporary use permit HO-TUP-2009.1, for a mobile food outlet use at 6060 Central Road, Hornby Island, BC.

CARRIED

Section 492 of the *Local Government Act* grants local trust committees the authority to include in their official community plan or a zoning bylaw, designated areas where temporary uses may be allowed and specify general conditions regarding the issuance of temporary use permits in those areas.

The Hornby Island Local Trust Committee (LTC) may issue a permit that allows commercial activities to take place under the conditions specified in the permit; for lots within the ALR, a TUP may only be issued for uses that do not conflict with ALC policies and regulations.

Notice of the intent to consider the issuance of a TUP must be given to neighbouring properties and to the community. Under a TUP, the specified uses may be carried out for a period of up to three years, and the TUP may be renewed for a further three years. Staff note that issuance of a TUP should not be interpreted as support for a permanent zoning change.

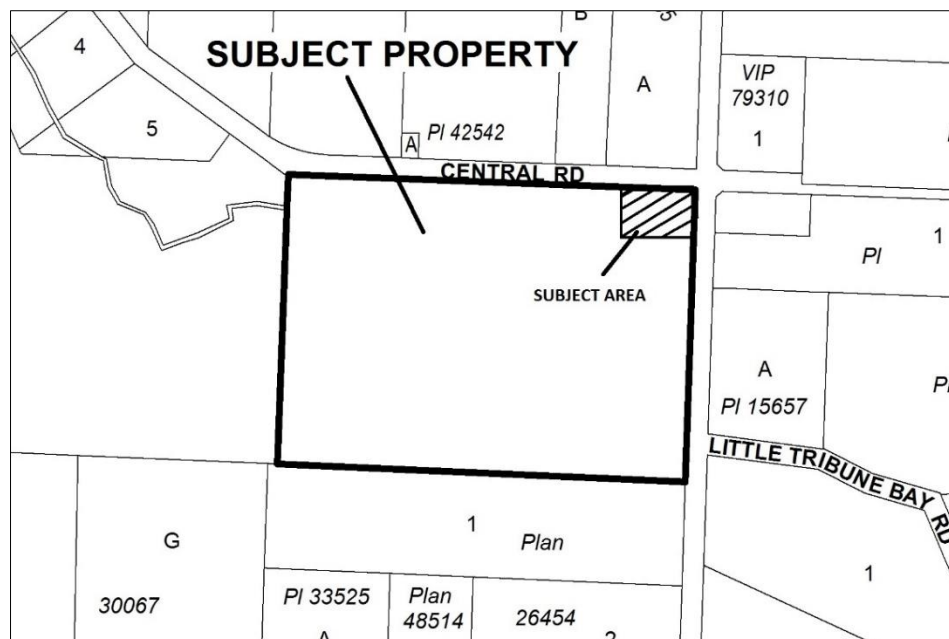


Figure 1. Subject property map.

A copy of the draft TUP is found Attachment 4 of this report.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following policies from the Islands Trust Policy Statement (ITPS) are relevant to this application:

- **Directive Policy 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.*
- **Directive Policy 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.*

Official Community Plan:

The subject property is designated **Agriculture (AG)** and is within Development Permit Area No. 6-Riparian Areas.

Relevant Agriculture policies in the OCP include:

- **Policy 6.4.1.2** *The principal uses in this designation should be agriculture and residential.*

Relevant OCP policies for land in the ALR include:

- **Policy 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.*
- **Policy 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.*
- **Policy 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.*

The OCP sets out objectives for issuance of TUPs on ALR land in Objective 6.10.7:

(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 policy 6.4.2.5;

Both Section 6.10 in the OCP and Section 10.3 of the Hornby Island Land Use Bylaw (LUB) No. 150 provide guidelines when considering issuance of a TUP. Based on the information provided by the application and through issuance of the TUP, subject to conditions, staff consider the application to be consistent with TUP guidelines. See Attachment 2 for staff's assessment of the TUP Guidelines.

Land Use Bylaw:

The subject property is zoned **Agriculture 1 (A1)** in the LUB. The applicant's proposal for the operation of a seasonal juice bar and outdoor seasonal vendor tables does not comply with permitted uses in the A1 zone, nor with the Home Occupation regulations in Section 3.6 in the LUB (see Attachment 1); thus the applicant is applying for a TUP to permit the juice bar and outdoor vendor tables as required in Section 10.1 of the LUB:

Section 921¹ 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.

¹ The current section of the LGA that address Temporary Use Permits is Section 493. Staff have flagged this required change in the LTC-top priority project, "OCP/LUB Amendments".

Issues and Opportunities

Non-Farm Use

Pursuant to TUP Guideline 6.10.3 in the OCP and TUP Guideline 10.3(3) in the LUB, a TUP should only be issued for uses that do not conflict with ALC policies and regulations. Due to the relatively small area and siting of the proposed juice bar and vendor tables near the road in the northeast corner of the lot, staff consider the proposal unlikely to cause degradation or have a negative impact on the agricultural capability of the subject property, in accordance with OCP policies 6.4.2.4, 6.4.2.5 and 6.4.2.8.

While staff are aware there is an existing agricultural operation on the subject property, staff are not authorized to determine whether a proposal is or is not compliant with ALC policies and regulations, namely Section 11(3) of the *Agricultural Land Reserve Use Regulation*, which provides,

- (3) The use of agricultural land for conducting farm retail sales is designated as a farm use and may not be prohibited as described in section 4 if*
- (a) all of the farm products offered for sale are produced on that agricultural land, or*
 - (b) the area used for all retail sales meets both of the following conditions:***
 - (i) the total area, both indoors and outdoors, does not exceed 300 m²;***
 - (ii) at least 50% of that area is limited to the sale of farm products produced either on that agricultural land or by an association to which the owner of the agricultural land belongs.***

To ascertain consistency with ALC policies and regulations, staff contacted ALC staff in June 2018. It was determined at that time and in subsequent conversations that a non-farm use application with the ALC would be required. As a result, staff requested that the applicant submit a non-farm use application with the ALC, or provide written approval from the ALC that the proposal does not conflict with ALC policies and regulations, to be consistent with OCP policies 6.4.2.4 and 6.4.2.8. To date, staff have not received notification of a non-farm use application nor written approval from the ALC.

Recent conversations with ALC staff indicate that rather than submitting a non-farm use application, the LTC may specify in the TUP that the proposed seasonal juice bar and outdoor vendor tables operate within ALC policies and regulations. Staff recommend that the LTC include a statement in the TUP that emphasizes it is the responsibility of the landowner to obtain any required authorization under the *Agricultural Land Commission Act*, *Agricultural Land Reserve Use Regulation* or any other relevant legislation pertaining to land in the ALR.

DP-6 – Riparian Areas

Figure 2 indicates areas of the subject property identified within Development Permit Area No. 6 – Riparian Areas (DP-6). In relation to the TUP application, staff note that the identified riparian area along Central Road is of interest. The [“RAR Stream Identification of the Ford Creek and Lower Beulah Creek Watersheds”](#) report by Mimulus Biological Consultants, dated December 2011, identifies the watercourses on the south side of Central Road flowing east and the watercourse on the west side of Central Road flowing south as ditches. The Mimulus report provides, “None of the roadside ditches contained instream habitat for fish. However, as these watercourses contribute water and nutrients to downstream fish habitat, they were classified as streams under RAR.” The LUB provides the following exemption from the requirement for a development permit:

9.6.2 *The following activities are exempt from any requirement for a development permit:*

- (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).*

Staff have determined that a Development Permit is not required for this proposal.

Water Use

Staff note that the *Water Sustainability Act* (WSA), introduced in 2016, introduced new licensing requirements for groundwater use for non-domestic purposes, and it is staff's understanding that these requirements apply to this proposal. Staff have notified the applicant of the requirement for a provincial water license.

Staff recommend that the LTC specify on the permit that the applicants are required to obtain any necessary approvals for groundwater use under the WSA or any subsequent legislation. It is not recommended that the permit be withheld until the applicant has secured any required water license, as it is staff's understanding that the groundwater licensing processing times may take over a year. If, as recommended, a TUP is issued without delay for a three year term, the LTC could review and consider any required water licensing documentation upon a subsequent application for TUP renewal or rezoning.

Consultation

No community consultation beyond the public notification requirements, including neighbourhood notification and a newspaper advertisement referenced below, has been undertaken. A Community Information Meeting is not required for this application.

Statutory Requirements

In accordance with Section 494 of the *Local Government Act*, neighbours must be notified of a TUP application. Notice of the proposed TUP was delivered on June 14, 2019 to all property owners and occupants of neighbouring properties within 100 metres of the subject property. A notice of the proposed TUP was published in the Hornby Island Tribune newspaper in the June 26, 2019 edition.

One correspondence in support of the application has been received at the completion time of this report. Correspondence may be received before or during the LTC meeting. Correspondence may be sent to northinfo@islandstrust.bc.ca.

Referrals

This application does not trigger the requirement for agency or First Nations referrals; however the LTC may do so if it determines that any agencies or First Nations may have an interest.

Rationale for Recommendation

Given the relatively small area and siting of the proposed juice bar and vendor tables, staff have found the application to be consistent with OCP policies that support accessory uses that do not impinge on the principal farm use, nor degrade agricultural production or capability; and that allow for the processing and sale of farm products in conjunction with the retailing of some off-farm products. Staff note that it remains unclear whether the application conflicts with ALC policies and regulations, therefore staff have recommended that the LTC specify in the TUP that it is the responsibility of the property owner to obtain any required authorization from the ALC for the proposal.

Staff consider the proposal to predominantly meet the TUP guidelines in the OCP and LUB, for the consideration of issuance of a TUP for the proposed juice bar and vendor tables. As such, staff are recommending that the LTC approve issuance of the TUP for a period of three (3) years, subject to a number of conditions. The draft permit found in Attachment 4 of this report has been developed in accordance with the TUP guidelines in Section 6.10 of the OCP and Section 10.3 in the LUB.

See staff's recommendation on page 1 of this report.

ALTERNATIVES

1. Refer the application to the APC

The LTC may choose to forward the application to the Hornby Island Advisory Planning Commission (APC) to provide an opportunity for public input, in accordance with TUP guidelines 10.3.2 of the LUB and 6.10.2 of the OCP. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee refer application HO-TUP-2018.1 to the Hornby Island Advisory Planning Commission for comment.

2. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee deny application HO-TUP-2018.1 for the following reasons... [to be provided by the LTC].

NEXT STEPS

If the LTC agrees with staff's recommendation, the draft TUP in Attachment 4 will be issued.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 2	June 17, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 18, 2019

ATTACHMENTS

1. Attachment 1 – Site Context
2. Attachment 2 – TUP Guidelines in the Hornby Island OCP and LUB
3. Attachment 3 – Copy of Public Notice
4. Attachment 4 – Draft Permit
5. Attachment 5 – Site Plan

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THE WEST 1/2 OF THE NORTH WEST 1/4 OF SECTION 6, HORNBY ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 26454 AND 30067
PID	000-081-973
Civic Address	6060 Central Road

LAND USE

Current Land Use	Residential; Agricultural; Horticultural; Retail (nursery, farm stand). Existing structures include: • Single family dwelling, • Barn, • Greenhouses, • Fruit stand, • Nursery office, • Nursery retail space.
Surrounding Land Use	Residential; Agricultural; Commercial

HISTORICAL ACTIVITY

File No.	Purpose
HO-ALR-1986.8	
HO-RZ-1986.12	
HO-SUP-2009.3	To construct a greenhouse, storage building, and barn.
HO-TUP-1992.2	
HO-TUP-2003.1	To operate a seasonal farmers market.
HO-TUP-2005.1	To operate the seasonal farmers market from May to October.
HO-TUP-2009.1	To operate a seasonal mobile food outlet.

POLICY/REGULATORY

Official Community Plan Designations	OCP Designation: Agriculture (AG) 6.4 Agriculture Policy 6.4.1.2 <i>The principal uses in this designation should be agriculture and residential.</i> Policy 6.4.2.4 <i>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.</i>
--------------------------------------	--

Policy 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.*

Policy 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.*

Policy 6.4.2.9 *Farm Use as defined by the Agricultural Land Reserve Use, Subdivision is permitted within the Agricultural Land Reserve and may be regulated by land use bylaw.*

6.10 Temporary Use Permits

The objectives of this subsection are:

(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 policy 6.4.2.5;

See Attachment 2 for a full review of Temporary Use Permit (TUP) guidelines.

A portion of the subject property is within **Development Permit Area No. 6: Riparian Areas**. See Land Use Bylaw regulations below.

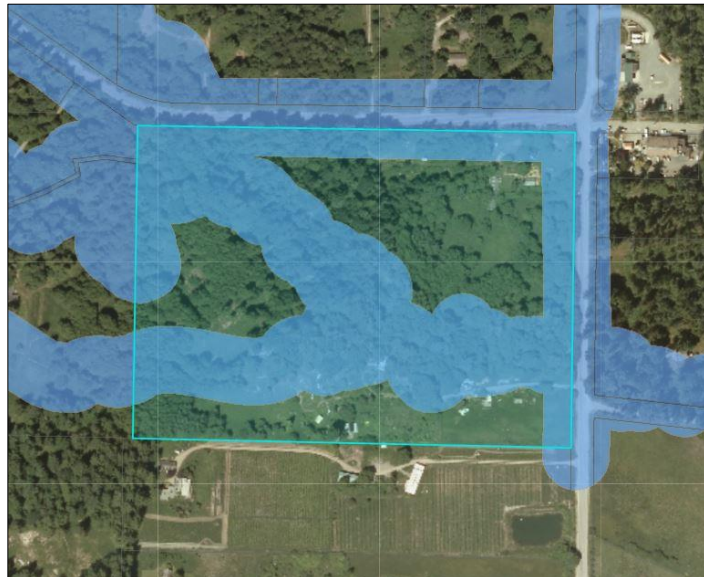


Figure 1. Map of DP-6 – Riparian Areas.

Land Use Bylaw	Zoning: Agriculture 1 (A1) Permitted Principal uses in the A1 zone include: • residential use of a dwelling; • agriculture; • accessory uses, including but not limited to home occupations. 3.6 Home Occupation Regulations 3.6 (1) <i>Only the uses expressly permitted in Subsections 3.6(3), 3.6(9) and 3.6(20)* inclusive are permitted as home occupations. Without limiting the generality of the foregoing the following uses are <u>prohibited</u> as home occupations:</i> <i>(a) <u>restaurant, food take-out service;</u></i> <i>(b) <u>retail store;</u></i> <i>(c) <u>salvage, junk or incineration business;</u></i> <i>(d) <u>chemical manufacturing;</u></i> <i>(e) <u>storage of toxic or flammable materials other than for use in small quantities in carrying out a home occupation;</u></i> <i>(f) <u>winery involving a lounge other than on ALR land;</u></i> <i>(g) <u>extraction and sale or delivery of groundwater;</u></i> <i>(h) <u>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;</u></i> <i>(i) <u>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</u></i> <i>(j) <u>any activity that is prohibited elsewhere in this bylaw.</u></i> Development Permit Area No. 6: Riparian Areas 9.6.2 <i>The following activities are <u>exempt</u> from any requirement for a development permit:</i> <i>(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).</i> *Staff note there is a typo in this regulation, and should read "...Subsections 3.6(3), 3.6(9) and 3.6(22)..." . Staff have identified this issue in the LTC-top priority project, "OCP/LUB Amendments".
Other Regulations	The subject property is within the Agricultural Land Reserve. The Agricultural Land Reserve Use Regulation (ALR Regulation) is applicable to this property. Regarding this application, the ALR Regulation provides, 11(3) <i>The use of agricultural land for conducting farm retail sales is designated as a farm use and may not be prohibited as described in section 4 if</i> <i>(a) all of the farm products offered for sale are produced on that agricultural land, or</i> <i>(b) the area used for all retail sales meets both of the following</i>

	<i>conditions:</i> (i) <i>the total area, both indoors and outdoors, does not exceed 300 m²;</i> (ii) <i>at least 50% of that area is limited to the sale of farm products produced either on that agricultural land or by an association to which the owner of the agricultural land belongs.</i> <i>“farm product” means a commodity that is produced from a farm use but does not include water;</i>
Covenants	n/a
Bylaw Enforcement	n/a

SITE INFLUENCES

Islands Trust Conservancy	The application does not directly affect an Islands Trust Conservancy Board-owned property or conservation covenant.
Regional Conservation Strategy	The Regional Conservation Plan estimates the habitat composition on the subject property to be of MEDIUM to LOW importance.
Species at Risk	No known species at risk occurrences in immediate vicinity.
Sensitive Ecosystems	The subject property is identified as being within an aquifer classified as IIA – Lightly developed*, high vulnerability on Schedule D2 of the OCP. *According to the provincial aquifer classification system, Schedule D2 appears to be incorrect in identifying this aquifer as “lightly developed”. The provincial aquifer classification identifies IIA aquifers as being “moderately developed”. Staff have identified this issue in the LTC-top priority project, “OCP/LUB Amendments”.
Hazard Areas	No known steep slope or flood hazard area.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or within 100 metres of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a

ATTACHMENT 2 – TUP GUIDELINES IN THE HORNBY ISLAND LAND USE BYLAW AND HORNBY ISLAND OFFICIAL COMMUNITY PLAN

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
(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.	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 (0.63 acre), 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.			<i>TBD by LTC</i> Staff note that Schedule D1 does not indicate the subject property contains an environmentally sensitive area. Staff note that Schedule D2 indicates the subject property is within an IIA – Moderately developed, high vulnerability aquifer area and is within a Recharge zone. No land alteration is proposed.
(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	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			<i>TBD by LTC</i>

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
its recommendations.	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.	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.			<i>TBD by LTC</i> It is unclear to staff whether the proposal conflicts with Agricultural Land Commission (ALC) policies and regulations. Staff recommend that the LTC specify in the TUP that it is the responsibility of the property owner to obtain any required authorization from the ALC.
(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 highly developed.	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.			<i>TBD by LTC</i> Staff note that Schedule D2 indicates the subject property is within a Recharge area.
(5) Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.	6.10.5 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.	No	<i>unknown</i>	Included as a condition of the permit. The applicant has been advised of the requirement to apply for a Groundwater License under the <i>Water Sustainability Act</i> (WSA) for diversion and use of groundwater for non-domestic purposes. Staff recommend that the LTC specify in the TUP that the landowner obtain any necessary approvals for groundwater use under the WSA or any subsequent legislation related to groundwater use.

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
				The applicant has been advised that a non-farm use application may be required for uses that conflict with ALC policies and regulations. Staff recommend that the LTC specify in the TUP that it is the responsibility of the property owner to obtain any required authorization from the ALC.
(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	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	Yes	Yes	Included as conditions of the permit. Staff have determined that up to forty (40) parking spaces are required to satisfy the parking requirements provided in Part 5 of the LUB for all uses on the lot. The applicant has indicated there are currently twenty (20) vehicle parking spaces on the subject property, and that there is an adequate area for additional on-site parking spaces. Staff are satisfied that screening requirements have been met. Staff have included the requirement for an emergency spill kit so as to mitigate any potential risk of contamination to land, surface water or groundwater. It is recommended that the property owner obtain any required authorization under the <i>Water Sustainability Act</i>

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
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.	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.			or any other relevant legislation pertaining to groundwater. Through a Groundwater License application, the property owner may be required to submit information in support of their application. Staff recommend hours of operation be from 8:00 a.m. to 8:00 p.m. The proposed area of operation of the proposed juice bar and vendor tables coincides with an existing cleared and landscaped area used for retail purposes. While staff can not determine whether land has good agricultural potential, staff consider this location on the lot to be ideal due to its close proximity to neighbouring commercial lots and its ease of access, and due to it being within a contained area, thus reducing the impact on agricultural production.
(7) Applicants for Temporary Use Permits should address the issues identified in these policies in their	6.10.6* Applicants for Temporary Use Permits should address the issues identified in these policies in their			TBD by LTC

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.	applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application. *Staff note the numbering in this section of the OCP is incorrect from Guideline 6.10.6 to 6.10.9.			
(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.	6.10.7 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.	<i>n/a</i>	<i>n/a</i>	
(9) The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.	6.10.8 The Local Trust Committee should consider the climate change impacts of any proposed temporary use when reviewing temporary use permit applications.	<i>n/a</i>	<i>n/a</i>	
(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	6.10.9 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	<i>n/a</i>	<i>n/a</i>	

LUB Section 10.3 Guideline	OCP Section 6.10 Guideline	Submitted	Compliant?	Planner Comments
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 dwelling will be available for rental or months of the year when the rental will occur; and (f) other considerations the LTC considers appropriate.	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.			

