



**HORNBY ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

Revised – April 6, 2011

**AGENDA
Business Meeting
Friday, February 18, 2011 at 1:30 pm
In the New Horizons
1765 Sollans Road, Hornby Island, BC**

		Page No.	Approx. Time
1.	CALL TO ORDER		1:30 pm
2.	APPROVAL OF AGENDA		
3.	MINUTES		1:35 pm
3.1	Local Trust Committee Meeting Minutes dated December 15, 2010– <i>for adoption</i>	1-11	
3.2	Section 26 Resolutions Without Meeting Log dated February 8, 2011 – <i>for information - attached</i>	12-13	
3.3	Advisory Planning Commission Minutes - <i>none</i>		
4.	BUSINESS ARISING FROM MINUTES		1:45 pm
4.1	Follow-up Action List dated February 8, 2011 – <i>attached</i>	14-15	
5.	CORRESPONDENCE <i>“Correspondence specific to an active development application and/or project will be received by the Hornby Island Local Trust Committee when that application or project is on the Agenda for Consideration”</i>		
5.1	Email dated January 19, 2011 from Kati Marshall regarding Bylaw Enforcement Policy for Short Term Vacation Rentals - <i>attached</i>	16	
5.2	Email dated January 28, 2011 from Amy Robertson regarding Short Term Vacation Rentals - <i>attached</i>	17	
5.3	Letter dated February 7, 2011 from the Hornby Island Water Stewardship Project regarding Comments on Draft Staff Report on Short Term Vacation Rentals - <i>attached</i>	18-20	
5.4	Email dated February 9, 2011 from Nicki Johansen regarding Short Term Vacation Rentals - <i>attached</i>		
6.	TRUSTEES’ REPORT		
7.	CHAIR’S REPORT		

8.	DELEGATIONS		
9.	TOWN HALL SESSION		2:00 pm
10.	APPLICATIONS AND PERMITS		2:15 pm
10.1	HO-RZ-2009.2 Hornby Island Resort Ltd. – <i>status update</i>		
11.	LOCAL TRUST COMMITTEE PROJECTS		2:30 pm
11.1	HO-OCP-2009.2 Short Term Vacation Rental Implementation Policy Staff Report dated February 9, 2011 - <i>attached</i>	21-33	
11.1.1	Short Term Vacation Rental Submission dated February 8, 2011 from Trustee Law - <i>attached</i>	34-44	
11.1.2	Short Term Vacation Rental Enforcement Policy Staff Report dated February 18, 2011 - <i>attached</i>	45-48	
11.2	HO-OCP-2009.1 Official Community Plan/Land Use Bylaw Staff Report dated February 9, 2011 – <i>attached</i>	49-183	
12.	REPORTS		
12.1	Strategic Plan for Local Trust Committees - <i>attached</i>	184-188	3:30 pm
12.2	Work Program Reports Top Priorities Report and Projects List Report dated February 8, 2011 - <i>attached</i>	189-190	
12.3	Applications Log Report dated February 8, 2011 - <i>attached</i>	191-194	
12.4	Trustee and Local Expenses		
12.4.1	Expenses posted to December 22, 2010 - <i>attached</i>	195	
12.4.2	Expenses posted to January 19, 2011 - <i>attached</i>	196	
13.	NEW BUSINESS		
13.1	Preparations for Meeting with K'omoks First Nation		
13.1.1	Memorandum dated February 9, 2011 - <i>attached</i>	197-198	
13.1.2	Memorandum dated February 2, 2011 - <i>attached</i>	199-200	
13.2	Climate Change Pamphlet proposal – <i>discussion and status of project</i>		
13.3	Bylaw Referral Form: Denman island Local Trust Committee Proposed bylaw No. 199 - <i>attached</i>		
13.4	Bylaw Referral Form: Denman island Local Trust Committee Proposed bylaw No. 200 - <i>attached</i>		
14.	BYLAWS		
15.	ISLANDS TRUST WEBSITE		
15.1	Hornby Page - <i>attached</i>	201-202	
16.	NEXT BUSINESS MEETING DATE Wednesday, March 23, 2011 at 12:15 pm in the New Horizons, 1765 Sollans Road, Hornby Island, BC		

17. **CLOSED MEETING:** The Hornby Island Local Trust Committee closes the next part of the February 18, 2011 business meeting to discuss matters pursuant to Section 90(1)(f) (Bylaw Enforcement) of the *Community Charter* and that Miles Drew, Bylaw Enforcement Coordinator , Brodie Porter, Island Planner and Vicky Bockman, Recorder be invited to attend this meeting. 4:00 pm
18. **RECALL TO ORDER**
Rise and Report from Closed Meeting
17. **ADJOURNMENT** 5:00 pm

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

DRAFT

**MINUTES OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
WEDNESDAY, DECEMBER 15, 2010 AT 12:30 PM
IN THE NEW HORIZONS CENTRE
1765 SOLLANS ROAD, HORNBY ISLAND, BC**

<u>PRESENT:</u>	Louise Bell	Chair
	Fred Hunt	Local Trustee
	Tony Law	Local Trustee
	Brodie Porter	Island Planner
	Miles Drew	Bylaw Enforcement Coordinator
	Barbara Baird	Recorder

There were two (2) members of the public in attendance.

1. CALL TO ORDER

Chair Bell called the meeting to order at 12:41pm.

Chair Bell welcomed the public and noted that the meeting was taking place in the traditional territory of the Coast Salish First Nation and recognize their history on the land and thank them for their stewardship of the land.

Chair Bell introduced the Local Trustees, Islands Trust Planner and Recorder.

2. APPROVAL OF AGENDA

The agenda was approved by consensus, with the following additions:

- Request from Regional District in respect of lands owned by Regional District added as item 10.1.2
- Possible error in land designation in Official Community Plan added as item 10.1.3.
- Building code and potable water added as item 12.4
- Added Delegations as item 8.1 and Town Hall as item 8.2
- Report from Chair Bell on meeting with the K'omox First Nations to be covered under Follow-up Action List (item 4.1)

3. MINUTES

3.1 *Local Trust Committee Meeting Minutes dated October 13, 2010*

Minutes adopted by consensus with the following amendments:

1. Page 4, Item 6, ninth sentence: change text from “She noted that two resolutions came through” to “She noted that two resolutions came from”.
2. Page 5, second paragraph, ninth sentence: change text from “presentation to the Executive Board of the socially divided, back-riding communities” to “presentation to the Executive Board of the Association of Vancouver Island and Coastal Communities”.
3. Page 5, second paragraph, ninth sentence: change text from “and a review of the contract” to “and a review of the ferry services contract”.
4. Page 5, second paragraph, tenth sentence: change the text from “a meeting next month with senior officials” to “a meeting will take place next month with senior officials”.
5. Page 8, Item 11.3, second paragraph, first sentence: change text from “latest email regarding 07.2 (page 67)” to “latest email regarding a subdivision application”.
6. Page 12, Item 12.5, first sentence: change text to “The Trustees discussed the cost recovery process.” (missing period).
7. Page 12, Item 12.5, second sentence: change text from “within permit development area for groundwater guidelines” to “within a development permit area for groundwater protection”.

3.2 *Section 26 Resolutions Without Meeting Log dated December 3, 2010: for information*

Received.

3.3 *Advisory Planning Commission Minutes, November 18, 2010*

Received.

3.4 *Advisory Planning Commission Minutes, December 2, 2010*

Received.

3.5 *Advisory Planning Commission Minutes, December 3, 2010*

Received.

4. BUSINESS ARISING FROM THE MINUTES

4.1 *Follow-up Action List dated December 6, 2010*

Planner Porter presented the Follow-up Action List.

Discussion followed on vehicle congestion at the Hornby Island ferry terminal. Trustee Law said that British Columbia Ferries has no plans to address this problem in the near term.

Chair Bell reported, regarding the proposed meeting with the K'omox First Nation, that the Denman Island Local Trust Committee has passed a resolution to put together a time, venue and budget for such a meeting. Staff will coordinate plans for this joint meeting with the Hornby Island Local Trust Committee.

5. CORRESPONDENCE

5.1 *Email dated October 13, 2010 from Karen and Dick Brown regarding Vacation Rentals*

Received.

1.2 *Email dated October 17, 2010 from Ron McMurtrie regarding Septic Field Setbacks*

HO-095-2010 It was **MOVED** and **SECONDED** that the email from Ron McMurtrie dated October 17, 2010 be taken into consideration in revising the Land Use Bylaw.

CARRIED

5.3 *Email dated November 29, 2010 from Amanda Zielinski regarding Damaging Actions to the Shoreline of Hornby Island*

Planner Porter said that this information has been forwarded to Bylaw Enforcement.

HO-096-2010 It was **MOVED** and **SECONDED** that staff be requested to communicate with Conservancy Hornby Island to advise them of the jurisdictions with respect to actions on the foreshore.