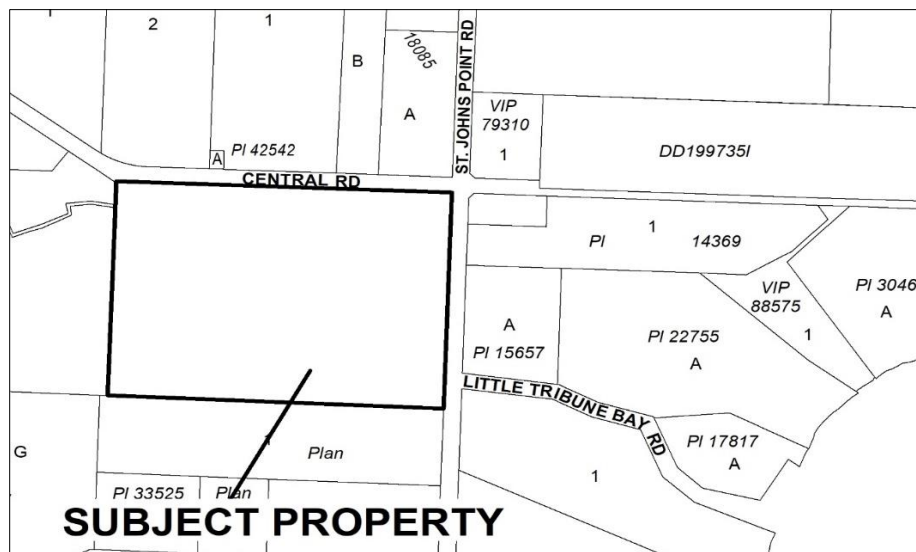


NOTICE
TEMPORARY USE PERMIT
HO-TUP-2018.1 (Baird)
HORNBY ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Hornby Island Local Trust Committee will be considering the issuance of a Temporary Use Permit pursuant to *Section 493* of the *Local Government Act* for (PID 000-081-973; THE WEST ½ OF THE NORTH WEST ¼ OF SECTION 6, HORNBY ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 26454 AND 30067; Application HO-TUP-2018.1, 6060 Central Road, Hornby Island).

The purpose of the proposed permit is to permit the operation of a seasonal juice bar and outdoor seasonal vendor tables on the subject property.

The location of the property subject to the proposed permit is shown on the following sketch:



Enquiries or comments should be directed to Planner Jaime Dubyna at 250-247-2063, or by email to: northinfo@islandstrust.bc.ca. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867.

A copy of the proposed permit may be inspected at the Islands Trust Northern office at 700 North Road, Gabriola Island between the hours of 8:30 a.m. and 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays commencing **June 24, 2019** up to **July 4, 2019**. Also, attached for your convenience, is a copy of the proposed Permit.

The Hornby Island Local Trust Committee will consider the proposed permit at its regular meeting to be held on **Friday, July 5, 2019** beginning at 11:30 a.m. at New Horizons, 1765 Sollans Road, Hornby Island.

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

Becky McErlean
Deputy Secretary

 Islands Trust	HORNBY ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT HO-TUP-2018.1 (Baird) 6060 Central Road, Hornby Island
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To: Michael F. Baird

1. This Permit applies to the land described below:

PID 000-081-973

THE WEST ½ OF THE NORTH WEST ¼ OF SECTION 6, HORNBY ISLAND, NANAIMO DISTRICT,
EXCEPT PARTS IN PLANS 26454 AND 30067.

2. Pursuant to Section 493 of the *Local Government Act* and Section 6.10 of the Hornby Island Official Community Plan Bylaw No. 149, 2014, and despite Hornby Island Land Use Bylaw No. 150, 2014, this Permit is issued to allow the following:

2.1 To operate a seasonal juice bar.

2.2 To operate outdoor seasonal vendor tables.

3. This permit is subject to the following conditions:

- a) The general layout of the seasonal juice bar and outdoor seasonal vendor tables shall be in substantial accordance with Schedule "A" – Subject Property Map and Schedule "B" – Site Plan, which are attached to and form a part of this permit, as signed and dated by the Deputy Secretary, Islands Trust.
- b) The operation of the seasonal juice bar shall be restricted to May 1 to September 30 between the hours of 8:00 a.m. and 8:00 p.m.
- c) The seasonal juice bar may consist of one 10 feet x 18 feet (16.7 m²) structure, as shown on Schedule "B" – Site Plan.
- d) The outdoor seasonal vendor tables shall be limited to the subject area identified as "Proposed Vending", as shown on Schedule "B" – Site Plan.
- e) A total of forty (40) vehicle parking spaces shall be provided on site designed to the standards of Hornby Island Land Use Bylaw No. 150, 2014.
- f) An emergency spill kit shall be kept on site for the period of the operation of the seasonal juice bar, it shall be kept fully supplied at all times and the operator shall ensure that there is personnel on site at all times during the operation of the seasonal juice bar that are familiar with its use.

- g) A minimum of one (1) portable toilet shall be located on site and maintained in good order for the period of operation of the seasonal juice bar.
 - h) Signage shall meet the sign regulations in the Hornby Island Land Use Bylaw No. 150, 2014.
 - i) The holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, Islands Trust staff may enter the property during business hours to ensure compliance with the Temporary Use Permit.
- 4. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
 - 5. It is the responsibility of the landowner to obtain any required authorization under the *Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* or any other relevant legislation pertaining to land in the Agricultural Land Reserve.
 - 6. This Permit is valid for a period of three years from the date of issuance.
 - 7. This is not a Building Permit or a Siting and Use Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed land use.

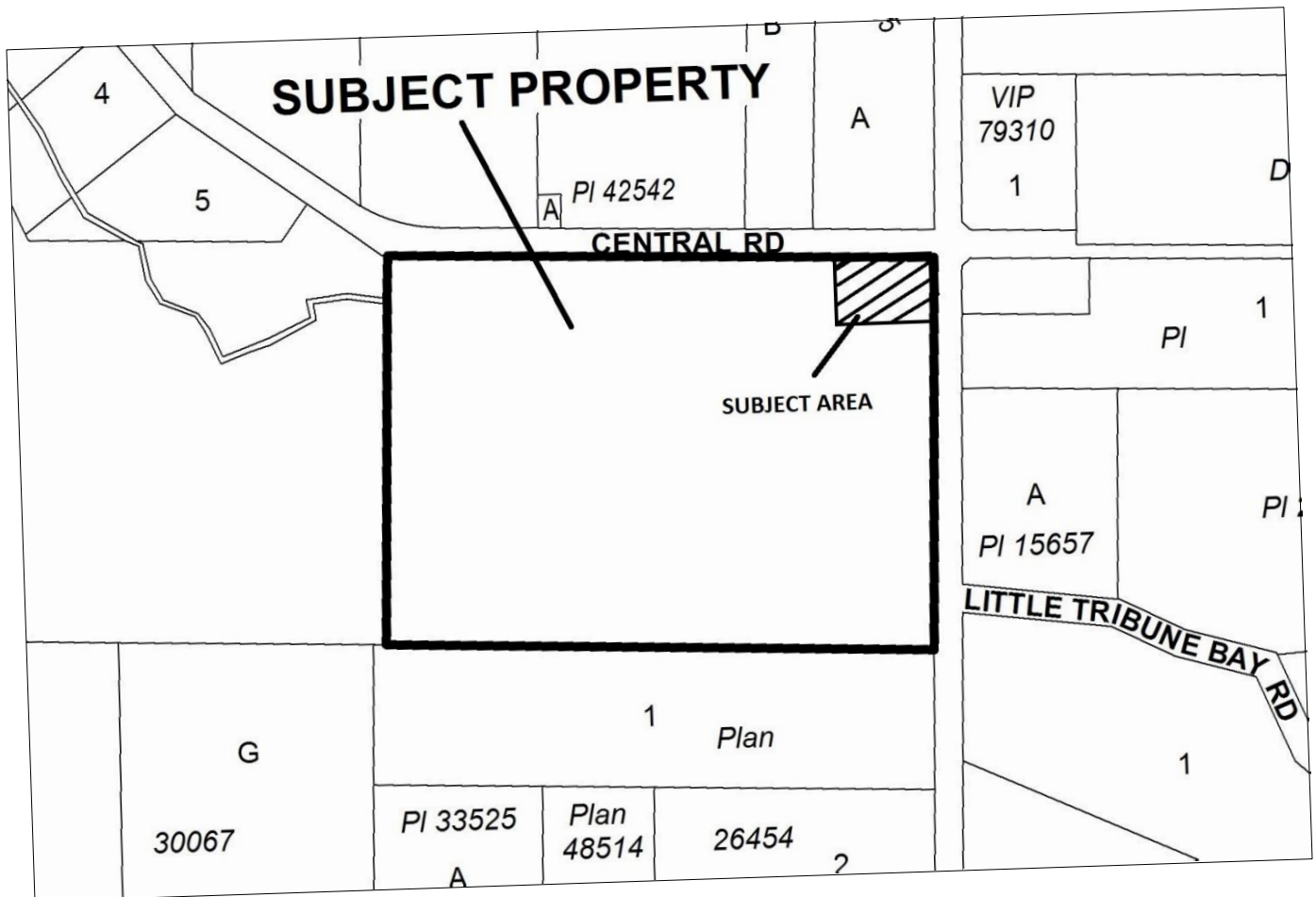
AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS _ DAY OF _____, 20__.

Deputy Secretary, Islands Trust

Date Issued

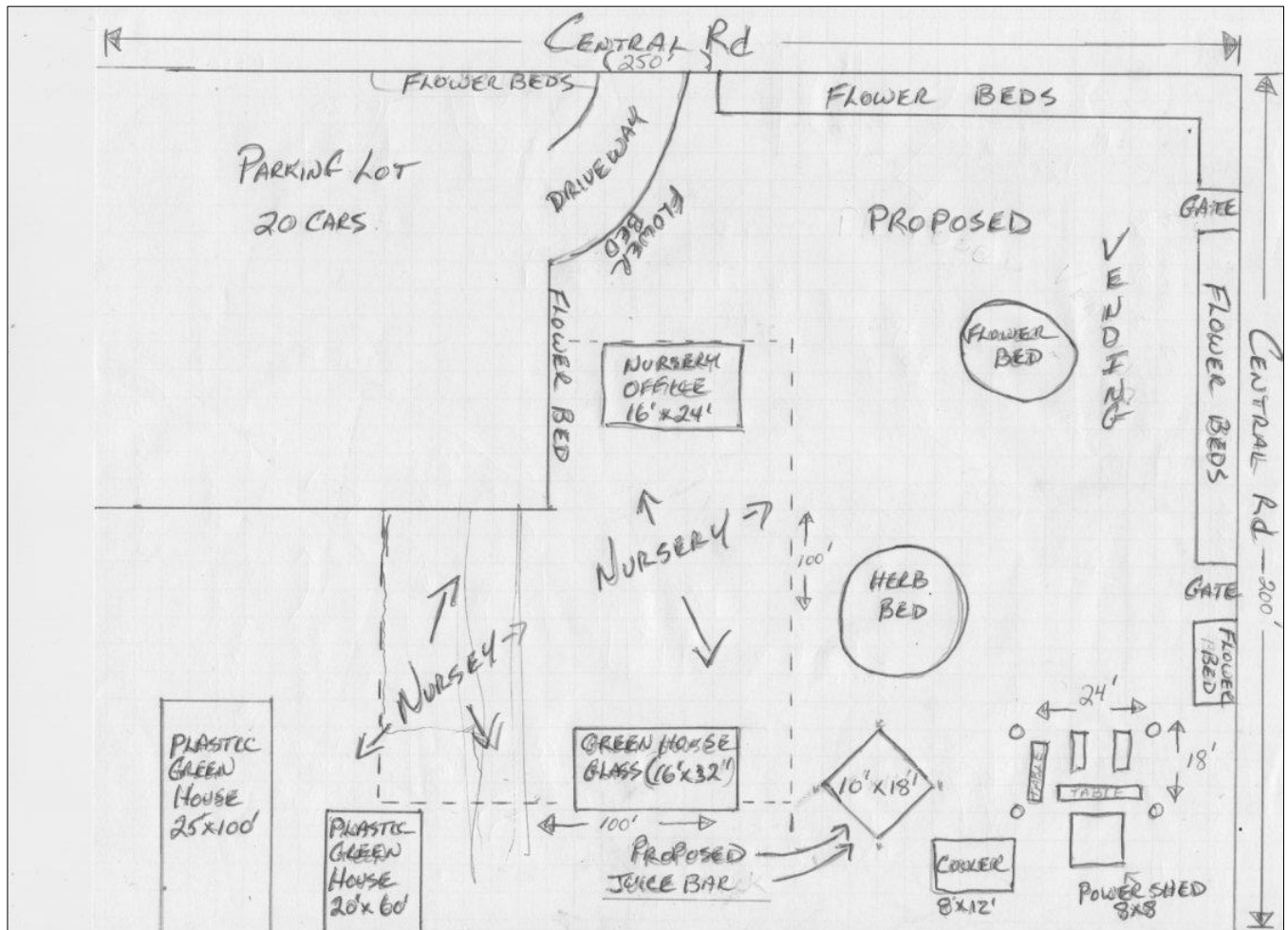
HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2018.1 (Baird)

SCHEDULE "A"
Subject Property Map



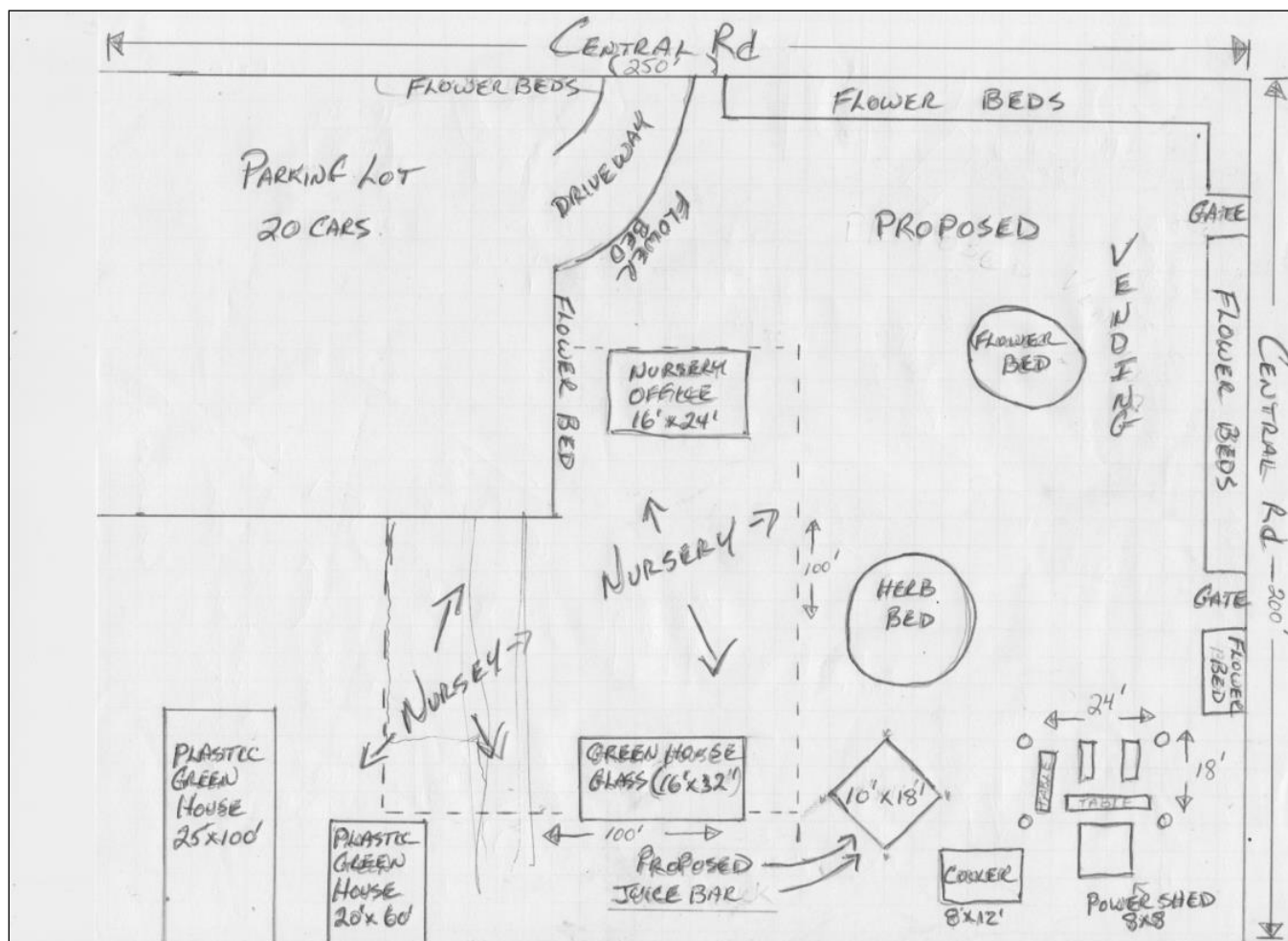
HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-TUP-2018.1 (Baird)

SCHEDULE "B"
Site Plan



ATTACHMENT 5 – SITE PLAN

5.1 SITE PLAN



File No.: 6500-20 (Hornby Island
OCP/LUB Amendments)

DATE OF MEETING: July 5, 2019
TO: Hornby Island Local Trust Committee
FROM: Jaime Dubyna, Planner 2
Northern Team
SUBJECT: Hornby Island OCP/LUB Amendments Project

RECOMMENDATION

1. That the Hornby Island Local Trust Committee endorse the revised 'Official Community Plan and Land Use Bylaw Amendments Project' Project Charter v.2.1 dated July 5, 2019.
2. That the Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend Hornby Island Official Community Plan Bylaw No. 149, 2014.
3. That the Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend Hornby Island Land Use Bylaw No. 150, 2014.

REPORT SUMMARY

The purpose of this report is to provide an update to the Hornby Island Local Trust Committee (LTC) Top Priority Project "Official Community Plan and Land Use Bylaw Amendments Project", and present a revised project charter to the LTC that separates the project into two distinct phases. Phase 1 of the project proposes to identify and resolve all typographical errors, and update all referenced legislation and regulatory citations and any outdated language within the Hornby Island Official Community Plan Bylaw No. 149 (OCP) and Hornby Island Land Use Bylaw No. 150 (LUB). Staff are recommending that the LTC endorse the revised project charter and request staff to prepare a draft OCP and LUB amendment bylaw proposed Phase 1 of the project.

BACKGROUND

An initial [staff report](#) was presented to the LTC at the August 3, 2018 regular business meeting. Additional issues or inconsistencies have been identified by staff and the LTC since the commencement of the project, and have been included as part of the project.

Staff presented a [staff report](#) that summarized the project to date and presented a revised project charter at the April 5, 2019 LTC regular business meeting, where the LTC passed the following resolution:

HO-2019-027

It was **MOVED** and **SECONDED**,

that the Hornby Island Local Trust Committee:

- Endorse the revised "Official Community Plan and Land Use Bylaw Amendments Project" Project Charter v.2 dated April 5, 2019; and
- Request staff to prepare a work plan and budget for the "Official Community Plan and Land Use Bylaw Amendments Project", and request funding confirmation for the 2019/2020 fiscal year.

CARRIED

The revised draft project charter is found in Attachment 1 of this report.

ANALYSIS

Staff have completed a comprehensive technical review of the OCP and LUB to identify bylaw issues that may be addressed during the project. Attachment 2 of this report details a list of issues in the LUB staff are recommending be addressed. A list of issues in the OCP has not been included, as there may be additional issues that arise once staff have researched the OCP and LUB development history. Staff note review of the OCP and LUB is ongoing, and that there may be further issues that have not been identified that could be included in the project.

Given the scope of issues currently identified within the OCP and LUB, staff are recommending changes to the project charter where the project will proceed in two distinct phases, an option previously presented to the LTC. The phases are proposed as follows:

- **Phase 1: *Minor technical OCP/LUB amendments*** – including typographical errors (spelling, grammar, punctuation, numbering, etc.), outdated language, and outdated legislation and regulatory citations (i.e. sections of the *Local Government Act*). This phase would correct typographical errors and formatting inconsistencies found in both the OCP and LUB.
- **Phase 2: *Major OCP/LUB amendments*** – requiring OCP amendments. This phase requires further staff research into prior OCP and LUB development history. This phase would include bylaw issues that may affect development potential on affected properties, and amendments to the OCP and LUB that align with recently adopted amendments to Agricultural Land Reserve (ALR) policies and regulations, and regulations for cannabis production and sales.

Staff note that the proposed timeline for Phase 2 would align with the completion of another LTC-top priority project, “Watershed Protection and Groundwater Preservation Project”. Results from that project could be incorporated into OCP and LUB amendments where relevant in Phase 2.

Consultation

Statutory Requirements

Since the project would involve OCP and LUB amendments, pursuant to Section 464(1) of the *Local Government Act* (LGA), the LTC is required to hold a public hearing for the purpose of allowing the public to make presentations to the LTC respecting matters contained in the proposed bylaws.

In addition to the public hearing required under Section 464, during the amendment of an OCP, Section 475 of the LGA also requires that the LTC consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than the statutory requirements and direct staff accordingly.

Staff note that were the LTC to request additional community consultation during proposed Phase 1, suitable consultation methods would likely fall under the “Inform” column of the [International Association of Public Participation \(IAP2\) Spectrum](#). Examples of typical techniques include fact sheets, a website and an open house.

Rationale for Recommendation

The rationale for breaking the project down into two distinct phases has evolved as a result of staff’s technical review of the OCP and LUB. Staff have identified a significant number of typographical errors and formatting

inconsistencies in both the OCP and LUB that could be addressed immediately in proposed Phase 1 of the project. Phase 1 would be completed following the adoption of the amended OCP and LUB as “base” bylaws.

A subsequent phase of the project would undertake major amendments that require further research into bylaw development history, and that require OCP amendments. The timeline of the revised project charter

The project charter has been amended to reflect the proposed actions. Revisions to the project timeline have also been included.

Staff recommends that the LTC endorse the revised project charter and direct staff to prepare a draft bylaw to amend the Hornby Island OCP and LUB, as per the recommendations found on page 1 of this report.

ALTERNATIVES

1. Further Revise the Project Charter

The LTC may further revise the Project Charter with additional objectives, in-scope activities or phases. If selecting this alternative, the recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee endorse the OCP and LUB Amendments Project Charter v. 2.1 with the following revisions [insert specific details].

NEXT STEPS

Staff will prepare draft bylaws and a supplemental staff report as directed by the LTC for the LTC’s consideration at the September 2019 regular business meeting.

Submitted By:	Jaime Dubyna, MSc.PI. Planner 2	June 20, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 24, 2019

ATTACHMENTS

1. Draft Project Charter (dated July 5, 2019)
2. LUB Summary of Issues Table

Purpose To resolve technical issues with the Hornby Island Official Community Plan (OCP) No. 149 and the Hornby Island Land Use Bylaw (LUB) No. 150, and to update relevant sections of the OCP and LUB related to cannabis production and sales and in accordance with recent amendments to Agricultural Land Reserve (ALR) policies and regulations.

Background Since adoption of the OCP and LUB in 2016, a number of technical issues have been discovered in the bylaws, ranging from minor typographical errors to more significant issues that may, in some cases, have unintended consequences such as reduced development potential. As well, the Province has recently adopted amendments to the *Agricultural Land Commission Act* and ALR Use Regulation in relation to cannabis production, secondary residences, total floor area of principal residences, “agri-tourism” and “tourist” accommodation, and soil or fill regulations.

- Phase 1 Objectives**
 - To identify and resolve typographical errors within the LUB and OCP
 - To identify and resolve outdated legislation titles and citations, and outdated language within the OCP and LUB
- Phase 2 Objectives**
 - To identify and resolve technical issues that may or may not require OCP amendments
 - To identify and resolve major issues that may affect development potential and likely require OCP amendments
 - Update the OCP and LUB to be consistent with provincial government legislation

- Out of Scope**
 - Bylaw amendments not related to identified technical issues or to recently adopted provincial government legislation

- Phase 1 In Scope**
 - Staff technical review of bylaws
 - “Housekeeping” amendments to OCP and LUB
 - Community consultation
 - Adoption of “new” base bylaws
- Phase 2 In Scope**
 - Research into bylaw development history
 - LUB technical amendments may include, but are not limited to:
 - Beulah Creek housing site map review
 - Min. average lot area for the R2 zone
 - Map amendments
 - Regulations for Cannabis Production and Sales
 - Update relevant ALR regulations
 - OCP amendments
 - Community consultation and APC referrals
 - Legislative review, referrals, and bylaw adoption

Workplan Overview

Deliverable/Milestone	Date
LTC endorsement of revised project charter v. 2	April 5, 2019
Planner presentation on technical review and issues analysis of OCP and LUB; LTC consideration of technical review and issues analysis and “phased” project	July 5, 2019
Phase 1: Development of draft “housekeeping” bylaws	Summer 2019
Phase 1: Draft bylaws presented to LTC for review	September 2019
Phase 1: Community consultation and early referrals of draft bylaws	Fall/Winter 2019
Phase 1: Legislative process for proposed bylaws	Winter 2019/2020
Phase 1: Adoption of proposed bylaws	Winter/Spring 2020
Phase 2: LTC endorsement of revised project charter for Phase 2	Winter/Spring 2020
Phase 2: Development of draft bylaws, referrals and community engagement	Spring/Summer 2020
Phase 2: Legislative process of bylaws; Adoption of proposed bylaws	Fall/Winter 2020

Project Team		Budget		
Planner 2	Project Manager	Budget Source: Hornby Island LTC Bylaw Amendments		
Regional Planning Manager / Island Planner	Project Support	Fiscal	Item	Cost
RPM Approval: Ann Kjerulf Date: July 20, 2018; March 28, 2019;	LTC Endorsements: Resolution #: HO-2018-040; HO-2019-027	2019-2020	Legal review of draft bylaw(s)	\$3,000
		2019-2020	Community Consultation	\$500
		2019-2020	CIM / Public Hearing	\$2,000
			Total	\$5,500

ATTACHMENT 2 – SUMMARY OF ISSUES

HORNBY ISLAND LAND USE BYLAW No. 150, 2014 (CONSOLIDATED VERSION MARCH 28, 2018)

Note that staff have not included all typographical errors in this table. All typographical errors (spelling, grammar, punctuation, numbering, etc.), and updates to citations and Act names will encompass proposed “Phase 1” of the OCP/LUB Amendment project.

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
5	Table of Contents; Part 6 – 6.5	6.5 Section 946 Subdivisions (Residence for a Relative)	6.5 Section 514 Subdivisions (Residence for a Relative)	Housekeeping. Amend to current citation of <i>Local Government Act</i> .
8	Part 1, Section 1.1(1)	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.	TBD	Consider defining “travelling public” as it is used in the definition for “bed and breakfast”; or replace the term.
8	Part 1, Section 1.1(1)	bicycle rack means a structure designed to support and to accommodate the locking of no less than four bicycles.		The term “bicycle rack” is not found elsewhere in the LUB, consider removing from Part 1, Section 1.1(1).
8	Part 1, Section 1.1(1)	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.	boarding house means a dwelling, or part thereof, in which furnished sleeping accommodations, with meals, are provided for four or more persons as permanent accommodation.	Use of “consideration to” does not appear necessary, consider removing from definition.
8	Part 1, Section 1.1(1)	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.	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 the use of park model homes.	For clarity, consider including “the use of” before “...park model homes”.
8	Part 1, Section 1.1(1)	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	community facility means a building or structure operated by a non-profit society or government agency for the benefit of the community generally and used for community events including	Consider removing “administrative office” from definition, as it would likely

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
		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.	recreation , 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.	be captured in the definition of “building”. Consider rewording “local government” to “government agency”. Consider including “recreation” to definition.
9	Part 1, Section 1.1(1)	community housing means dwelling units that are deed restricted and/or rent controlled, that are subject to a housing agreement under s. 905 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 <i>Society Act</i> .	community housing means dwelling units that are deed restricted and/or rent controlled, that are subject to a housing agreement under s. 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 <i>Societies Act</i> .	Housekeeping. Amend to current citation of <i>Local Government Act</i> . The <i>Societies Act</i> came into effect November 2016, to replace <i>Society Act</i> .
9	Part 1, Section 1.1(1)	domestic unit means a group of not more than five unrelated individuals.	TBD	Consider amending definition of “domestic unit”.
9	Part 1, Section 1.1(1)	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.		The term “family” is not found elsewhere in the LUB, consider removing from Part 1, Section 1.1(1).
11	Part 1, Section 1.1(1)	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.	TBD	Consider including reference to Canadian Standards Association (CSA) Z240 Series of Standards.
11	Part 1, Section 1.1(1)	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	TBD	Consider amending definition to align with definition provided in Section 1 of the <i>Land Act</i> . Staff also note that the “most recently registered” copy may be outdated and

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
		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 BC Land Surveyor shall prevail.		may not reflect the current natural boundary, as it is defined in the <i>Land Act</i> .
12	Part 1, Section 1.1(1)	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.	principal use means a main permitted purpose for which land, buildings or structures, as listed in the applicable zone in this bylaw, is used.	Housekeeping. Generally, “zones” are referred to, rather than “zoning districts”, consider amending.
12	Part 1, Section 1.1(1)	public park means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the <i>Park Act</i> or the <i>Park (Regional) Act</i> .	TBD	Amend the reference to the <i>Park (Regional) Act</i> , as it was repealed in 2003 when the <i>Water, Land and Air Protection Statutes Amendment Act</i> came into effect. Staff to confirm correct Act.
13	Part 1, Section 1.1(1)	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 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	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 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	Housekeeping. Amend to current section of <i>Local Government Act</i> .

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		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 s. 911 of the Local Government Act, unless such residential use is discontinued for a continuous period of six months.	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 s. 528 of the Local Government Act, unless such residential use is discontinued for a continuous period of six months.	
15	Part 3, Section 3.2(1)	For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 8:	For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 8 of this Bylaw :	For clarity, consider including “of this Bylaw”.
17	Part 3, Section 3.3(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.	The keeping of livestock or poultry 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.	For consistency with the rest of the regulation, consider replacing “birds” with “poultry”.
18	Part 3, Section 3.6(1)	Only the uses expressly permitted in Subsections 3.6(3), 3.6(9) and 3.6(20) inclusive are permitted as home occupations. Without limiting the generality of the foregoing the following uses are prohibited as home occupations:	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:	Housekeeping. Include 3.6(11) and amend 3.6(20) to correct section – 3.6(22).
19	Part 3, Section 3.6(10)	Subsections 3.6(9) to 3.6(18) inclusive apply to home occupations conducted on lots of 0.1 hectare or larger and less than 2.0 hectares in area.	Subsections 3.6(11) to 3.6(20) inclusive apply to home occupations conducted on lots of 0.4 hectare or larger and less than 2.0 hectares in area	Housekeeping. Amend 3.6(9) and 3.6(18) to correct section – 3.6(11) to 3.6(20). Replace “0.1 hectare” with “0.4 hectares” for the appropriate lot area for Basic Home Occupations Tier 2. Section 3.6(8) specifies a lot area of 0.1 hectare or larger and less than 0.4 hectares in area for lots in the Basic Home Occupations Tier 1. It appears the intent then is

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
				that Basic Home Occupations Tier 2 would be for lots that are 0.4 hectares or larger (and less than 2.0 hectares in area).
19	Part 3, Section 3.6(11)	The following uses; including uses permitted in the Limited Home Occupation and Basic Home Occupations Tier 2; and no other uses, are permitted as home occupations:	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:	Housekeeping. Amend “Tier 2” to “Tier 1”.
19	Part 3, Section 3.6(14)	Despite 3.6(11), kilns and, daycare play areas and storage, may be outdoors.	Despite Subsection 3.6(13) , kilns, daycare play areas and storage, may be outdoors.	Housekeeping. Amend 3.6(11) to correct section – 3.6(13). Remove “...and” after “...kilns...”
19	Part 3, Section 3.6(15)	Outdoor uses permitted in 3.6(12) 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.	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 Sections 3.9 and 3.10.	Housekeeping. Amend 3.6(12) to correct section – 3.6(14). Consider adding “subsection” before “3.6(14)”.
19	Part 3, Section 3.6(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 percent of the total lot area up to a maximum of 500 square metres for storage associated with home occupations	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 ; plus (b) a combined maximum of 10 percent of the total lot area up to a maximum of 500 square metres for storage associated with home occupations.	For consistency with similar wording in Section 3.6(26). Staff to confirm intent.

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
20	Part 3, Section 3.6(21)	Subsections 3.6(20) to 3.6(28) inclusive apply to home occupations conducted on lots of 2.0 hectares or larger in area.	Subsections 3.6(22) to 3.6(30) inclusive apply to home occupations conducted on lots of 2.0 hectares or larger in area.	Housekeeping. Amend 3.6(20) and 3.6(28) to correct section – 3.6(22) and 3.6(30).
20	Part 3, Section 3.6(25)	Outdoor uses permitted in 3.6(22) must be screened from adjacent lots and public rights-of-way with a vegetation screen or solid fence pursuant to Section 3.10.	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 3.10.	Housekeeping. Consider adding “subsection” before “3.6(22)”.
20	Part 3, Section 3.6(25)	Outdoor uses permitted in 3.6(22) must be screened from adjacent lots and public rights-of-way with a vegetation screen or solid fence pursuant to Section 3.10.	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 Sections 3.9 and 3.10 .	Staff recommend adding “Section 3.9 and” before “...Section 3.10”. Reference to Section 3.9 – Fences appears to be missing.
20	Part 3, Section 3.6(31)	Subsections 3.6(30) to 3.6(36) inclusive apply to home occupations on any size lot.	Subsections 3.6(32) to 3.6(36) inclusive apply to home occupations on any size lot.	Housekeeping. Amend 3.6(30) to correct section – 3.6(32).
21	Part 3, Section 3.6(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.	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 found in Section 3.10 of this Bylaw .	For clarity, consider adding “found in Section 3.10 of this Bylaw”.
21	Part 3, Section 3.6(37)	Where a bed and breakfast home occupation is permitted in any zone subsections 3.6(38) to 3.6(39) inclusive apply.	Where a bed and breakfast home occupation is permitted in any zone subsections 3.6(38) to 3.6(41) inclusive apply.	Housekeeping. Amend 3.6(39) to correct section – 3.6(41).
22	Part 3, Section 3.7(1)(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.	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 subsection 3.7(2) , which may	For clarity, consider amending to the specific regulation – subsection 3.7(2).

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			be posted only when a vacation home rental is occurring.	
23	Part 3, Section 3.8(3)	Despite Part 8 of this Bylaw, a secondary suite is not a permitted use in a dwelling on any lot within the highly developed – high vulnerability aquifer designation as shown on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149.	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 designation as shown on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149.	Housekeeping. Schedule “D2” of the OCP identifies the IA aquifer as “heavily developed, high vulnerability”; the provincial Aquifer Classification identifies IA aquifers as being in “heavily developed, high vulnerability” areas.
23	Part 3, Section 3.9(2)	The provision of a landscape screen is exempted from subsection 3.7.	The provision of a landscape screen is exempted from subsection 3.9(1) .	Housekeeping. Incorrect subsection cited.
23	Part 3, Section 3.10(1)(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; and	TBD	There is no Section 3.10(1)(e) following this regulation. Unclear if there should be an additional regulation following it, or if the “and” should be removed.
23	Part 3, Section 3.10(2)	Subsection (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.	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.	Housekeeping. Add regulation 3.10, it appears to be missing.
24	Part 3, Sections 3.13(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,	TBD	Intent is unclear. Appears to be incomplete.

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
24	Part 3, Sections 3.14(1) and 3.14(2)	(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.	TBD	Requires further research.
26	Part 4, Section 4.6(1), Table 4.6	Table 4.6: Sign Number and Area Zone/Use – A1, A2, A3, A4 Number of Signs Permitted for each Lot, Premises or Use – 1 per home occupation Maximum Total Sign Area Permitted for Each Lot, Premises or Use – 1.0 m²	Table 4.6: Sign Number and Area Zone/Use – A1, A2, A3, A4 Number of Signs Permitted for each Lot, Premises or Use – 1 per use Maximum Total Sign Area Permitted for Each Lot, Premises or Use – 1.0 m²	Currently the Bylaw appears to only allow a sign for “home occupation” use on an agriculture-zoned lot. Consider rewording.
27	Part 5, Section 5.1(2)	In the case of a parking space for the disabled, it shall be located at the closest point as is practical to the main entrance to any building containing the use for which the disabled parking space is required.	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.	Housekeeping. Staff recommended revision to align with provincial language.
27	Part 5, Section 5.2(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.	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. Notwithstanding the foregoing, parallel parking spaces shall have a length of 7.5 metres.	Housekeeping. Staff recommend rewording.
28	Part 5, Section 5.4(1), Table 5.4	<i>Column three of Table 5.4 subject line: Minimum number of Parking Spaces for disabled</i>	Minimum Number of Parking Spaces for Persons with Disabilities	Housekeeping. Staff recommended revision

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
				to align with provincial language.
29	Part 5, Section 5.4(1), Table 5.4(13)	Use of Building or Lot: retail, financial service, personal service, office, post office, library, bakery, museum Minimum Number of Parking Spaces: 1 per 20 m ² of floor area	TBD	Regulation does not take into consideration “indoor” or “outdoor” retail space. In relation to the outdoor retail space of a plant nursery (for example), parking requirements according to this table far exceed what would be considered a reasonable number of parking spaces needed at one time.
30	Part 6, Section 6.1(1)	The minimum and average lot sizes areas specified in this bylaw do not apply:	The minimum and average lot size areas specified in this Bylaw do not apply:	Housekeeping. “Size” should be singular, not plural.
30	Part 6, Section 6.1(1)(d)	(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; <u>and</u> (ii) the area of the new lot is not less than the minimum lot area specified for that zone; <u>or</u> (iii) the area of the new lot is not less than the existing minimum lot area; <u>and</u> (iv) the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.	TBD	Staff to determine the use of “or” and “and” are correct.
30	Part 6, Section 6.3(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,	If a proposed subdivision is to yield the maximum number of lots permitted by the applicable minimum lot area and minimum average lot areas	Staff recommended addition, for clarity.

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
		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.	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.	
31	Part 6, Section 6.5	Section 946 Subdivisions (Residence for a Relative)	Section 514 Subdivisions (Residence for a Relative)	Housekeeping. Amend to current citation of <i>Local Government Act</i> .
34	Part 7, Section 7.2(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.	Where land-based and water-based zone boundaries shown on Schedule "B" coincide, the boundary between land and water-based zones is the lot line as determined by a surveyor and where there is no survey plan the boundary is the natural boundary of the water body.	Staff recommended revision, as the "most recent plan registered in the Land Title Office" may have no relation to the present natural boundary.
-	Part 8	"residential use of a dwelling"	"residential use of a dwelling unit "	Housekeeping. Throughout the LUB, where "residential use of a dwelling" is permitted, staff recommend amending the regulation to "residential use of a dwelling unit", to be consistent with the definition provided in the LUB.

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
-	Part 8	"secondary suite in a dwelling on lots 2.0 hectares or larger"	"secondary suite in a dwelling unit on lots 2.0 hectares or larger"	Housekeeping. Throughout the LUB, where "secondary suite in a dwelling..." is permitted, staff recommend amending the regulation to "secondary suite in a dwelling unit...", to be consistent with the definition provided in the LUB.
-	Part 8	Examples: • "8.0 metres from <u>a</u> front lot line" • "8.0 metres from <u>an</u> interior side lot line" • "8.0 metres from <u>any</u> interior side lot line"	TBD	Housekeeping. Throughout the LUB, where lot lines are provided under the "Siting and Size" subsection of zone-specific regulations found in Part 8, staff recommend amending language to be consistent – "a" vs. "an" vs. "any". Staff to review.
37	Part 8, Section 8.2(1)	Numbering of 8.2(e) through (g) is incorrect.		Housekeeping.
37	Part 8, Section 8.2(2)(b)	(b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger; and	TBD	Requires further research.
37	Part 8, Section 8.2(8)	No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.0 hectares.	TBD	Requires further research.
38	Part 8, Section 8.2(9)	Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares.	TBD	Requires further research.
40	Part 8, Section 8.3A(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.	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.	Housekeeping.

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
43	Part 8, Section 8.5(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.	TBD	ALC regulations now allow lounges that are ancillary to a winery or cidery to have a max. floor area of 125 m ² indoors and 125 m ² outdoors. An update to the LUB may be required. Requires further research.
43	Part 8, Section 8.5(8)	Where land is in the Provincial Agricultural Land Reserve, non-farm uses permitted by this Bylaw within a zone are permitted only: (a) if also approved by the Provincial Agricultural Land Commission by written order and only to the extent provided by the written order, or (b) if also permitted by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation and only to the extent permitted by this Bylaw.	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.	The <i>Agricultural Land Reserve Use Regulation</i> came into effect in February 2019, to replace the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i> .
43	Part 8, Section 8.5(9)	Land uses which are permitted in the Agricultural Land Reserve unless otherwise prohibited by a local government bylaw are permitted to the extent permitted in the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, 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.	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.	The <i>Agricultural Land Reserve Use Regulation</i> came into effect in February 2019, to replace the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i> .
43	Part 8, Section 8.5(7) through (9)	Agricultural Land Reserve Farm Use Regulations	TBD	Consider including regulations for additional residential use to align with ALR policies and regulations regarding “additional residences”. Requires further research.

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
43	Part 8, Section 8.5	n/a	TBD	There are no site-specific zoning regulations for the A1(a) zone, however Schedule B of the LUB indicates one lot (PID 009-651-438) in the A1(a) zone. Requires further research.
44	Part 8, Section 8.6(3) to (9)	Numbering of 8.6 jumps from 8.6(3) to 8.6(6).		Housekeeping.
51	Part 8, Section 8.11(1)(e)	(e) accessory uses including visitor accommodation units accessory to a use;	(e) accessory uses including visitor accommodation units;	Housekeeping.
53	Part 8, Section 8.12(1)(c), (d) and (e)	(c) retail and personal service; and (d) residential use accessory to visitor accommodation. (e) campground	(c) retail and personal service; (d) residential use accessory to visitor accommodation; and (e) campground.	Housekeeping.
53	Part 8, Section 8.12(2)(c) and (d)	(c) a maximum of ten camp spaces. (d) a maximum of one residential dwelling unit is permitted per lot; and	(c) a maximum of ten camp spaces; and (d) a maximum of one residential dwelling unit is permitted per lot.	Housekeeping.
55	Part 8, Section 8.13	Commercial 5 – Comprehensive Commercial (C5) Zone (Ford Cove.)	Commercial 5 – Comprehensive Commercial (C5) Zone (Ford's Cove)	Housekeeping.
55	Part 8, Section 8.13(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.	TBD	Staff recommend removing "liquid fuel sales for boats" from permitted uses in the C5 zone to reduce any potential conflict between permitted uses on a lot or in the zone, and with neighbouring properties.

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
55	Part 8, Section 8.13(2)(c)	(c) a maximum of six visitor accommodation units are permitted per lot; and	TBD	No regulation follows 8.13(2)(c). Appears to be incomplete or requires removal of “and”. Requires further research.
55	Part 8, Section 8.13(8)	The floor area of a retail stores must not exceed 46m ² per lot.	The floor area of a retail store must not exceed 46m ² per lot.	Housekeeping.
55	Part 8, Section 8.13(11)	Numbering of 8.13(11) incorrect.	Amend to 8.13(10).	Housekeeping.
58	Part 8, Section 8.16	Commercial 8 – Campground (C8) Zone (Ford Cove)	Commercial 8 – Campground (C8) Zone (Ford’s Cove)	Housekeeping.
63	Part 8, Section 8.21(9)	Site-Specific Zone Regulations for PU(a) zone: Despite 8.21(1), the only permitted uses are: (a) Cemetery; (b) Public utility storage yard; (c) Highways maintenance yard; and (d) Recycling depot.	TBD	Requires further research.
74	Part 9, Section 9.5(4)	Where the Ministry of Environment has requested it, vegetation should be retained or planted to control erosion or protect banks.	Where the Ministry of Environment & Climate Change has requested it, vegetation should be retained or planted to control erosion or protect banks.	Housekeeping. Update to Ministry name. Alternatively, the LTC may wish to reference the “Ministry responsible for the environment...”.
74	Part 9, Section 9.6.1	The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:	The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted in Section 9.6.2 below:	Staff recommended addition, for clarity.
75	Part 9, Section 9.6.2(n)	(n) farm operations as defined in <i>the Farm Practices Protection (Right to Farm) Act</i> and farm uses as defined in Section 2(2) of the <i>Agricultural Land Reserve Use, Subdivision, and Procedure</i>	(n) farm operations as defined in the <i>Farm Practices Protection (Right to Farm) Act</i> and farm uses as defined in Section 2(2) of the <i>Agricultural</i>	Housekeeping. The <i>Agricultural Land Reserve Use Regulation</i> came into effect in February

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
		<i>Regulation</i> and horticulture as defined in the Hornby Island Land Use Bylaw 177;	<i>Land Reserve Use Regulation</i> and horticulture as defined in the Hornby Island Land Use Bylaw 150 ;	2019, to replace the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i> Correction of Land Use Bylaw No. 150 (not 177).
76	Part 9, Section 9.6.3(e) to 9.6.3(f)	Numbering incorrect for 9.6.3(e) through 9.6.3(f).		Housekeeping.
76	Part 9, Section 9.6.3(e)	(e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.	(e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the QEP or other professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.	Staff recommend for consistency with other guidelines in Section 9.6.3.
77	Part 10, Section 10.1	Section 921 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.	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.	Housekeeping. Amend to current citation of <i>Local Government Act</i> – Section 492.
78	Part 10, Section 10.3(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 highly developed.	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.	Housekeeping. Correction, as per the Provincial aquifer classification system.

PAGE #	SECTION	CURRENT TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
80	Schedule B: Bylaw Area Map	Map amendments required.	TBD	Requires further research.

To: Hornby Island Local Trust Committee

From: Tony Law

23 June 2018

Vacation Home Rental Regulations

The purposes of this message are

- (1) to inform you of a significant inaccuracy in the regulation requiring proof of adequate sewage treatment,
- (2) to encourage you to correct this inaccuracy and apply this requirement to all small lots and
- (3) to suggest that the limit on occupancy levels be clarified

The problem with the existing regulation

Regulation 3.1 (1) (f) misinterprets the aquifer classification and thus the regulation does not have a defensible rationale. (I pointed this out when the regulation was being introduced and during the recent review, but planning staff and other trustees did not seem to get this. Perhaps I didn't explain it very well. I'll try to do a better job here!).

Here is what 3.1 (1) (f) states:

"On lots designated as Aquifer 1A 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. "

Here is a statement from the staff report on Vacation Home Rentals provided to the LTC at your May meeting

"Additionally, none of the VHRs operating in the (high vulnerability) Aquifer 1A Area has filed a certificate establishing sewage system adequacy. Notwithstanding, the LTC has not defined what such a certificate is or how it should be filed with the Islands Trust administration. "

The regulation and its interpretation by staff indicate that it is intended to ensure adequate sewage treatment in one particular aquifer (the peninsula north of Tribune Bay including Whaling Station Bay, Anderson Dive, High Salal, etc) because of its high vulnerability given its classification as 1A .

But this does not relate to the actual meaning of the aquifer classification and fails to address aquifer vulnerability in the rest of the island.

Explanation of the aquifer classification

The “I” component of the classification addresses potential water **quantity** challenges.

It refers to the level of development of an aquifer determined by assessing its productivity and the demand made upon it.

A high (I), moderate (II), or low (III) level of development can be designated.

This particular aquifer has low productivity and high demand and is therefore designated at having a development level of “I”, higher than aquifers in the rest of the island which are either level “II” (most of the island) or level “III” (one small area south of the Mount Geoffrey escarpment).

The “A” component of the classification addresses water **quality** challenges.

It refers to the vulnerability of an aquifer to contamination from surface sources and is assessed based on the type, thickness and extent of geologic materials overlying the aquifer, depth to water (or top of confined aquifers), and the type of aquifer materials.

A high (A), moderate (B), or low (C) vulnerability can be designated.

This particular aquifer is designated “A” (high vulnerability). However, **every** aquifer on Hornby Island is designated “A” (high vulnerability) because of the island’s unconfined fractured bedrock aquifers.

Hornby Island Aquifer Classification						
Aquifer	Location	Size km2	Development		Vulnerability	Classification
			Productivity	Demand		
0435	Whaling Station Bay (north of Tribune Bay)	3.8	Low	High	High	IA
0436	Shingle Spit/ Phipps Point (west of Mt. Geoffrey)	5.2	Low	High	High	IIA
0437	Fords Cove/ Norman Point (south of Mt. Geoffrey)	2.2	Moderate	Moderate	High	IIIA
0438	Mount Geoffrey (east & north of Mt. Geoffrey)	18.8	Moderate	High	High	IIA

The regulatory requirement to confirm adequate sewage treatment is obviously intended to address potential water **quality** issues in the one aquifer classified as **IA**. However, what distinguishes this aquifer from the rest of the island is its particular water **quantity** challenges not unique water quality challenges.

A revised approach based upon what is known

The whole island is designated as “A”, having a high vulnerability to contamination from surface sources, and should be treated accordingly, rather than one area being inappropriately singled out.

- Background to water quality issues in Hornby Island small lot subdivisions [see appendix]

The 1971 Planning Study of Hornby Island, the 1999 Water Stewardship Project report and the 2002 Royal Roads report identified the conditions that create challenges for effective on-site sewage treatment: low depth of soil, high winter water table levels, small lots, lack of regulation/monitoring to ensure on-going system functionality and the limited ability of low income residents to pay for expensive treatment systems.

The 1999 report found that 20% of the wells tested had unacceptable levels of fecal coliform and almost 80% of samples taken from ditches and streams had a fecal coliform concentration greater than background. The 2002 found that 53% of Sandpiper residents and 43% of Galleon Beach residents reported water quality problems, principally fecal coliform contamination and sea water intrusion.

- Provincial guidelines for development on vulnerable aquifers to protect water quality

The Province’s “*Guide to using the BC Aquifer Classification Maps for the Protection and Management of Groundwater*” has this to say about aquifers classified as “A” - highly vulnerable:

- *Highly vulnerable to contamination from surface sources, A aquifers have little natural protection against contamination introduced at the ground surface.*
- *Existing land uses or future additional developments, which may introduce a contaminant to the land surface, should initiate measures to protect against introducing contaminants.*
- *A aquifers should be given first priority for the implementation of quality protection measures*

Areas overlying highly vulnerable aquifers require planners to consider activities that minimize the risk of contamination or to require safeguards to protect the resource.

If, however, high-risk land use already exists over a highly vulnerable aquifer, then preventative measures and more stringent standards for operation should be considered.

- Amendment of Vacation Home Rental Regulations

Existing regulation 3.1 (1) (f) was intended to prevent contamination from water supply from a newly-permitted commercial activity in residential areas. However, it does not do the job because it is only applied to one part of the island rather than addressing vulnerability throughout the island.

The greatest vulnerability exists in the small lots throughout the island where there are already identified water quality challenges.

To address this, 3.1 (1) (f) should be amended to replace: “*On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149,....*” with: “**On lots zoned Residential 1 – Small Lot R1...**”

Vacation Home Rentals Occupancy Levels

A challenge in the process of permitting the new use of commercial visitor accommodation (vacation home rentals) in residential zones was to ensure this complied with *Islands Trust Policy Statement* policy 4.4.2 which requires addressing that “*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*”.

The small lot subdivisions on Hornby Island are known to have a problem with the quality or quantity of the supply of freshwater.

As I recall this was addressed in two ways:

It was noted that, as practised, vacation home rentals would be essentially a continuation of residential level use as the occupancy of a dwelling would involve one household being replaced by another. The average size a household on Hornby Island is 1.8 persons and in Canada is about 2.4 persons. In the summer, residential use may from time to time involve accommodating additional persons (friends and family) so a higher number than the average household size would not be abnormal residential use in that season.

It was also noted that there is an existing visitor accommodation use permitted – Bed and Breakfasts as a home occupation – with occupancy levels regulated as follows:

(37) The operator of the bed and breakfast home occupation must:...(c) provide no more than two beds per bedroom;

(39) 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 hectare or less in area;

(c) three if the lot is greater than 1 hectare in area

So as not to increase the permitted *density nor intensity of land use* as required by the Policy Statement, parallel occupancy limits were established for the new Vacation Home Rentals visitor accommodation use, allowing one more bedroom as there would not be an operator living on the premises as with a B&B (it was decided to not increase occupancy levels further as there would likely not be the same restraints with respect to water use without the presence of an in-house operator):

3.1 (1) (c) 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 one hectare, or more than four bedrooms if the lot has an area of one hectare or more

Thus on small lots, a Vacation Home Rental can accommodate:

- a 6-person household (only 8 percent of Canadian households are of 5 or more persons) or
- two 3-person households (78% of households are of 3 or fewer persons).

On large lots, a Vacation Home Rental can accommodate:

- an 8-person household or
- two 4-person households (92% of Canadian households are of 4 or fewer persons).

Advertisements of vacation home rentals are usually for an occupancy level of a specified number of persons. There seems to be some lack of certainty about occupation limits (eg can a bedroom have two double beds and thus accommodate 4 persons?)

Examples of local governments that limit the level of occupancy by number of persons are Tofino and Penticton (both specify a limit of 6 persons).

If amendments are to be made to regulations to address the problem with 3.1 (1) (f), it would be useful to also amend 3.1 (1) (c) as follows to provide more clarity:

*3.1 (1) (c) 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 one hectare **(with a maximum occupancy of six persons)**, or more than four bedrooms if the lot has an area of one hectare or more **(with a maximum occupancy of eight persons)***

Thank you for considering this.
I hope it is helpful.

Tony Law

Appendix:

Areas Known to have a Problem with the Supply of Freshwater on Hornby Island

Paper prepared by Tony Law in March 2010

Areas Known to have a Problem with the Supply of Freshwater on Hornby Island

(Whaling Station Bay, Sandpiper and Galleon Beach small lot subdivisions)

The legislative and policy framework

The *Islands Trust Policy Statement* contains the following directive policy:

- “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.” (1)

(The *Islands Trust Act* states that a bylaw “must not be approved by the executive committee or the trust council, as the case may be, if it is contrary to or at variance with the trust policy statement”.(2)

The policy statement clarifies that “where a policy requires a local trust committee or island municipality to address a particular matter, the official community plans must contain policies that implement the policy stated by Trust Council, unless the plan sets out explicitly the reasons and justifications for local policies that do not implement that policy”. (1)

The *Hornby Island Official Community Plan* contains a policy which speaks to “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.”(3)

Utilization of groundwater on Hornby Island

Groundwater supplies the majority of the potable water for local residents on Hornby Island. There are roughly 600 wells which have been installed over the last 80 -90 years, with a significant number installed over the last 30-40 years. (4). Sixty-six percent of drilled wells are located on lots generally 1/2 acre (0.20 hectares) or less and are located within the small lot subdivisions of Hornby Island.(5)

The small lot subdivisions

The final report of the *Hornby Island Groundwater Pilot Project* (1994) notes that the legacy of small lot subdivisions has resulted in 60% of all residential parcels being 0.2 hectatres (about 1/2 acre) or less. There are 661 small lots most of which are located in the three residential neighbourhoods of Whaling Station Bay, Sandpiper Beach and Galleon Beach. About 33% of these lots were undeveloped as of 1990. As more and more of these lots are built upon, the already evident problems of water supply and sewage disposal become more acute” (4).

Land use regulations for small lots

The three residential subdivisions were established before the Islands Trust was created. The *Hornby Island Land Use Bylaw* now includes these areas within the Small Lot Residential Zone which establishes the minimum area of a lot that can be created by subdivision as 8,000m² (1.36 acres) with a maximum lot coverage of 15% (7). [The Official Community Plan states that the minimum parcel size shall be 1 hectare (2.5 acres), but this policy has not yet been implemented (3).] One residential dwelling unit, with a floor area no greater than 200m² (2,152 sq.ft), is permitted on each lot. Home occupations are permitted according to regulations. The only visitor accommodation permitted is Bed and Breakfasts with guest occupancy restricted to one bedroom on lots 0.25 hectares (0.6 acres) or less and two bedrooms on lots greater than 0.25 hectares (0.6 acres) but less than 1 hectare (2.5 acres)(7).

Early concerns - land use study, 1971

The Regional District of Comox-Strathcona conducted a *Hornby Island Planning Study* in 1971, shortly after the three small lot subdivisions were created. The report includes an appendix which discusses “The Water Supply Question on Hornby Island”. The report states that “from the very beginning of our planning study for Hornby Island it has become readily apparent - through personal interviews, group meetings and lot owners' questionnaires - that the question of residential water supply lies foremost in the minds of most islanders” (8).

“Hornby Islanders rely almost exclusively upon groundwater for domestic water supply. The great majority of Island wells are of relatively low yield, serving at most one to three householders. Questionnaire surveys, moreover, have indicated that few Island wells provide reliable flow year-round.” (8).

“There are presently 736 small lots within the principle subdivision areas on the Island.” “The great majority of Island lots (over 85%) are without any developed source of water supply.” (8).

Groundwater conditions - review and update, 1984 and 1989

The Ministry of Environment conducted a *Preliminary Review of Groundwater Conditions on Hornby Island* in 1984 and followed this up with an update and review in 1989. The 1984 report noted that “domestic water supplies are a primary concern for residential density on Hornby Island” (9).

The 1989 report provided estimates of groundwater demand as a percentage of groundwater in storage for regions of Hornby Island (10):

<u>Region of Hornby Island</u>	<u>Demand as % of groundwater stored</u>		
	<u>1984</u>	<u>1989</u>	
1. Shingle Spit - Phipps Point	35.00	44.00	
2. Manning Point - Collishaw Point	22.34	36.17	
3. Shields Point	45.14	82.64	- includes Galleon Beach subdivision
4. Whaling Station Bay	48.51	70.90	- includes Whaling Station Bay subdivision
5. Spray Point - Tribune Bay	25.52	29.69	
6. Dunlop Point - Downes Point	48.08	75.48	- includes Sandpiper subdivision
7. Norman Point - Fords Cove	22.09	37.21	

The report noted that the regions containing the three subdivisions “have all experienced substantial, increased development since 1984. These regions were already experiencing developmental and water quality problems in 1984 and these problems are now undoubtedly enhanced.” It recommended that “serious consideration should be given to limiting future groundwater development in regions where demand-storage percentages are exceeding 70%.” (10).

Growth and development, 1991-2006

From 1991 to 2006, the resident population of Hornby Island increased by 19% (1991: 900; 2006: 1,074) (11).

During the same period the number of dwellings occupied year-round increased by 37% (1991: 400; 2006: 547) (11).

Water levels, 1991-2009

There are two observation wells on Hornby Island, one adjacent to the Whaling Station Bay subdivision and one adjacent to the Sandpiper subdivision. The following are records for the months with the average highest and lowest levels for each well.(12)

Month end water levels (metres below ground level)

Year	Whaling Station Bay		Sandpiper	
	February <i>highest month</i>	October <i>lowest month</i>	January <i>highest month</i>	August <i>lowest month</i>
1991				16.238
1992			11.562	
1993		1.055		
1994	0.276	1.238		16.722
1995	0.325	1.204	10.767	
1996	0.263	1.173	11.535	17.762
1997				
1998	0.183	1.281		
1999	0.363	1.358		
2000	0.605		11.507	
2001	0.719	1.656		17.448
2002	1.17	2.196	10.844	17.402
2003	1.279	2.136	11.507	17.502
2004	0.991	1.616	11.459	17.649
2005	0.872	1.553	11.609	16.637
2006		1.519	11.566	17.46
2007			11.999	17.059
2008			12.459	19.006
2009			12.835	18.057

Average water levels

	Highest month		Lowest month	
	<u>Before 2000</u>	<u>2000 and after</u>	<u>Before 2000</u>	<u>2000 and after</u>
Whaling Station Bay	0.282	0.839	1.218	1.779
Sandpiper	11.288	11.753	16.907	17.58

This seems to indicate a general downward trend in water levels.

Seasonality

Precipitation levels

79% of the 1,187.7mm of precipitation falls from October to March. Average monthly precipitation in the summer months (April to September) is 42.2mm compared to the average monthly level for the whole year of 98.98mm. (13).

Groundwater levels

The two observation wells show seasonal variations in groundwater levels. The Whaling Station Bay well has an average month-end low of 1.637 metres below ground level (October) and an average month-end high of 0.927

metres (February) and the Sandpiper well has an average month-end low of 19.906 metres (August) and an average month-end high of 11.987 metres (January). (12)

Visitor levels

Hornby Island has the largest seasonal variation of ferry traffic in the BC Ferries system. In August, the average number of passengers carried on Route 22 (Denman Island to Hornby Island) is 470% of the monthly mean (with 521% being the highest level observed). In January, the average number of passengers is 94% of the monthly average.(14)

Occupancy of dwellings

63% of properties are owned by non-residents(15). 43% of dwellings are only occupied seasonally (11).

Household size

The average size of households occupied by year-round residents on Hornby is 1.9 persons. (11)

About 60 dwellings in the small lot subdivisions are advertised on the internet for short term vacation rentals with occupancy rates as follows (16) :

<u>Occupancy level (persons)</u>	<u>Number of dwellings advertised</u>
1- 2	5 (8%)
3-4	8 (13%)
5-6	34 (57%)
7-8	11 (19%)
9-10	2 (3%)
Total:	60

In British Columbia, 93% of households are of 4 persons or less. (11)

Currently there are 1-2 bed and breakfasts advertised in each of the three subdivisions (16).

Water quality issues

The majority of existing water quality concerns on the island exist within small lot subdivisions. (5)

A report prepared by Royal Roads University on *Water Stewardship and Wastewater Management on Hornby Island* in 2002 includes the result of a questionnaire provided to residents of the two major subdivisions. 53% of Sandpiper residents and 43% of Galleon Beach residents reported water quality problems. (17)

The main water quality concerns are from fecal coliform contamination and sea water intrusion, though there are local reports of quality issues such as hydrogen sulphide gas (9), and elevated concentrations of manganese and fluoride (4).

Fecal coliform contamination

The 1999 report of the *Hornby Island Water Stewardship Project* on its activities (1996-1999) provided information on 800 water samples taken from wells, from streams and ditches and from beaches. Over 20% of the wells tested had unacceptable levels of fecal coliform. Almost 80% of the samples taken from ditches and streams had a fecal coliform concentration greater than the background, ranging up to 300 times the background level. The report states that “the groundwater quality, in terms of fecal coliform, is below standard and cannot be allowed to deteriorate further.” (18)

The Royal Roads questionnaire indicated that only 25% of Galleon Beach respondents and 40% of Sandpiper respondents have a sewage treatment system on their properties with 25% (Galleon) and 15% (Sandpiper) of systems consisting of “alternative treatment”. (17)

The 1971 Planning Study of Hornby Island, the 1999 Water Stewardship Project and the Royal Roads report identified the conditions that create challenges for effective on-site sewage treatment: low depth of soil, high winter water table levels, small lots, lack of regulation/monitoring to ensure on-going system functionality and the limited ability of low income residents to pay for expensive treatment systems. (8) (17) (18)

The increasing use of inadequate or failing systems through higher levels of occupancy in the small lot subdivisions could create further deterioration of a groundwater resource already contaminated by fecal coliform.

Seawater intrusion

Where wells are situated in close proximity to the ocean, pumping from these wells may draw the fresh water - salt water interface landwards, resulting in deterioration of groundwater quality as evidenced by increased levels of dissolved minerals, principally sodium and chloride. (6) Salt water encroachment is suspected in some wells located within the Sandpiper subdivision, with chloride concentrations exceeding 100 mg/L levels reported in numerous wells in this area. (5) Several wells in the Whaling Station Bay area show significant salinization and suggest that saltwater intrusion may be prevalent in that area. (4)

Aquifer classification

A classification of Bedrock Aquifers on Hornby Island was carried out in 2001 utilizing the provincial aquifer classification system. Four aquifers are defined on Hornby Island. The Whaling Station Bay subdivision is contained within Aquifer #435 and the Sandpiper and Galleon Beach subdivisions are contained within Aquifer # 438.

Aquifers are classified with respect to development (demand relative to supply) and to vulnerability (to contamination from surface sources). (19)

	I	II	III
A	IA Heavily developed High vulnerability (Aquifer #435)	IIA Moderately developed High vulnerability (Aquifer #438)	IIIA Lightly developed High vulnerability
B	IB Heavily developed Moderate vulnerability	IIB Moderately developed Moderate vulnerability	IIIB Lightly developed Moderate vulnerability
C	IC Heavily developed Low vulnerability	IIC Moderately developed Low vulnerability	IIIC Lightly developed Low vulnerability

Aquifer 435 (containing the Whaling Station Bay subdivision) is classified as IA - highly developed with high vulnerability. Aquifer 438 (containing the Sandpiper and Galleon Beach subdivisions) is classified as IA - moderately developed with high vulnerability. (19)

The aquifers are also subject to a ranking system which assigns points based upon hydrogeologic and water use criteria:

Criteria	Rationale	Points	Aquifer #435	Aquifer #438
Productivity	Abundance of resource	1 - Low 2 - Moderate 3 - High	1	2
Vulnerability	Potential for degradation	1 - Low 2 - Moderate 3 - High	3	3
Size	Regionality of the resource	1 - Under 5km ² 2 - 5-25km ² 3 - Over 25km ²	2	3
Demand	Level of reliance on the resource for supply	1 - Low 2 - Moderate 3 - High	3	3
Type of use	Variability/ diversity of the resource for supply	1 - Non drinking water 2 - Drinking water 3 - Multiple/drinking	2	2
Quality concerns	Actual concerns	1 - Isolated 2 - Local 3 - Regional	3	2
Quantity concerns	Actual concerns	1 - Isolated 2 - Local 3 - Regional	1	0
Total			15	15

Aquifers #435 and #438 both have a ranking of 15 out of a possible 21.(19) For comparison, of 153 aquifers classified in the Fraser Valley, only 4 aquifers have a ranking of 15 or higher. (20)

Conclusion

The residential small lot subdivisions of Whaling Station Bay, Sandpiper and Galleon Beach on Hornby Island are areas which are known to have a problem with the quality and quantity of the supply of freshwater.

Tony Law - March 2010

1. Islands Trust Policy Statement
2. Islands Trust Act
3. Hornby Island Official Community Plan, Bylaw No. 104, 2004
4. Results of the Groundwater Geochemistry Study on Hornby Island, BC - D.M. Allen, G.P. Matsuo, 2001
5. A Preliminary Groundwater Assessment of a Crown Land Parcel on Hornby Island - W.S. Hodge, 1993
6. The Hornby Island Groundwater Pilot Project - Final Report, 1994
7. Hornby Island Land Use Bylaw No. 86, 1993
8. Hornby Island Planning Study - Regional District of Comox-Strathcona, 1971
9. A Preliminary Review of Groundwater Conditions on Hornby Island, BC - F. Chowjka, 1984
10. Groundwater Conditions on Hornby Island, BC, 1989 Update and Review - F. Chowjka, 1989
11. Census Canada
12. BC Ministry of Environment - Groundwater levels
13. Meteorological Service of Canada - Climate data for Comox

14. British Columbia Passenger Volume Modelling - Urban Futures, 2008
15. British Columbia Assessment Authority
16. Hornby web-sites (Wind and Waves, hornby island.com, hornbyisland.net), 2009
17. Water Stewardship and Wastewater Management on Hornby Island - Third Eye Consultants RRU, 2000
18. Hornby Island Water Stewardship Project: Report on the Activities of the Project - Ed. D. Christie, 1999
19. Bedrock Aquifers on Hornby Island - Groundwater Section, BC Ministry of Environment, 2001
20. An Aquifer Classification System for Groundwater Management in BC - BC Ministry of Environment



MEMORANDUM

File No.: 3025-02 (BOV)

DATE OF MEETING: July 5, 2019
TO: Hornby Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Board of Variance Appointments

RECOMMENDATION:

1. That the Hornby Island Local Trust Committee appoint Jack Woodward, Laurie Jackson and Sheila Ray to the Hornby Island Board of Variance for a three-year term effective July 27, 2019.

BACKGROUND

The Board of Variance is established pursuant to Section 536 of the *Local Government Act* and enables persons suffering personal hardship through zoning bylaw provisions to seek a minor variance. Members are appointed to a three-year term. The term of the current Board members, Jack Woodward, Laurie Jackson and Sheila Ray, expired on June 10, 2019. During the current term, no applications have been received for consideration by the Board.

Staff has contacted the current Board members and they are willing to be reappointed to the Hornby Island Board of Variance for a three year term, effective July 27, 2019.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 5, 2019
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To:	Local Trust Committees	For the Meeting of:	Various
From:	David Marlor, Director, Local Planning Services	Date Prepared:	June 17, 2019
SUBJECT:	Model Radio Antenna Strategy		

PURPOSE: To provide the model radio antenna strategy to local trust committees for consideration of adoption.

BACKGROUND:

The federal Ministry of Innovation, Science and Economic Development Canada (ISED)(formerly Industry Canada),has jurisdiction over telecommunications uses such as radio broadcast towers and cellular telephone towers, which are licensed under the federal *Telecommunications Act*. ISED looks for the land use authority to issue a letter of concurrence or non-concurrence with the proposal put forward by telecommunications proponents and the consultation process they conduct. ISED recommends land use authorities establish a documented public consultation process to guide cell/radio tower proponents.

Within the Islands Trust, the consultation process on these types of applications was previously guided by the Letter of Understanding (LOU, signed October 30, 1996) that existed between ISED and the Islands Trust Council, on behalf of Local Trust Committees, for proposed towers of over 25m in height. Since ISED updated its Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) in 2014 to include a Default Public Consultation Process, the Trust Council/ISED LOU was rescinded by ISED under the terms of the agreement.

When a land use authority does not have an established or documented public consultation process, proponents of radio towers must use the ISED default process outlined in the Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03).

In March 2016, Trust Council passed the following resolution:

THAT the Islands Trust Council request the Local Planning Committee to make recommendations on policy that includes public consultation procedures and development guidelines for the siting and design of antenna systems, which may then be adapted and implemented by local trust committees.

The report, “Model Program for Antenna Systems,” dated May 3, 2018, (Attachment 1) was prepared by a consultant (James Van Hemert) under contract with Islands Trust. The report provides a model consultation program, land use siting criteria, and model official community plan policies. The report also presents a literature review and summary of background materials that were reviewed as part of the report’s creation.

The report was received by Trust Council the June 2018 Trust Council meeting and was requested to be forwarded to local trust committees. This is being forwarded to you now to allow the new local trust committees elected in November 2018 to consider adoption of the public process contained in the

“Model Program for Antenna Systems”, as well as the policy and regulatory recommendations contained in this document.

ATTACHMENT(S):

1. Model Program for Antenna Systems,” dated May 3, 2018

FOLLOW-UP:

A brochure is being developed to explain the process and will be posted on the Islands Trust website as soon as it is complete.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date:

MODEL STRATEGY FOR ANTENNA SYSTEMS

LOCAL PLANNING COMMITTEE



Photo Credit: Beacon Wireless – <http://www.beaconwireless.ca/#high-speed-internet>

May 3, 2018

V A N H E M E R T & C O .

Planning Healthy Communities

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1 INTRODUCTION

Local Trust Committees (LTC) have recently been grappling with how best to consult with the public and to address local concerns around proposed cellular and radio communication towers. At the same time Innovation Science and Economic Development Canada (ISED) notes that there is a growing demand for denser wireless connectivity by citizens generally, as well as students, public service providers including 911 services, and small business. While people enjoy the relatively remote Gulf Island life, it also means they need to have adequate wireless access, including emergency services. This is especially true for the aging population on the islands who require access to health care more often and may avail of e-health services in communities with limited specialized medical staff.

The model *protocol* within this document has been prepared to help Local Trust Areas (LTA) effectively and efficiently assess antenna system proposals within their own unique contexts. The document provides a description of ISED's default public consultation process, a model public consultation *protocol*, model siting criteria, model Official Community Plan policies, and definitions. The model *protocol* may be adopted in its current form as a stand-alone document; or it may be customized for local considerations. The model siting criteria and the Official Community Plan policies may be incorporated into the *protocol* or included within an Official Community Plan. Existing processes and by-laws for each separate Local Trust Area should be reviewed in light of adopting the model *protocol* and be revised or rescinded.

The *protocol* has been developed with input and insight from Islands Trust planning staff, Local Trust Area Trustees, ISED, other land use authorities and representatives from the telecommunications industry. It should be noted, however, that input from the industry does not necessarily constitute support.

Note that words in *italics*, and not otherwise a document, legislative act or agency, are words defined in Section 7 Definitions.

2 INTERVIEWS AND REVIEW OF LITERATURE

2.1 Introduction

The model consultation *protocol* is informed by the department of Innovation Science and Economic Development (ISED) Canada's foundational guides, the Federation of Canadian Municipalities *protocol* template¹, and Health Canada's Safety Code 6 (2009) regarding limits to human exposure to radiofrequency electromagnetic fields. A discussion on the respective roles of federal government and local land use authorities sets the foundation for a defensible and effective *protocol*. Documents and telephone interviews with staff and a trustee served as an overview of the Islands Trust experience in reviewing antenna system proposals. This information provides a practical and experiential foundation of the local context. Rounding out the review, interviews were conducted with IEDC, other local government jurisdictions, and representatives of the telecommunications industry.

2.2 Local Trust Committee Jurisdiction and ISED's Requirements and Recommendations

The ISED's *Radiocommunication and Broadcasting Antenna Systems Client Protocol Circular CPC 2-0-03* (CPC) (hereinafter referred to as the CPC) is the foundation for understanding public consultation requirements and the appropriate role of the land use authority. It identifies the **mandate**, established in Section 5 of the *Radiocommunications Act* states that the Minister (of ISED) may, taking into account all matters considered relevant for ensuring the **orderly development** and **efficient** operation of radiocommunication in Canada, issue radio authorization, and approve each site on which radio apparatus, including *antenna systems*, may be located. A certain measure of flexibility is required in siting *antenna systems* in order to achieve adequate coverage for service areas.

The CPC emphasizes the importance of considering **local surroundings** in deploying *antenna systems*. Accordingly, the default public consultation process requires *proponents* of certain *antenna systems* to engage land-use authorities with regard to **site options, local public engagement and review processes, addressing reasonable and relevant concerns**, and ultimately obtain **land-use authority concurrence** in writing. Land-use authorities are encouraged to establish **reasonable, relevant, and predictable** consultation processes specific to *antenna systems* and consider matters such as designation of suitable contacts or responsible officials, proposal submission requirements, public consultation, documentation of concurrence process, and the establishment of milestones to ensure consultation process completion within 120 days. To that end, the ISED publishes the *Guide to Assist Land-use*

¹ *Antenna System Siting Protocol* template published by the Federation of Canadian Municipalities in consultation with the telecommunications industry. Available online at: https://fcm.ca/Documents/reports/FCM/Antenna_System_Siting_Protocol_Template_EN.pdf Accessed on October 2017.

Authorities in Developing Antenna System Siting Protocols which was referred to in developing this model strategy.

Certain types of proposals (listed below) are excluded from land-use authority and public consultation requirements; however, all *proponents* must consider whether or not it is prudent to undertake consultation for an excluded proposal on the basis of:

- the proposal's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location and proximity to neighbouring residents;
- the likelihood of an area being a community sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

Exclusions include the following:

- new *antenna systems* where height is less than 15 metres, but does not apply to *antenna systems* proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- existing *antenna systems* where modifications are made, antenna added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation;
- non-tower structure antenna on buildings, water towers, lamp posts, etc. may be excluded provided the height of the ground of the site of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%; and
- temporary *antenna systems* used for special events or emergency operations.

The CPC provides examples of relevant concerns that may be raised during public consultation, including, for example, why use of existing *antenna systems* may not be used, alternative sites, and what is being done to integrate antenna into local surroundings. Concerns that are **not** relevant include disputes with members of the public relating to *proponent's* service, potential effects that proposed *antenna system* will have on property values or municipal taxes, and questions whether or not *Safety Code 6*, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

2.3 Islands Trust Experience

Information about Islands Trust experience was gleaned from special studies, staff reports and *protocol* documents from the following Local Trust Areas: Galiano Island, Gabriola Island, Hornby Island, and Salt Spring Island. Documents reviewed included:

- Local Planning Committee briefing of January 28, 2015
- Galiano Island LTA:
 - Rogers Cell Tower referral, April 24, 2015
 - Telecommunications Strategy staff report to LTC, March 30, 2016
 - Telecommunication Strategy Project staff report, March 27, 2017

- Antenna System and Siting Consultation Protocol, March 2017
- Hornby Island LTA--TELUS tower, public consultation package, staff reports of November 22, 2016 and May 5, 2017
- Gabriola Island LTA--Resolution GB-025-2010 regarding Communication Towers and Antennae
- Salt Spring Island:
 - Cellular Antennae Proposal Form
 - Procedural Guideline, April 26, 2001

Interviews for gaining insights and information were conducted with current and former Islands Trust planning staff with experience managing *antenna system* proposals. These included Marnie Eggen, Justine Starke, Aleksandra Brzozowski, and Robert Kojima. Tony Law, a trustee for Hornby Island LTA was also interviewed for his perspective on dealing with a particularly controversial application.

Additionally, to round out the perspective from other stakeholders, representatives from the telecommunication industry (Doug Anastos, TELUS) and their process consultant, Brian Gregg (SitePath), were interviewed. Industry input, however, does not necessarily mean support for the draft *protocol* as presented.

ISED representative, Jeff Stanhope, was interviewed and he also provided comments on a draft of the public consultation *protocol*. No red flags were raised regarding consistency with the CPC, the foundational guiding document of ISED.

Following an initial review of this protocol by the Local Planning Committee further input from the telecommunication Industry was received via a roundtable discussion in January of 2018. Representatives included Doug Anastos (TELUS), Kiersten Enemark (Shaw), and Samuel Sugita (Rogers Communications).

Experience in Other Jurisdictions included the following:

- Regional District of Nanaimo
- District of North Saanich
- District of Saanich
- District of Maple Ridge
- City of North Vancouver
- Village of Pemberton

3 MODEL CONSULTATION PROGRAM

3.1 Information Science & Economic Development Canada (ISED) Application & Default Public Consultation Process

A. Description of ISED's Application and Default Public Consultation Process

ISED provides on its website a user-friendly text summary and infographic about how decisions are made regarding cell towers. The five-step process applies to all *telecommunication antenna systems* that are not expressly excluded from public consultation.

1. **Share**

Is a new tower necessary? Rules require companies to share towers, whenever possible, instead of building new ones.

2. **Propose**

Companies must submit a plan to the local municipality.

3. **Notify**

Once a company has a plan, it must notify local residents of the upcoming consultation. Rules require notifications be clearly marked – no confusion with junk mail. All residents within an area three times the height of the tower must be notified.

4. **Consult**

The company must consider the community's views.

Impasses are rare. <0.1% of cases require Industry Canada's decision.

5. **Build**

Following the consultation, and once the company and local municipality agree, the tower must be built within three years.

CELL TOWERS IN YOUR COMMUNITY: HOW THE DECISION IS MADE

The Government of Canada
 regulates tower siting decisions,
 settles disputes, and sets health
 and safety standards.

New towers give wireless customers
 better, more reliable mobile service.



NO SERVICE



1 SHARE

Is a new tower necessary? Rules require
 companies to share towers, whenever
 possible, instead of building new ones

2 PROPOSE

Companies must submit a
 plan to the local municipality.



3 NOTIFY

Once a company has a plan, it
 must notify local residents of
 the upcoming consultation.

* Rules require notifications be clearly
 marked – no confusion with junk mail.
 All residents within an area 3x the height
 of the tower must be notified.

4 CONSULT

The company must consider
 the community's views

* Impasses are rare. <0.1% of cases
 require Industry Canada's decision.



BUILD 5

Following the consultation, and
 once the company and local
 municipality agree, the tower
 must be built within three years.



Canada

Proponents of siting and constructing an *antenna system* are required to present their plans and consult with the local land use authority; they are not required to make a formal application to ISED for siting an antenna facility. They are required, however, to provide information and notify ISED at the following points in the process in order to proceed:

- **public notification**: provide notification package;
- **responding to the public**: copy of all public reply comments; and
- **concluding consultation**: if applicable--for example, in cases where a land use authority does not provide a clear form of land-use concurrence, --the *proponent* may request ISED to confirm its concurrence that the public consultation process requirements have been met.

The ISED Default Public Consultation Process applies to *proponents* if the land-use authority does not have its own established and documented consultation process for antenna siting. ISED's default process has three steps for consultation with the public and land-use authority whereby the *proponent*:

- provides **written public notification** of the proposed *antenna system* installation or modification;
- engages and **responds to the public** to address relevant questions, comments and concerns; and
- provides an opportunity for **public reply** in writing to the *proponent* regarding measures taken to address reasonable and relevant concerns.

Details on timing, content, communication channels, and style of communication for each step are summarized below.

1. *Public Notification*

- a) *Proponent* must provide a **notification package** to the following within a **radius of three times the tower height**:
 - the local public (including residences, community gathering areas, public institutions, schools, etc.);
 - neighbouring land-use authorities, and
 - businesses, and property owners.
- b) The notice of an upcoming consultation must be clearly marked, making reference to the proposed *antenna system*.
- c) Must provide at least **30 days** for written public comment.
- d) In areas of **seasonal residence**, the *proponent* must work with the land-use authority to determine the best manner to notify such residents to ensure their engagement.

- e) In addition, for *antenna system* of 30 metres or greater in height, notice must be placed in a local community newspaper circulating in the proposed area. Timing must be synchronized with the distribution of the public notification package, must be legible and placed in the public notice section of the newspaper. Further, it must include:
- description of proposed installation;
 - location and street address;
 - *proponent* contact information and mailing address; and
 - invitation to provide public comments to *proponent* within 30 days of the notice.
- f) In areas without a local newspaper, other effective means of public notification must be implemented.

2. *Responding to the Public*

Proponents must address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. When a question comment or concern is raised the *proponent* is required to:

- respond to the party in writing within **14 days** acknowledging receipt;
- address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why concerns are not reasonable or relevant; and
- in written communication referred to above clearly note that the party has **21 days** from date of correspondence to reply to *proponent's* response.

The *proponent* may respond to a party via telephone, engaging in a community meeting or having an informal personal discussion.

3. *Public Reply Comments*

Examples of relevant concerns to address may include:

- Why is the use of an existing *antenna system* or structure not possible?
- How is the *proponent* trying to integrate the antenna into the local surroundings?
- What is the *proponent* doing to ensure that the *antenna system* is not accessible to the general public?
- What options are available to satisfy aeronautical obstruction making requirements at this site?
- What are the steps the *proponent* is taking to ensure compliance with the general requirements of the *Innovation Science Economic Development Canada's Client Procedures*

CPC 2-0-03, the *Canadian environmental Assessment Act* (CEAA), and *Safety Code 6* of the *Health Act*?

Concerns that are **not relevant** include:

- Disputes with members of the public relating to the *proponent's* service, but unrelated to antenna installations;
- Potential effects that a proposed *antenna system* will have on property values or municipal taxes;
- Questions whether the *Radiocommunication Act*, this document, *Safety Code 6*, locally established bylaws, other legislation, procedures or processes are valid or should be reformed in some manner.

4. *Concluding Consultation*

Installation or modification of an *antenna system* may only be commenced after the consultation process has been completed by the land-use authority, or ISED confirms concurrence of the consultation portion of the default process, and after all other process requirements have been met by the *proponent*.

B. Analysis and Observations of ISED's Default Public Consultation Process

1. *ISED Limits of Public Consultation*

The limits of ISED's CPC include the following matters on which it is either silent or does not have a requirement:

- application requirements to the land use authority;
- cost recovery;
- pre-consultation; and
- a means for community based dialogue beyond providing public information.

Further, the time restrictions on notice, responses, as well as the overall consultation time frame could be restrictive in addressing controversial proposals and the efforts needed to mitigate and search for alternatives. In practice, however, some consultation takes longer than the timeframes set out in the Default process. Carriers appreciate a predictable process, but understand that certain sites may require more time.

2. *Analysis*

The CPC clearly notes that its default consultation process is a **minimum** process and anticipates through direct reference that local land-use authorities may **augment** the process by developing its own *protocol* which can address, for example, notification of additional entities, expanded

minimum prescribed notification distances, pre-consultation meetings, and community information sessions.

The CPC also contains an important clause suggesting that even though a proposal may otherwise be exempt from public consultation, there are cases where “it may be prudent for the *proponent* to consult even though the proposal meets an exclusion.” Considerations for this decision include:

- the *antenna system’s* physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed *antenna system* on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- NAV Canada and Transport Canada’s marking and lighting requirements for the proposed structure.

The companion *Guide to Assist Land-Use Authorities in Developing Antenna Siting Protocols* complements the CPC and addresses the role *land use authorities* (LUA)s can play in effectively participating and influencing decisions with respect to the proposed *antenna system* within the ISED’s siting procedures and sets out elements that LUAs might wish to include in establishing their own local *protocol*. These elements are incorporated in the model *protocol* described in this document.

Local knowledge is valued, particularly with regard to amenities, cultural or environmental sensitivities, Local Trust Area planning priorities such as those related to telecommunication connectivity, and other relevant characteristics of the area.

Although recognizing that the LUA or public’s preferred locations for siting may not always be feasible for strategic and technical reasons, the guide notes:

LUAs are encouraged to develop protocols that are clear and within their area of responsibility. Protocols can include promoting the placement of antennas in optimal locations from a land-use point of view, or excluding certain types of installations from protocol requirements. Through protocols, an LUA can highlight its local knowledge and expertise related to area sensitivities, including environmental or cultural concerns, and land-use compatibility.²

It is appropriate, therefore, for a local government to establish by way of policy in its Official Community Plan or Land Use Bylaw, and a *protocol* document, land use preferences, land use

² Guide to Assist Land-use Authorities in Developing antenna system Siting Protocols, Industry Canada (now Innovation, Science, Economic Development Canada), Issue 2, August 2014, Section 2.1, page 3.

sensitivities, and *design guidelines*. for siting of an *antenna system*. This conclusion has been confirmed in a conversation with an ISED representative.³

The guide suggests LUAs may consider preliminary consultation which will serve to inform, advise, guide, and indicate preferences to *proponents*. Communities such as the Regional District of Nanaimo have established a preliminary consultation step in the form of a site investigation meeting.

Further, the guide acknowledges that a LUA can set the format for public consultation in its *protocol*. These formats may take the form of a community open house, town hall style meeting, or another format preferred by the LUA. Ideally, the LUA and *proponent* will arrive at a mutually agreeable format.

In its outline template, the guide provides a set of considerations and suggested principles for a community in developing its own local *protocol*. The Regional District of Nanaimo, for example, has used this template effectively for establishing a *protocol* for all its Electoral Areas.

C. Addressing the Limitations of the ISED's Default Process

A model *protocol* for the Local Trust Areas can effectively compliment and address the inherent limitations of ISED's default process in the following manner:

- specify application requirements in detail;
- require pre-consultation;
- require information to the Local Trust Area, even if public consultation is not required;
- address cost recovery separately through an application fee;
- establish the desired format for public consultation beyond information packages;
- increase written notification area;
- identify specific groups to notify;
- establish siting criteria via OCP policy or via incorporation within a separate *protocol* document; and
- establish its own time frames, provided they do not exceed limitations of the CPC; however, the CPC provides for an opportunity to extend time frames under certain circumstances, particularly if there is an opportunity to mitigate and review options.

³ Conversation with Jeff Stanhope, Spectrums Operations Manager, Spectrum Management Operations Branch, ISED, September 29, 2017.

3.2 Model Public Consultation Protocol for Local Trust Areas

A. Introduction

Telecommunications systems that provide full coverage and service are essential to for a healthy and well-connected community. This protocol serves as a foundation to ensure that communities benefit from high quality, dependable telecommunication services that effectively support daily life activities, emergency services, citizen engagement, tourism, and local business all of which are important to the Islands Trust.

B. Objectives

The objectives of this *protocol* are:

1. to acknowledge that ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada;
2. to establish a siting and consultation process for use by all Local Trust Areas (LTA)s that is harmonized with ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with *antenna system* siting proposals;
3. to set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of *antenna system* siting proposals that:
 - minimize the number of new antenna sites by encouraging co-location;
 - encourage designs that integrate with the surrounding land use and public realm;
 - establish when local public consultation is required; and
 - allow ISED and *proponents* to identify and resolve any potential land use, siting or design concerns with the LTA at an early stage in the process.
4. to provide an expeditious review process for *antenna system* siting proposals;
5. to establish a local land use consultation framework that ensures the LTA and members of the public contribute local knowledge that facilitates and influences the siting--location, development and design (including aesthetics) --of *Antenna system* within LTA boundaries;
6. to contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network within all LTAs;
7. to provide LTAs with the information required to satisfy the requirements of ISED regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the LTA at the end of the process; and

8. to establish administrative fees to be paid by telecommunication *proponents* with consideration given to the costs to Islands Trust to evaluate and process proposals.

C. Jurisdiction

1. Role of Innovation, Science and Economic Development Canada

Under the *Radiocommunication Act*, the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of *telecommunication antenna system* is made only by ISED. All technical aspects and siting of telecommunication and broadcasting services are regulated by the Federal government under the *Radiocommunication Act*. ISED has an established procedure, the *CPC*, which prescribes the process and review of proposed telecommunication structures. As part of the process, *proponents* are required to notify the local land-use authority and nearby residents. Moreover, the *proponent* is required to address the public's questions, concerns and comments through ISED's prescribed public consultation process.

2. Other Federal Legislation

Public Health

With regard to public health, ISED refers to the standards set by Health Canada for determining acceptable levels of radiofrequency electromagnetic energy produced by telecommunication infrastructure. All telecommunication *proponents* are required to follow the guidelines outlined in Health Canada's *Safety Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz – Safety Code 6 (2009)*.⁴ This code is accompanied by the *Technical Guide for Interpretation and Compliance Assessment of Health Canada's Radiofrequency Exposure Guidelines*, to assist users in understanding and assessing the safety of electromagnetic exposures in working and living environments. This code is also accompanied by a fact sheet, *What is Safety Code 6?* (available online at <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/fact-sheet-what-safety-code-6.html>). The document is self described as 'busting myths' with a summary of facts. The introduction to this document, cited in the following paragraphs, provides a clear summary.

The Government of Canada is committed to protecting the health and safety of Canadians from environmental risks, including those posed by exposure to radiofrequency (RF)

⁴ LTAs do not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the *proponent's* representative. The document is available online at <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/consultations/limits-human-exposure-radiofrequency-electromagnetic-energy-frequency-range-3-300.html> (accessed October 27, 2017).

electromagnetic energy - the kind of energy given off by various electronic devices such as cell phones and Wi-Fi, as well as broadcasting and cell phone towers.

Health Canada has a guideline, known as Safety Code 6, which recommends limits for safe human exposure to RF electromagnetic energy. The limits established in Safety Code 6 incorporate large safety margins to provide a significant level of protection for all Canadians, including those working near RF sources.

Health Canada scientists monitor the scientific literature on this issue on an ongoing basis. Safety Code 6 is reviewed on a regular basis to verify that the guideline provides protection against all known potentially harmful health effects.

While Health Canada recommends limits for safe human exposure, Health Canada does not regulate the general public's exposure to electromagnetic RF energy. However, many provinces and territories apply the exposure limits in Safety Code 6 for general public exposure. Wireless devices and their associated infrastructure (such as cell towers) are regulated by Industry Canada, and are required to comply with Safety Code 6.

Canada's limits are consistent with the science-based standards used in other parts of the world (e.g., the United States, the European Union, Japan, Australia and New Zealand) and provide protection against all known adverse health effects from RF energy.

Environmental and Aeronautical Legislation

In addition to Health Canada's requirements, *proponents* must comply with the Canadian Environmental Assessment Act and any painting and lighting requirements for aeronautical safety prescribed by NAV Canada and Transport Canada.

3. Role of Local Government

Local governments are referred applications for proposed towers and are given the opportunity to comment on the proposal. Ultimately, the role of the Local Trust Committee (LTC) is to issue a statement of concurrence or non-concurrence to the *proponent* and ISED.⁵ The statement considers the land-use compatibility of the antenna structure, the responses of the impacted residents and the *proponent's* adherence to this *protocol*. In addition, local government can communicate and provide guidance to the *proponent* on the particular sensitivities, planning priorities, and characteristics of an area, and establish siting guidelines. Local government may adopt the default public consultation process as defined in ISED's CPC or augment the process with its own consultation process, subject to the time limitations established in the CPC.

D. Antenna Structures for which Public Consultation is Required

⁵ Regardless of whether the LTA issues a statement of concurrence or non-concurrence, ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada.

- **New antenna systems:** where the height is greater than 15 metres
- **New antenna systems:** where the height is less than 15 metres proposed by telecommunication carriers, broadcasting undertakings or third-party owners
- **Existing antenna systems:** where modifications exceed a cumulative height increase of greater than 25%
- **Non-Tower Structures:** where the height above ground of the non-tower structure, exclusive of appurtenances, is increased by more than 25%

E. Excluded Antenna Structures & Information Requirements

This section outlines the criteria for identifying *Antenna system* excluded from the consultation process by ISED, the need to consider local circumstances for all exempt structures, and the process for *proponents* to notify and discuss proposed exempt structures with the LTA.

1. Exemptions from Antenna System Siting Proposal Review and Public Consultation

For the following types of installations, *proponents* are generally excluded by ISED from the requirement to consult with the LTA and the public, **but must still fulfill the General Requirements outlined in Section 7 of the CPC.**

- **New antenna system:** where the height is **less than 15 metres** above ground level proposed by business, government, Crown agencies, general public; this exclusion does not apply to *antenna system* proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- **Existing antenna system:** where modifications are made, antennas added or the tower replaced⁶, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation⁷. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to *antenna system* using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- **Non-tower structure:** antennas on buildings, water towers, lamp posts, and similar structures, **are excluded** from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25% and have been reviewed by Islands Trust staff who will provide comment in accordance with LTA *design guidelines*; and
- **Temporary antenna systems:** used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing *antenna system*

⁶ The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

⁷ Initial antenna system installation refers to the system as it was first consulted on, or installed.

2. *Design Guidelines for Antenna Systems*

The appendix in Chapter 8 of this protocol document is a matrix of telecommunication design illustrating typical tower designs, rooftop antennas, utility poles and light standards. An LTA may choose to further exempt from public consultation any of the specific antenna systems illustrated in the matrix. Note that antennas affixed to buildings, utility poles and light standard are already exempt from public consultation, unless they exceed a 25% increase in height.

3. *Voluntary Public Consultation*

The CPC states that:

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the LTA and the public even though the proposal meets an exclusion noted above.

Therefore, when applying the criteria for exclusion, *proponents* are encouraged to consult the LTA when it is **prudent** to do so in consideration of any of the following:

- The *antenna system's* physical dimensions, including the antenna, mast, and tower, is significant compared to the local surroundings,
- The relative location of the proposed *antenna system* on the property and its proximity to neighbouring residents;
- The likelihood of an area being in a community-sensitive location; and
- The nature of Transport Canada's marking and lighting requirements for the proposed structure.

F. Notification and LTA Review of Exempt Antenna system

Notwithstanding ISED's exemption criteria for certain *Antenna system*, LTAs should be informed of all new *antenna system* installations within their boundaries so they can:

- be prepared to respond to public inquiries once construction/installation has begun;
- be aware of site *co-location* within the LTA;
- maintain records to refer to in the event of future modifications and additions; and
- engage in meaningful dialogue with the *proponent* with respect to the appearance of the *antenna system* and structure prior to the *proponent* confirming a final design.

Therefore, *proponents* are required to undertake the following steps for **all exempt antenna system installations before commencing construction**.

1. *Building/Structure-Mounted Antenna System:*

The *proponent* will in all cases provide the following **information** for all new *antenna system* or modifications⁸ to existing *antenna system* that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard, and which are exempted from public consultation in sub-section 3.2 D. 1.:

- a) the location of the *antenna system* (address, name of building, rooftop or wall mounted);
- b) description of proposed **design** with respect to the measures used by existing systems on that site;
- c) the height of the *antenna system*;
- d) the height of any modifications to existing systems.

The Islands Trust staff may notify the *proponent* of any inconsistency with the preferences and sensitivities expressed in the siting criteria and /or design preferences and the parties (proponent and Islands Trust staff) will work towards a solution that minimizes visibility.

2. *Additions that Increase the Height of Freestanding Antenna system:*

The *proponent* will confirm to the LTA that an addition that extends the height of an existing *freestanding antenna system* meets the exclusion criteria in subsections 3.2 D. 1 by providing the following:

- a) the location, including its address and location on the lot or structure;
- b) a short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system; and
- c) a description of how the proposal meets one or more of the Article 3.2 D. 1 exclusion criteria.

The Islands Trust staff will review the documentation and will contact the *proponent* where there is a site-specific basis for modifying the exemption criteria based on the siting criteria preferences and discouragements expressed of the *protocol*. In such cases, the Islands Trust staff and the *proponent* will work toward a mutually agreeable solution, which may include the Islands Trust staff requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Subsections F. 2. a) b) and F. 2. of this *protocol*, as applicable, concluding with a letter of concurrence or non-concurrence.

3. *Additional Exemptions*

Local Trust Areas may exclude from all or part of the consultation process any *antenna system* installation in addition to ISED's basic exemptions listed in articles 3.2 B. 1. & 3.

⁸ Providing information is required for modifications that materially or noticeably change the appearance of the system. Maintenance works that do not result in such changes are excluded from the information requirement.

- a) A new *antenna system* proposed to be located outside the LTA's preferred distance from the nearest lot line;
- b) Notwithstanding Subsection E. 1. Building/ Structure Mounted Antenna System, the Islands Trust staff may additionally, on a case-by-case basis, exempt a *proponent* from all or part of the consultation requirements under Section F of this *protocol*.⁹ For example, exemptions may be granted where the proposed location is separated from a *residential area* or heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.
- c) Antenna system greater than 15 metres in height proposed by government agencies such as police, fire protection, ambulance, other emergency services, BC ferries, and BC Hydro who maintain their own two-way telecommunication networks, except, however, such systems are not exempt if they are proposed in partnership with a commercial telecommunication service provider.

G. Consultation Process

1. Consultation Objectives

The *protocol* for public consultation is designed to:

- inform;
- incorporate local knowledge;
- harmonize with ISED regulations and guidelines;
- be transparent;
- be consistent;
- be predictable; and
- be expeditious.

2. Process Steps, Requirements and Time lines

a) Pre-Consultation with the LTA

Commentary

For free-standing towers, pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the proponent is committed to a site or design.

⁹ For example, a LTA may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the *Prescribed Notification Distance*.

As a result, it represents the best opportunity to influence the siting decision since the proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate, the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures. The process of building a good working relationship with telecommunication providers may begin even before a proposal is considered: Local Trust Areas are encouraged to invite potential proponents for a conversation about telecommunication at any time, the earlier the better.

Prior to submitting an *antenna system* proposal that does not meet any of the exemptions listed in Subsection D. 1. 3. the *proponent* will undertake the following preliminary consultations with the LTA:

Step 1: Pre-Consultation

i. Pre-Consultation

The purpose of the pre-consultation phase is for the proponent to share with the LTA representative the network objectives, provide possible site options and receive preliminary feedback. The pre-consultation steps include:

- the *proponent* notifies the LTA representative that locations in the community are being assessed for potential *antenna system* siting;
- the proponent provides the LTA representative potential locations and invites feedback on preferred locations and/or designs; and
- the proponent may offer to host a community workshop to provide options and invite feedback on possible solutions, although not necessary.

ii. Site Investigation Meeting

Based on comments from the pre-consultation step, the proponent will provide a summary of a site-specific location, including:

- **Site Location:** location, type and height of the proposed *telecommunication antenna system*;
- **Alternative Locations:** summary of what other alternative locations were considered, including options to co-locate on existing structures;
- **Site Design:** preliminary drawings and/or visual renderings of the proposed *telecommunication antenna system*;
- **Co-location:** summary of efforts proponent has made to allow other companies to co-locate on the tower, as well as indication from other companies regarding interest in co-locating on new telecommunications structure.

The purpose of the site investigation meeting is to:

- identify preliminary issues of concern;
- give opportunity for the *proponent* to outline the proposal to the LTA;
- give opportunity for the LTA to provide initial feedback to the *proponent*;
- identify any potential *sensitive community locations* as defined by this policy;
- identify any potential *neighbouring land-use jurisdictions, school districts, emergency service providers and community associations* that may be required to provide comment on the proposal as outlined in this policy;
- guide the proponent on creating *localized content* for public notification and distribution; and
- Inform the *proponent* of the LTA's preference of taller towers over shorter towers and supporting future *Co-location* opportunities.

iii. *LTA Preferences and Requirements*

Following the Site Investigation Meeting, planning staff will provide the proponent with an information package within a timeframe determined by the Islands Trust that includes:

- **Public consultation:** confirmation if, (a) public consultation is required, and if so, the process the proponent needs to follow, including a list of any other agencies, jurisdictions, and First Nations to be consulted, and if a Public Information Meeting is required or, (b) public consultation is not required;
- **Site design:** comments on proposed location and design; and
- **Studies and permits:** a list of plans, studies and/or permits that may be required (i.e. environmental impact statements) as well as any fees that need to be paid to the LTA for processing application.

Step 2: Application

b) *Application Submission to the LTA: Initial Application Proposal*

Except for specific waivers granted for amateur operators (see Subsection 3) the *proponent* must include the following information when submitting a *telecommunication antenna system* siting proposal to the LTA that does not meet the exemption criteria for the proposal review and public consultation requirement:

- i. **Site Rationale:** a letter or report from the *proponent* indicating the need for the proposed site, the rationale for site selection, and a summary of opportunities for *co-location* potentials on existing or proposed *antenna system* within the LTA;

- ii. **Co-location:** (a) a summary of effort proponent has made to encourage others to co-locate on the proposed new infrastructure, as well as a list of parties who have expressed an interest in co-locating, and (b) a written and signed attestation that there are no *co-location* opportunities within the LTA;
- iii. **Site Design:** Preliminary engineering plans of the proposed structure which includes information outlining the number of antennas proposed on the structure, and the structure's ability to accommodate future antennas (including *co-location*). Proponents are encouraged to provide site design options;
- iv. **Visual Renderings:** visual rendering(s) of the proposed *antenna system* with best effort to superimpose to scale;
- v. **Site Plan:** a site plan showing the proposed development situated on the site;
- vi. **Site Distance to Surrounding Areas:** a map showing the horizontal distance between the proposed antenna system and the nearest residential, commercial and institutional uses;
- vii. **Letter of Authorization:** confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent or other person(s) having legal or equitable interest in the land;
- viii. **Title Search:** a copy of a title search (dated within the past 30 days of proposal submission) and any restrictions, restrictive covenants, easements or rights-of-way registered against the lands the *telecommunication antenna system* is proposed on;
- ix. **Safety Code 6:** a written and signed attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices including the cumulative effects of multiple *telecommunication antenna system* at the location and in the immediate area;
- x. **Supplemental Documentation:** any other documentation as reasonably identified by the LTC following the site investigation meeting; and
- xi. **Fee:** the application fee as required by Local Trust Area Bylaw No. ____.
- xii. **Draft Notification:** Based on required consultation process as directed by LTA, the proponent is to provide, (a) a draft of all public notices to be delivered by mail to the public, *School Districts*, *community associations* and *neighbouring land-use jurisdictions*, which is to be approved by LTA staff prior to mail out; (b) an address list and map indicating all properties **and residents** which are to be notified by mail of the proposal, (c) a draft of newspaper advertisements indicating the time and date of any public information meeting, which is to be reviewed by LTA staff prior to publication (if a public information meeting is required); and
- xiii. **Comments from Emergency Services:** a copy of written correspondence indicating that the *proponent* has referred the proposal to local fire, police and ambulance

services, and if given, any comments received emergency services should be submitted to LTA staff prior to mail out.

3. *Waivers to Application Submissions*

- ⌘ The LTA may waive any of the Initial Application or Public Notification requirements for amateur radio operators on a case by case basis.

Step 3: Public Consultation

In addition to ISED's public consultation requirements as prescribed in *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-o-03)*, the LTA has incorporated into the requirements a number of **augmentations** to the public consultation process. Itemization of the augmented elements may be found in Table A: "Consultation and Information –Process Steps and Requirements: ISECD & Augmentation."

a) *Notification Requirements for Non-exempt Antenna Systems*

- i. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all property owners and residents with a *notification distance* of 10 metres for every one metre in height from the base of the structure for a *freestanding antenna system*
- ii. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all *neighbouring land-use jurisdictions, emergency service providers and school districts* with a *notification distance* of 1000 metres from the base of the structure.
- iii. The *proponent* will provide notice to ISED's regional office.
- iv. The *proponent* will provide written notification to Community Associations identified at the site investigation meeting.
- v. The *proponent* will place notice of the *telecommunication antenna system* proposal in at least two editions of a local newspaper.
- vi. Where a public information meeting is to be held for a proposed *telecommunication antenna system*, a notice of the meeting shall be placed in at least two editions of a local newspaper and the *proponent* will provide written notice of the meeting sent by regular mail or hand delivered, to all property owners, *land-use jurisdictions, emergency service providers and school districts* with a *notification distance* of 10 metres for every one metre in height for a *freestanding antenna system* and for a *building/structure-mounted antenna system*.

b) *Notice Content Requirements*¹⁰

¹⁰ These requirements are those of Appendix 1 of the CPC as well as additional requirements suitable for the Islands Trust.

The *proponent* shall include at a minimum the following information in any mailed or otherwise delivered public notice:

- i. The proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- ii. Information on the location within the community, the geographic coordinates and the specific property or rooftop, height, type, design and colour of the proposed telecommunication antenna system, including a copy of the site plan submitted with the application;
- iii. Description of the antenna that may be mounted on the supporting structure and simulated images of the proposal;
- iv. Identification of areas accessible to the general public and the access/demarcation measures to control public access;
- v. An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- vi. An attestation that the installation will respect good engineering practices including structural adequacy;
- vii. Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- viii. Information on the environmental status of the project, including any requirements under the Canadian Environmental Assessment Act, 2012;
- ix. Clear information on the role of ISED as the sole approving authority for the siting of telecommunication Antenna system and that the LTA only provides a statement of siting concurrence/non-concurrence at the request of the proponent;
- x. Notice that general information relating to antenna systems is available on ISED Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- xi. Reference to any applicable local land-use requirements such as local processes, protocols, etc.;
- xii. Information that comments and responses should be directed to the proponent and that all submissions received by the proponent will be forwarded to the LTA for their records;
- xiii. Information that citizens may request their name and contact information be kept confidential within the published records;

- xiv. The name and contact information of a contact person for the *proponent*;
- xv. The name and contact information of ISED;
- xvi. The name and contact information of the LTAs planner;
- xvii. An attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices; and
- xviii. The date, time and location of the public information meeting where required.
- xix. closing date for submission of written public comments (not less than 30 days from receipt of notification).
- xx. The notification shall be sent in an envelope addressed to the "Occupant" and/or "Tenants" and shall clearly show in bold type on the face of the envelope the statement: "NOTICE FOR RESIDENTS: NEW PROPOSED CELL TOWER - INFORMATION IS ENCLOSED."

5. *Public Information Session*

The LTA requests the *proponent* chair a public information meeting for all proposed *telecommunication Antenna system* exceeding 15 metres in height **or where there is significant public interest in the new free standing proposed telecommunication antenna system**. The type of public meeting to be conducted is up to the discretion of the proponent, however:

- an appropriate date, time and location for the public information meeting will be determined in consultation with the LTA's Island Planner;
- the *proponent* will make available at the public information meeting an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site;
- all information and materials presented should consist of *localized content*;
- the *proponent* shall not schedule a public information meeting less than seven day prior to the close of the public consultation period; and
- the *proponent* may request LTA staff attendance and participation in the meeting.

6. *Online Community Engagement*

- A proponent may augment the public information session with an online forum to allow information sharing and feedback from people who may not be able to attend a public forum

Table A: Consultation and Information –Process Steps and Requirements: ISED & Augmentation		
Step	Default ISED Requirement	LTA Augmentation
Pre-consultation		
Informal meetings	None	Yes
Information about exempt antenna systems	None	Yes
Notification	None	Yes
Site investigation meeting	None	In some cases
Confirmation of LTA preferences and requirements	None	Yes
Application		
Initial application proposal	None	Yes
Submission Prior to Notification –for staff review and approval	None	○ Draft of all public notices ○ Address list and map of all property owners and residents to be notified ○ Draft of newspaper ads ○ Copy of written notice referencing emergency services providers referral comments
Public Consultation		
Written notice	Property owners within 3 X tower height prescribed distance	○ Include property owners and all residents, including seasonal residents
	Neighbouring land use jurisdictions, emergency service providers, and school districts within 3 X tower or building/ structure height	○ Community associations
Newspaper notice	Notice regarding proposal in one edition of a local newspaper	○ Proposal and information meeting ○ Optional community workshop ○ Two editions of local newspaper ○ Website and/or social media notification ○ Optional online forum
Notice content	12 points of the CPC Appendix 1 ‘Public Notification Package’	○ Site plan ○ Statement on respective roles of ISED and LTA
Public information session	None	○ For all proposals exceeding 15 m in height or where there is significant public interest

7. **Step 4: Request for Concurrence**

a) *Submission to the LTA: Request for Concurrence*

Prior to submitting a formal request for siting concurrence, the proponent must include the following information to the LTA:

- i. A summary of and a copy of all public submissions and responses, as well as the proponent's response to public submissions as outlined in ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03);
- ii. A letter outlining any NAV Canada and Transport Canada requirements for lighting and painting on the proposed *telecommunication antenna system*;
- iii. A copy of all plans and studies (i.e. Environmental Review) required for the construction of the proposed *telecommunication antenna system*;
- iv. A package summarizing the results of the public information meeting containing at a minimum, the following:
 - The time, date, location and number of people in attendance of any public information meeting held;
 - A List of attendees, including names, addresses and phone numbers (where provided voluntarily);
 - Copies of all letters and other written communications received; and
 - A letter outlining how all the concerns and issues raised by the public were addressed.

b) *Statement of Concurrence or Non-concurrence*

Commentary

The purpose of this protocol is to provide the LTC with consistent procedures and information with which to evaluate the siting of a telecommunication antenna system. Following the commencement of the consultation period, the proponent may request a statement of concurrence from the LTC. Once a request is received, Islands Trust staff will prepare a report with a recommendation to the LTC. The staff report will include information on the proposed telecommunication antenna system, a site plan, the location of the proposal, an overview of the application and all public consultation materials submitted by the proponent for the Committee's review. It is the discretion of the LTC to provide a statement of siting concurrence or non-concurrence or- The proponent can ask for a decision from the LTC. If nothing is forthcoming, after a certain amount of time, they can ask ISED what to do next. Should a proposal ever go to impasse (rare), ISED will look at the default process as a minimum and also consider the LTC's protocol. In reaching a decision

the ISED will consider such questions as 'Did the proponent address all requirements?', 'Did the proponent adequately address all reasonable and relevant concerns?' and 'Can the proponent argue that the LTC's process was overly onerous and unrealistic?'

The statement of concurrence or non-concurrence shall occur within 120 days of acceptance of a complete application, unless otherwise agreed to by the proponent and ISED.

c) Duration of Concurrence

- i. Concurrence remains in effect for a maximum period of 3 years from the date it was issued by the LTC. If construction has not commenced within this time period, the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction activity.
- ii. Request notification of intent to construct 60 days prior commencement of construction activity (OR, building permit).
- iii. Once concurrence has been issued, it may be transferred from the original proponent to another proponent without the need for further consultation provided that:
 - All information gathered by the original *proponent* is transferred to the new *proponent*;
 - The structure and *antenna system* for which the concurrence was issued to the original *proponent* is what the new *proponent* builds, and
 - Construction of the structure is begun within the duration of the concurrence period.

d) Letter of Undertaking

The Proponent may be required by the LTC to provide a Letter of Undertaking which may include the following requirements:

- i. posting of a security for the construction of any proposed fencing, screening or landscaping or
- ii. building permit requirements determined by the regulations of the _____Regional District.

H. Terms of Use of This Policy

The LTA is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.

4 LAND USE SITING CRITERIA

4.1 Introduction

Antenna systems should be sited and designed to respect local sensitivities and preferences as identified by the LTA, including making efforts to being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate.

Commentary

An outright ban on any type of antenna system is not defensible and may ultimately not be in the LTA's best interest as the ISED has the ultimate approval authority; better to have a progressive policy that recognizes telecommunication antenna systems need to go "somewhere" and use siting criteria to help proponents find the "least worst" spot. Siting criteria puts the LTA in a position of having some control, rather than being ultimately powerless.

These criteria address co-location, re-use, use of existing infrastructure, and new *antenna systems*.

Consideration is requested in the following order of priority:

1. **Co-location** on an existing Antenna System
2. **Re-use** of an existing telecommunication facility
3. Use of **existing infrastructure** such as a building rooftop or utility pole
4. **Stealth design** of a new antenna system
5. **New antenna system** structure

The proponent should review the guidelines identified below as early as possible and should attempt to resolve any outstanding issues prior to submitting its *antenna system* siting proposal and undertaking the public consultation, where required by the LTC. Because expressed preferences may be location or site specific, the proponent is encouraged to discuss the guidelines fully with Islands Trust planning staff during a preliminary meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings. `

4.2 Criteria

Before submitting a proposal for an *antenna system* on a new site, the *proponent* must explore the following options:

- consider *co-location* by sharing an existing *antenna system*;
- explore modifying or replacing a structure if necessary; and

- locate, analyze and attempt to use any feasible **existing infrastructure**, including (but not limited to) rooftops, water towers, utility poles or light standards; and
- explore the feasibility of designing a new antenna system where the visibility of the equipment is minimized from street level, including shrouding or stealth design.

Where *co-location*, re-use, modification, use of existing infrastructure, or a *stealth design* of a new structure is not feasible, a new *antenna system* should be designed with *co-location* capacity, including in *residential areas* when identified as the LTA's preference.

The LTA recognizes that the objective of promoting *co-location* and the objective of making *antenna systems* less noticeable may sometimes come into conflict. Nevertheless, the LTA intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The *proponent* should, in all cases, verify the LTA's site-specific criteria preferences during the pre-submission consultation process before investing in a final design or site.

A. Preferred locations

When new *Antenna systems* must be constructed, **where technically feasible**, the following locations are preferred:

1. Buildings & Infrastructure

- Existing buildings and/or structure mounted *antenna systems*
- Areas that can access fiber optic networks to allow for backhauling into the fiber optic network

2. Land Use Preferences

- Industrial use land
- Agricultural use land
- Highway or service commercial use land (excluding mixed residential use)
- Land owned by the Islands Trust or another government entity
- Utility institutional use land were appropriate, but not limited to those institutions that require telecommunications technology, emergency services, hospitals, colleges
- BC Hydro utility corridor rights of way
- Low density *residential areas* as defined by the Local Trust Area

B. Distance Considerations

- Distance of new free-standing towers from existing Safety shall be at least one (1) times the height of the proposed tower.
- Notwithstanding the distance of one (1) times the height of a proposed tower from property lines, the distance may be increased by the Local Trust Committee to a maximum of (3) times the height of the proposed tower. The LTC should consider a guideline of increasing the setback by up to 25% if it is reasonably anticipated that the tower may be **increased** in height by up to 25% in the future and otherwise be exempt from any public consultation process.
- Notwithstanding the distance of one (1) times the height of a proposed tower from property lines, the distance may be **decreased** if the location is consistent with the land use preferences of Article 4.2 A. 2 Preferred Locations and avoids discouraged locations of Article 4.2 C Discouraged Locations.
- Setbacks from property lines adjacent non-residential uses may invite special consideration in the Land Use Bylaw. The setbacks should serve to separate *Antenna systems* from adjacent development without unduly affecting the development potential of the lot over the lease period.

C. *Discouraged Locations*

All Antenna Systems

- Locations directly in front of doors, windows, balconies or residential frontages
- Land zoned for nature protection
- Environmentally sensitive ecosystems as defined in the Official Community Plan

Free-standing Antenna Systems

- Medium and high density *residential areas* as defined by the Local Trust Area
- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Sites of topographical and geographic prominence
- Sites that detrimentally affect the scenic quality of a corridor.
- Sites that detrimentally affect the foreground views of residents;

D. *Incentives*

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All or part of the public consultation requirements may be waived for *antenna systems* proposed on sites that are consistent with OCP policy, preferred siting locations, that exceed setback considerations, feature innovative design to a high standard and embrace infrastructure as art, included shrouded or internal antennae, and avoid discouraged locations.

In all cases, however, the *proponent* is required to provide **information** regarding the proposed antenna system in accordance with Section 3.2 E. Notification and Municipal Review of Exempt Antenna system.

E. Criteria not to address

As described in the CPC, *proponents* have specific obligations subject to federal requirements. Additional obligations may not be imposed; however, it is appropriate to ask questions and seek clarification concerning their steps and alternatives available to satisfy these requirements.

Proponents must comply with the following:

- Health Canada's public radio frequency exposure guidelines – Safety Code 6 (Limits of Human Exposure to Radio Frequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz – Safety Code (2009);
- Radio Frequency Interference and Immunity – EMCAB-2—Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters;
- Canadian Environmental Assessment Act, 2012 –CEAA 2012; and
- Aeronautical Safety—Transport Canada and NAV CANADA requirements for aeronautical safety.

5 MODEL OFFICIAL COMMUNITY PLAN POLICIES

5.1 Advocacy Policies

1. Health Canada should continue to evaluate health impacts of electromagnetic radiofrequencies from telecommunication facilities, including towers, to ensure that detrimental effects on human health do not occur.
2. Support efforts to expand electronic communications and infrastructure within the community provided it can be demonstrated that such is in compliance *with the Canadian Environmental Assessment Act (CEAA), and the Safety Code 6 of the Health Act.*
3. Support multi-Island public organizations such the Southern Gulf Islands Economic Sustainability Commission in its objective of improving the telecommunications services in the Gulf Islands.
4. Endorse the Canadian Radio and Television Commission policy statement on high speed broadband, especially by cable, as a basic service.
5. Encourage telecommunication providers to retain and increase the number of pay telephones in areas with poor cell coverage as an emergency back-up.
6. Encourage telecommunication providers to re-assess its fibre optic cable within the Local Trust Area (LTA) for public and institutional access and to allow third party access.
7. Promote the role of public and private wireless “hot spot” providers in improving connectivity.
9. Establish a fee schedule to recover reasonable staff and process expenditures to recover costs from telecommunication *proponents* with consideration given to the costs to Islands Trust to evaluate and process proposals.

5.2 Land Use Policy

A. Siting Objectives

1. Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the LTA, including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate.
2. Where *antenna systems* are proposed consideration is requested in the following order of priority:
 - a) **co-location** on an existing antenna system;
 - b) **re-use** of an existing telecommunication facility;

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- c) use of **existing infrastructure** such as a building rooftop or utility pole;
 - d) *stealth design* of a new antenna system; and
 - e) **new** antenna system structure.
3. Where *co-location*, re-use, modification, or use of existing infrastructure is not feasible, a new *antenna system* should be designed with *co-location* capacity, including in *residential areas* when identified as the LTA's preference.
 4. The LTA recognizes that the objective of promoting *co-location* and the objective of making *Antenna systems* less noticeable may sometimes come into conflict. Nevertheless, the LTA intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them.

B. Land Use Preferences

1. When new *antenna systems* must be constructed; **where technically feasible**, and such systems are not of *stealth design* or otherwise exempt from public consultation, they should be sited in the following land use categories:
 - industrial use land;
 - highway or service commercial use land (excluding mixed residential use);
 - utility institutional use land is appropriate, but not limited to those institutions that require telecommunications technology, emergency services, hospitals, colleges;
 - BC Hydro utility corridor rights of way;
 - low density *residential areas*; and
 - agricultural use land.
2. In all land use designations, the following building and infrastructure considerations are preferred:
 - use of existing buildings and/or structure mounted *antenna systems*; and
 - siting in areas that can access fiber optic networks to allow for backhauling into the fiber optic network.

C. Setback Considerations

1. Preferred *setbacks* between antenna systems and lot lines should be at least 1 (one) times the height of the free-standing tower; the Local Trust Area may choose to adjust this preferred setback to reflect local conditions and preferences.
2. Notwithstanding a preferred *setback* distance of a proposed tower from residential uses, the setback distance may be **decreased** if the location is consistent with the land use

preferences of Article 5.2 B. 2 Land Use Preferences and avoids *discouraged locations of Article 5.2 D Discouraged Locations*.

3. Setbacks from non-residential uses may be determined on a case by case basis and should serve to separate *antenna systems* from adjacent development without unduly affecting the development potential of the lot over the lease period.

D. Discouraged Locations

1. Land use

- Medium and high density *residential areas*
- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Nature protection areas
- Environmentally sensitive ecosystems

2. Other considerations, irrespective of land use designation

- Locations directly in front of doors, windows, balconies or residential frontages
- Community gathering places such as community halls, churches, commercial eating & drinking establishments
- Sites of topographical and geographic prominence

6 ON-LINE BROCHURE ON THE DEFAULT ISED PUBLIC CONSULTATION & APPROVAL PROCESS AND THE ROLE OF ISLANDS TRUST

Pending – in design phase

7 DEFINITIONS

Antenna system (also telecommunication antenna system) means an exterior transmitting device – or group of devices – used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. *antenna system* includes the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This *protocol* refers to the following three types of *telecommunication antenna system*, defined below;

Building/structure-mounted antenna system means a *telecommunication antenna system* mounted on an existing structure or building and for the purposes of height calculations, height shall be measured from the base of any building or structure to the most elevated portion of any antenna system.

Freestanding antenna system means a structure built from the ground for the expressed purpose of hosting transmitting devices; and

Tree-mounted antenna system: means an antenna system mounted on a tree.

Co-location means the placement of antennas and equipment operated by one or more *proponents* on a *telecommunication antenna system* owned by a different party, thereby creating a shared facility;

Community association means an active area or neighbourhood specific group or association within a LTA;

Distance the horizontal distance measured from the lot line to the base of a proposed freestanding antenna system or the base of any building or structure to which an antenna system is mounted to a structure, building, or facility.

Emergency service providers means any police, fire, ambulance or search and rescue organization with a typical response area within the *notification distance* of a proposed *telecommunication antenna system*;

Localized content means any public consultation materials, supporting documentation and/or other relevant promotional material provided by a *proponent* for a proposed *telecommunication antenna system* which has been tailored specifically to the context of the LTA;

Neighbouring land-use jurisdiction means any land-use authority or First Nations within a *Prescribed Notification Distance* of any proposed *telecommunication antenna system*;

Prescribed notification distance: measured horizontally from the outside perimeter of the supporting structure of the proposed *freestanding* or *building/structure-mounted antenna system*. The outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower;

Proponent: means a company or organization, including contractors or agents undertaking work for telecommunication carriers, for the purpose of providing commercial telecommunication services;

Protocol: means any written local guideline, policy or process that addresses the issue of antenna placement;

Residential area: means lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted with residential use on the same lot).

School District: means an area created or constituted as a school district under the *School Act*;

Sensitive community locations: means institutions and services, such as schools, daycares, recreation facilities, public parks, or other sensitive locations;

Stealth design: means a design of an antenna system that camouflages the antenna and supporting structure as something else such as a tree, water tower, flag pole, component of a building, or similar means.

Telecommunications antenna system: see antenna system definition.

8 APPENDIX: ANTENNA DESIGN MATRIX

Telecommunication Design

Typical Towers Designs

Guyed



Self-Supporting



Monopole



Height	30-120 m	45-60 m	14.9-45 m
Application	Rural	Rural/Suburbs/City	Rural/Suburbs/City
Compound Footprint	100m x 100m (H x 0.8 x 2)	Min. 20m x 20m	10m x 10m
Tower Diameter	Base of Pole min. 1m	Base min 10% height (H x .1 = face width)	Base footprint dependent on loading, geotechnical, environmental

Monopole Tower Designs

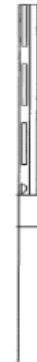
Monopole 1
(pin wheel)



Monopole 2
(flush mount)



Monopole 3
(shrouded)



Pin wheel allows tower to accommodate a larger number of antennas for futures &/or other carriers.	Flush mounted antennas minimize overall massing of the tower, but limit opportunity for future antennas, or space for other carriers	Antennas fully hidden, but diameter of the pole is wider to accommodate microwave. Can be slimmer if there is fibre to site. *Note: shrouded design does not currently support AIR antenna w. integrated RRU's
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Telecommunication Design

Tripole Tower Designs

Standard Tripole



Clock Tower design

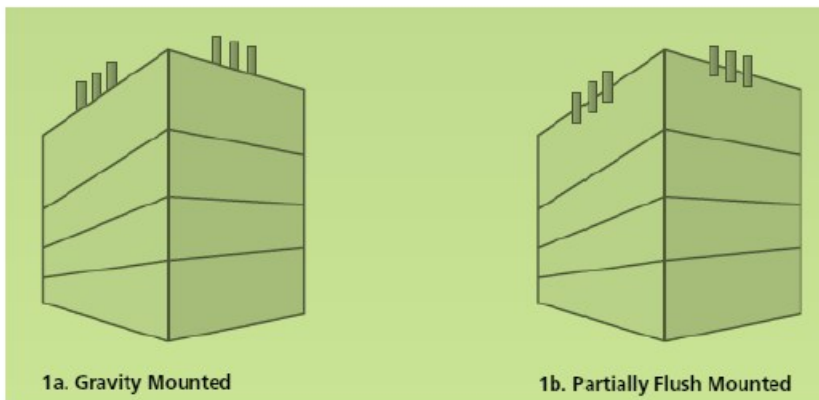


Church Cross design



Height	14.9m-60m
Application	Rural/Suburbs/City
Compound Footprint	Medium footprint 20m x 20m
Tower Diameter	* Note: Base footprint dependent on loading, geotechnical, environmental

Rooftop antennas



Telecommunication Design

Utility Poles



Light Standards



DATE OF MEETING: July 5, 2019
TO: Hornby Island Local Trust Committee
FROM: Miles Drew, Bylaw Compliance and Enforcement Manager,
Local Planning Services
SUBJECT: Bylaw Enforcement Notification Bylaw Administrative Procedures

RECOMMENDATIONS

1. That Hornby Island Local Trust Committee appoint the Bylaw Compliance & Enforcement Assistant, the Bylaw Compliance and Enforcement Manager and the Regional Planning Manager as Screening Officers pursuant to Hornby Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 159, 2019.
2. That Hornby Island Local Trust Committee adopt the Bylaw Enforcement Notice Bylaw No. 159 Screening Officers' Powers and Duties Policy attached to the staff report dated July 5, 2019.
3. That Hornby Island Local Trust Committee stipulate that the attached Bylaw Violation Notice is the form of violation notice to be used pursuant to the Bylaw Enforcement Notice Bylaw No. 159, 2019.

REPORT SUMMARY

This report will explain the requirements for the following:

1. Appointment of screening officers;
2. Designation of the powers and duties of specific screening officers;
3. Authorizing the reasons for cancellation of a bylaw violation notice; and
4. Approval of the form of violation notice to be used.

BACKGROUND

Section 7 of the Bylaw Enforcement Notification Bylaw (the Bylaw) requires that the LTC appoint screening officers. These powers and duties of the screening officer include release of information about bylaw violation notices (BVN) to various persons, negotiation of compliance agreements in return for reduced fine amounts, and cancellation of tickets. The LTC will give guidance to this process through the attached policy and thus ensure consistency.

The Bylaw permits the bylaw enforcement assistant, bylaw enforcement officers, the bylaw compliance and enforcement manager and regional planning managers to be appointed as screening officers.

The policy designates the bylaw enforcement assistant as a screening officer but limits the powers and duties to dissemination of information only. Permitting the bylaw enforcement assistant to relay information about BVNs and the process will ensure that the public has immediate access to information. The bylaw compliance and enforcement manager is designated as a screening officer with full powers and duties. To avoid any perceived

conflict of interest when BVNs are issued by the bylaw compliance and enforcement manager, the duties of screening officer will fall to the regional planning manager.

Negotiation of compliance agreements and cancellation of notices are reserved to managers to ensure that whatever agreement is made fully complies with the requirements of bylaws.

Section 9 of the Bylaw requires that the LTC stipulate the form of the Bylaw Violation Notice. Attached is the version of the notice that staff recommends be used. The form has been developed so that it may be used in all the Local Trust Areas which have adopted a Bylaw Enforcement Notification Bylaw.

Rationale for Recommendation

The recommendations are consistent with the requirements of the *Local Government Bylaw Notice Enforcement Act* and the intent of the adoption of the Bylaw which is to promote compliance and reduce the cost for enforcement.

ALTERNATIVES

1. Request further information

That the Hornby Island Local Trust Committee request that Staff provide further information about the screening officer policy.

ATTACHMENTS

1. Screening Officer Policy
2. Bylaw Violation Notice



Hornby Island Local Trust Committee

Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy July 5, 2019

Appointment of Screening Officers

Pursuant to section 7.2 of the Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 159, 2019, (the Bylaw) the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Bylaw Compliance and Enforcement Manager; and
- 3) Bylaw Compliance and Enforcement Assistant.

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Hornby Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:

- 1) **Regional Planning Manager.** In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 2) **Bylaw Compliance and Enforcement Manager.** In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Bylaw Compliance and Enforcement Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 3) **Bylaw Compliance and Enforcement Assistant.** In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

- 1) the Bylaw Violation Notice was issued to the wrong person;

- 2) an exception specified in the bylaw or related enactment exists;
- 3) a permit exists which authorises the alleged violation;
- 4) there is poor likelihood of success at adjudication for the Local Trust Committee. For example:
 - a) The evidence is inadequate to show a contravention;
 - b) Incorrect information was relied on in issuing the Bylaw Violation Notice;
 - c) The Bylaw Violation Notice was not completed properly.
- 5) it is not in the public interest to proceed to adjudication for one of the following reasons:
 - a) The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;
 - b) The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.
- 6) the disputant intends to challenge the bylaw or the intended defence is ill suited to the adjudication process.



BYLAW VIOLATION NOTICE

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:

ISSUED TO:

NAME OF PERSON OR COMPANY		
ADDRESS		
LEGAL DESCRIPTION		
DATE YYYY MM DD	TIME HH:MM AM/PM	LOCATION ISSUED
BYLAW NAME		
BYLAW NUMBER		SECTION
DESCRIPTION OF CONTRAVENTION		
ISSUING OFFICER NAME:		SIGNATURE

THE PENALTY FOR A CONTRAVENTION REFERRED TO ABOVE IS:

Discounted rate If paid within 14 days \$ _____
If paid within 15-28 days \$ _____
If paid after 28 days* \$ _____
*See reverse for additional information on late payments.

METHOD OF DELIVERY:	
☐	In Person
☐	By Mail



Islands Trust

ADJUDICATION REQUEST

To dispute this Bylaw Violation Notice please complete the form below and deliver, mail, or fax to any Islands Trust office within 14 days of receipt of this notice. The request can also be made online at www.islandstrust.bc.ca. See the reverse side of this ticket for addresses and additional information.

Bylaw Notice #:	Date of Issue:
Name:	
Postal Address:	
City/Island:	Province: Postal Code:
Daytime Phone #	Email Address:
Signature:	

White – Alleged Offender's Copy

Yellow – File Copy

Pink – Office Copy

ALLEGED OFFENDER'S COPY

COMPLIANCE

- ▶ Failure to comply with the bylaw may result in additional penalties.
- ▶ To arrange a compliance agreement and to receive a discount on the penalty indicated on this notice, contact us.

PAYMENT INFORMATION

PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE
PRESENT THIS NOTICE AT THE TIME OF PAYMENT

- ▶ Please make your cheque or money order payable to Islands Trust.
- ▶ Do not send cash in the mail.
- ▶ Payment must be received within the noted time limits to receive the discounted amounts.
- ▶ A dishonoured cheque will not be considered payment of the penalty within the prescribed time. NSF fees will be applied.
- ▶ Failure to pay promptly will result in additional penalties being added.
- ▶ Overdue fines may be subject to collection process.

DISPUTE ADJUDICATION

- ▶ Adjudication requests must be filed within 14 days of violation notice receipt to be eligible for an adjudication hearing.
- ▶ Deliver, mail, or fax the request form on reverse to any Islands Trust office or complete a request form online at www.islandstrust.bc.ca.
- ▶ Unsuccessful adjudicated disputes will be charged an additional \$25 administration fee.

CONTACT US

Phone: 250-405-5175
Fax: 250-405-5155

Email: bylawenforcement@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

ISLANDS TRUST OFFICES

Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality May 2019

Regional Conservation Plan

All of the work the Islands Trust Conservancy undertakes and reports on is guided by the science-based and community-informed 2018-2027 Regional Conservation Plan. The ITC continues to work towards four long-term goals (science-based conservation planning, collaboration with First Nations, protection of core conservation areas and a strong voice for nature conservation) and 25 objectives that further conservation in the entire Trust Area. The following is an update on the ITC activities from the May 2019 ITC Board meeting to meet these goals.

Islands Trust Conservancy Board Policy and Bylaw Revisions

Goal 4 – A strong voice for nature conservation, core ITC business and operations.

- The ITC Board gave first, second and third readings to Bylaw No. 2, the “Islands Trust Conservancy Meeting Procedures Bylaw, 2019.” The new bylaw replaces Bylaw No.1 and reflects the ITC name change, allows for the election of a Vice Chair and adds reference to committee meetings. The Board also amended Policy 1.2 Islands Trust Conservancy Board and Committee Elections.

Fund Development Advisory Committee (FDAC)

Goal 4 – A strong voice for nature conservation, Objective 4.1 – Develop and expand fundraising strategies to support Islands Trust Conservancy programs.

- The ITC Board received and approved the ITC Fund Development Advisory Committee Terms of Reference and Operating Guidelines.

2017-2018 Annual Report

Goal 4 – A strong voice for nature conservation, Objective 4.3 Continue to develop the Islands Trust Conservancy brand and promote organizational recognition through telling of the Islands Trust Conservancy story.

- The ITC Board received and approved the discussed options for endorsement or participation in the Islands Trust Reconciliation Declaration.

Canada Nature Fund

Goal 4 – A strong voice for nature conservation, Objective 4.1 – Develop and expand fundraising strategies to support Islands Trust Conservancy programs.

- The ITC Board discussed potential options for participating in the federal funding announced in 2018.

Draft Reconciliation Action Plan and Reconciliation Declaration

Goal 2 – Collaboration with First Nations, Objective 2.1 Amend or redraft policies, procedures, plans, document templates and reports to include acknowledgement and consideration of First Nations.

- The ITC Board direct staff to develop a specific draft reconciliation declaration and action plan for the Islands Trust Conservancy.

Executive Committee Liaison Meeting Draft Agenda

Goal Three- Objective 3.6 - Participate in significant ecosystem conservation opportunities related to land use planning in collaboration with local trust committees and island municipalities.

- The ITC Board discussed and approved the agenda items for the upcoming, annual Executive Committee Liaison Meeting.

Fire Smart from a Conservation Perspective

Goal One – Science-based Conservation Planning, Objective 1.3 - Investigate opportunities for protection of important conservation areas with partners.

- The ITC Board discussed the issues around fire safety and ecosystem management on ITC owned or protected properties.

Current Islands Trust Area Activities

Goal Three – Protection of Core Conservation Areas – Objective 3.1 – Manage islands Trust Conservancy conservation areas responsibly and strategically for ecological integrity, species and ecosystems at risk, known threats, public safety and protection of identified features using the Property Management strategy.

- The ITC has completed the management plan for Fairyslipper Forest Nature Reserve on Thetis Island, is nearing completion of three nature reserve management plans on Gambier Island, and is working on management plans for three nature reserves on Denman Island and one nature reserve on Lasqueti Island. Property monitoring was completed on Bowen, Denman, Hornby, Gabriola, Gambier, Lasqueti, Link, Little D'Arcy, Saturna, Sidney and Thetis Islands. Property monitoring is underway on North Pender and Salt Spring Islands and is being planned for Galiano, South Pender, and South Winchelsea Islands.

Current Island-by-Island Activities

Goal Three – Protection of Core Conservation Areas – Objective 3.1 – Manage islands Trust Conservancy conservation areas responsibly and strategically for ecological integrity, species and ecosystems at risk, known threats, public safety and protection of identified features using the Property Management strategy.

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

Denman

Management planning for three nature reserves, including the Valens Brook Nature Reserve addition, is under way. New ten-year management plans for Inner Island and Lindsay Dickson nature reserves will be completed in 2019. Property monitoring on Denman has been completed for 2019. Invasive species management activities continue at Inner Island, Lindsay Dickson, and Morrison Marsh nature reserves.

Gabriola

Expansion of the boardwalk over wet areas and exposed roots on the west side of the loop trail in Elder Cedar Nature Reserve has been completed and construction of a 93-ft boardwalk across a seasonally flooded section of trail in the northeast corner is planned for 2019. Property monitoring on Gabriola has been completed for 2019.

Galiano

Trail maintenance is being planned for Vanilla Leaf Land Nature Reserve in partnership with the Galiano Conservancy Association. Invasive species removal and annual cormorant nest monitoring are being planned for Trincomali Nature Sanctuary in partnership with the Habitat Acquisition Trust.

Gambier

Management planning for three Gambier Island nature reserves (Brigade Bluffs, Long Bay Wetland, and Mount Artaban) is nearing completion. Property monitoring on Gambier has been completed for 2019.

Lasqueti

The ITC and the Lasqueti Island Nature Conservancy (LINC) have met the fundraising goal for the Salish View acquisition campaign. Staff are continuing working to finalize the land transfer. Once the land transfer is complete, the ITC will begin public consultation on the draft management plan. Forest restoration activities at Mount Trematon Nature Reserve, led by LINC, have been completed for 2019 with assistance from Katimavik volunteers. Property monitoring on Lasqueti has been completed for 2019.

Link Island

ITC staff attended a celebration event at Link Island with the landowners and co-covenant holder (Nanaimo and Area Land Trust) and installed conservation covenant signage. Property monitoring on Link Island has been completed for 2019.

North Pender

The ITC Board discussed a referral from the North Pender Island Local Trust Committee for Bylaw No. 220. The subject property for the bylaw is adjacent to the Medicine Beach Nature Sanctuary. The ITC Board noted concerns about the effects of light pollution on many animal species, including bats, and concerns about storage of toxic materials on the site. Staff provided the ITC Board response to the local trust committee and followed up with planning staff

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

regarding best management practices for external lighting and wildlife. Property monitoring on North Pender is under way.

Salt Spring

The ITC Board considered a referral from Salt Spring Island planning staff regarding a Development Variance Permit for lands adjacent to the Lower Mount Erskine Nature Reserve. The ITC Board indicated that its interests are not significantly impacted and directed staff to work with the Salt Spring Island Planner to follow up with the landowner to provide information regarding conservation options to provide a natural buffer for the nature reserve. Property monitoring on Salt Spring is under way.

Thetis

The ITC Board approved a management plan for the Fairyslipper Forest Nature Reserve, which includes a commitment to developing a parallel *Management Plan for Areas of Cultural Heritage and Sacred Significance* with a flexible timeline. ITC is collaborating with Thetis Island Nature Conservancy and Cowichan Community Land Trust on the design and building of a publicly accessible trail loop in the nature reserve, with a trail opening celebration tentatively scheduled for Earth Day 2020. ITC staff plan to install signage informing the public of Thetis Island nature reserve boundaries later this year.

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

Print Date: June 25, 2019

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.2	Hoerburger Land Surveyors	12-Apr-2018	PIDs: 009-651-268, 009-651-110, 027-126-323 Creating two lots out of three for agricultural purposes. Civic addresses: 1605 Ostby Road, 4555 Fowler Road, 4755 Fowler Road, Hornby Island, BC
Planner: Bronwyn Sawyer			
Planning Status			
Status Date: 07-Mar-2019 ALC decision received - Refused			
Status Date: 12-Sep-2018 Application transferred to Planner Dubyna.			
Status Date: 03-Aug-2018 LTC consideration of application			

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.3	MATTHEW R FREDBECK	15-Aug-2018	PID: 005-575-170 Wants parking on grass surface (no paving) for customers. Civic address: 6260 Bond Rd, Hornby Island, BC V0R 1Z0
Planner: Bronwyn Sawyer			
Planning Status			
Status Date: 07-May-2019 ALC decision received - Refused			
Status Date: 03-Oct-2018 Planner gave file to Planning Team Assistant to forward application to ALC.			
Status Date: 28-Sep-2018 HO LTC passed resolution to forward the application to the ALC with the LTC's comments.			

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2017.2	Matthew, Jim	17-Aug-2017	Crown leased property; Building new Arts Centre on Sollans Road, Hornby Island.

Applications

Planner: Jaime Dubyna

Planning Status

Status Date: 15-May-2019

Applicant informed that the proposed development is within the 8 metre lot line setback, and the proposed height exceeds the maximum 8 metre height permitted in the Land Use Bylaw. Requires a DVP application, or plan revision. Planner awaiting DVP application or plan revisions.

Status Date: 01-Apr-2019

Revised Draft Plans submitted. Proposed location changed to neighbouring lot.

Status Date: 04-Feb-2019

No change in status.

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 25-Jan-2019

Site visit.

Status Date: 13-Sep-2018

No change in status.

Status Date: 28-May-2018

Waiting for info from applicant.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.3	Lones, Benjamin	12-May-2019	ID: 002-747-774 DP needed for subdivision compliance

Planner: Bronwyn Sawyer

Planning Status

Status Date: 05-Jul-2019

Staff report to Hornby Island LTC meeting

Applications

Status Date: 27-May-2019

Planner reviewing application

Development Variance Permit

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 15-Aug-2018

On hold pending result of HO-ALR-2018.2

Status Date: 31-Jan-2018

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

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 05-Jul-2019

Staff report to Hornby Island LTC meeting

Status Date: 05-Apr-2019

Memorandum - file update

Status Date: 13-Sep-2018

No change in status.



Rezoning

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

Planner: Marnie Eggen

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 12-Sep-2018

File transferred to Planner TR

Status Date: 27-Apr-2018

LTC consideration and resolution to put on hold pending minor technical amendments to LUB

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2018.7	BULMER, Grant	04-May-2018	PID: 003-125-777 Building single family dwelling Civic address: 6570 Anderson Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 13-Feb-2019

Planner reviewed revised plans. Planner noted to applicant that the total floor area of proposed residential building exceeds 150 m2 permitted in the R1(a) zone. Applicant advised planner that they intend to include a rain water catchment and storage system. Section 8.1.8 of the LUB permits a floor area of 200 m2 in the R1(a) zone, '...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...'

Status Date: 08-Feb-2019

Amended site plan received. Plans show proposed studio and proposed single family dwelling.

Status Date: 24-Jan-2019

Planner requested amended plans indicating proposed height of building meets LUB regulation 3.4.2.



Applications

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.1	Board of School Trustees of School District No. 71 (Comox Valley) Planner: Bronwyn Sawyer	04-Feb-2019	PID: 000-457-752 Rebuilding school. Civic address: 2100 Sollans Road, Hornby Island, BC
Planning Status			
<u>Status Date:</u>			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.3	Woodward, Brian Planner: Bronwyn Sawyer	29-Mar-2019	PID: 003-531-279 Addition to vacation home. Civic address: 3300 Harwood Road, Hornby Island, BC
Planning Status			
<u>Status Date:</u>			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.5	Taylor, Robert & Naomi Planner: Ian Cox	02-May-2019	PID: 001-201-425 CIVIC ADDRESS: 5005 FOWLER ROAD, HORNBY ISLAND, BC New workshop/storage
Planning Status			
<u>Status Date:</u> 03-Jun-2019 Received plans update. Approved. File to PTA for permit issuance and closure.			
<u>Status Date:</u> 28-May-2019 Awaiting more legible plans.			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.6	Iverson, Robert Planner: Bronwyn Sawyer	23-May-2019	PID: 003-531-210 Building recreational home. Civic address: 3190 Harwood Road, Hornby Island, BC

Applications

Planning Status

Status Date:

Subdivision

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 15-Aug-2018

On hold pending outcome of HO-ALR-2018.2 and HO-DVP-2017.3

Status Date: 31-Jan-2018

DVP application received. Subdivision file being held in abeyance.

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 12-Sep-2018

File transferred to Planner TR

Applications

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

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2018.1	McElhanney Associates Land Surveying Planner: Bronwyn Sawyer	13-Dec-2018	PID: 026-100-932 Two lot subdivision Civic address: 3750 Euston Road, Hornby Island, BC

Planning Status

Status Date: 28-Jan-2019
Planner completed review and sent referral report to MOTI with conditions of PLA including requirement to rezone or otherwise bring property into conformity with LUB.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2018.1	Titcomb, Greg	20-Apr-2018	PID: 000-081-973 Seasonal juice production next to fruit stand. Civic address: 6060 Central Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 09-May-2019
Planner requested update from applicant regarding confirmation from the ALC.

Status Date: 14-Mar-2019
Applicant awaiting confirmation from ALC.

Status Date: 12-Mar-2019
Planner requested update from applicant.

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 September 28, 2018	HO-2017-011	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED that the Hornby Island Local Trust Committee adopt the following Standing Resolution: 1. That whereas the Hornby Island Local Trust Committee intends to facilitate a community process to review residential density to address community housing needs, which may result in amendments to the Official Community Plan and Land Use Bylaw, it is resolved that related enforcement actions against properties identified as: a) Lot B, Section 15, Hornby Island, Plan 24652 (1655 Central Road); b) Lot B, Section 6, Hornby Island, Plan 30442 (7205 Central Road); and c) Lot 6, Section 10, Hornby Island, Plan 26332 (2475 St. Johns Point Road) shall be held in abeyance; 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Hornby Island Land Use Bylaw No. 150 and the Hornby Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice; and 3. That unless the Hornby Island Local Trust Committee extends the effective period, this enforcement policy expires on October 31, 2020 or when the housing needs project is complete, whichever is the sooner.
2.	August 3, 2018	HO-2018-044	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.

				• The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the Local Trust Committee.
3.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: “That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”

4.	May 24, 2019	HO-2019-038	First Nations Relationship Building	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
5.	May 24, 2019	HO-2019-044	Bylaw Enforcement to undertake proactive enforcement of non-compliant STVRs	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: That the Hornby Island Local Trust Committee authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals.

**Top Priorities Report****Hornby Island****1. Land Use Bylaw Amendments****Responsible****Dates**

A Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone, R3A zoning of ISLA site, regulations for cannabis production and sales, and other housekeeping amendments

Jaime Dubyna

Rec'd: 27-Apr-2018

2. Watershed Protection and Groundwater Preservation**Responsible****Dates**

Project charter, work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation

Ann Kjerulf
William Shulba

Rec'd: 08-Jun-2018

3. Vacation Home Rental Community Education and Bylaw Compliance Campaign**Responsible****Dates**

Implement the Project Charter for the education and compliance campaign.

Ann Kjerulf
Miles Drew

Rec'd: 27-Apr-2018
Target: 01-Jan-2019



Projects Report

Hornby Island

1. <i>Ford Cove Consultation</i>	Responsible	Date Received
Conduct a consultative process for the Ford Cove area		

Conduct a consultative process for the Ford Cove area

2. <i>Public Use area planning</i>	Responsible	Date Received
Support collaborative planning process for Public Use areas		27-Mar-2015

Support collaborative planning process for Public Use areas

27-Mar-2015

3. <i>Marine Protection</i>	Responsible	Date Received
Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection		28-Sep-2018

Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection

28-Sep-2018

4. <i>Improving Bylaw Compliance</i>	Responsible	Date Received
Explore with the community and staff, approaches to improving Bylaw compliance		28-Sep-2018

Explore with the community and staff, approaches to improving Bylaw compliance

28-Sep-2018

5. <i>Ecosystem Protection</i>	Responsible	Date Received
Consider potential utilization of the Regional Conservation Plan.		28-Sep-2018

Consider potential utilization of the Regional Conservation Plan.

28-Sep-2018

6. <i>Addressing Climate Change</i>	Responsible	Date Received
Review measures to address climate change including through implementation of OCP policies		28-Sep-2018

Review measures to address climate change including through implementation of OCP policies

28-Sep-2018

Projects Report

Hornby Island

7. Addressing housing needs

Responsible

Date Received

A project to identify, assess and implement housing opportunities including reviewing residential density on rural lots and considering staff accommodation on commercial lots.

25-Jan-2019

8. Implementation of Coastal Douglas-fir Toolkit

Responsible

Date Received

25-Jan-2019