CARRIED

6. TRUSTEES' REPORT

Trustee Law reported meeting with the Royal Canadian Mounted Police (RCMP) Regional Director to discuss police services on Hornby Island in the coming year. He said that good resources will be in place to deal with summer incidents. Some actions were identified where the community can assist law enforcement. Trustee Law said that there would be an article upcoming in the First Edition about the importance of reporting incidents to the RCMP.

Trustee Law stated that he had attended a presentation given by the Raven Coal Mine proponents. Application Information Requirements have not yet been determined. Some areas of concern include the substantial amount of material that would be left on site, with long term effects for hydrology and Baynes Sound.

Trustee Law said that the British Columbia Ferries' plan for a cable ferry for the Denman Island crossing will require further community meetings. He said that the upcoming work on the ferry docks on Hornby and Gravely Bay will disrupt traffic for up to two weeks. This work will probably take place in October, 2011. The Association of Vancouver Island and Coastal Communities is working on information to be presented to the Minister of Transportation next March regarding ferry service and ferry fares. Final negotiations will take place with British Columbia Ferries between May and June of 2011. Trustee Law said that there has been some good press coverage reviewing the impact of ferry fares on coastal communities.

Trustee Law reported that he attended a meeting with officials from the Agriculture Ministry to discuss farm housing. He said that there is some resistance at the Ministry to facilitating the approving processes for farm housing. He also reported that the Standing Committee on Housing for the Comox Valley Regional District is working to develop a sustainable model for community housing in the Comox Valley.

Trustee Law mentioned the formation of the Hornby Island Educational Society Literacy program which will provide an informal forum to involve people who may not be aware of helpful government programs.

Trustee Hunt reported that he and Planner Porter had recently attended an informational meeting of the Islanders Secure Land Association. The Islanders Secure Land Association will be putting in applications to Islands Trust soon and working with the Island Planner at an early stage will be helpful for them.

Three members of the Hornby Island Advisory Planning Commission are completing their terms ending this month. The Local Trustees will write to thank them for their work and commend the value of that work for Local Trust Committee deliberations.

7. CHAIR'S REPORT

Chair Bell gave the Chair's report. She reported that the Islands Trust Executive Committee has met six times since the last regular business meeting of the Hornby Island Local Trust Committee. She detailed some of the many business items handled by the Executive Committee. Chair Bell and both local trustees attended the quarterly Trust Council meeting held last week in Victoria. At that meeting, the Staff Team in the Northern Office won the Outstanding Team award.

8. DELEGATIONS AND TOWNHALL

8.1 *Delegations*

None.

8.2 *Town Hall*

Fabrizio Cross said that he wanted to bring to the attention of the Local Trust Committee wording in Official Community Plan about a beaver dam and beaver habitat in Strachan Valley. He reported that there have not been any beavers in Strachan Valley or Ford Creek since 2005. He said that his family would like to have protective wording removed from the Official Community Plan regarding beavers in Strachan Valley.

Mr. Cross identified the following sections of the Official Community Plan as out of date in this regard: Section 3.2 Environmentally Sensitive Areas, point (a) of Important Habitat, Item 6; Section 3.4 after Background, Section 3.4.4 where it states that the area should be 'fully protected from disturbance'.

9. APPLICATIONS AND PERMITS

The Local Trust Committee decided to revise the agenda and address item 9.2 first.

9.2 *HO-RZ-2009.2 (Hornby Island Resort Ltd.) Report Following Public Hearing on Follow up Requirements from Applicant - Staff Report dated December 2, 2010 and Proposed Bylaw 141*

Planner Porter gave a follow-up report from the public hearing on this application.

DRAFT

Trustee Law asked if third reading could be given and subsequently receive assurance of required covenants in order to eliminate delay. Planner Porter said that third reading usually results in referral to the Executive Committee. He said that one option is to consider third reading on the basis that covenants will be carried through as planned. Any change to that plan could trigger a revised third reading.

Trustee Hunt asked about the effect of changes to the location of the proposed parking lot. Planner Porter replied that if the revised design is in compliance with the zoning bylaw, then it would be okay. The same level of parking provided in a different way would not require a bylaw amendment.

John Ross said that progress on the application has been very slow.

Chair Bell said that the Executive Committee has taken time to consider the proposed bylaw. The Local Trust Committee has not held up the application.

John Ross wanted to know why the covenants cannot be addressed at the time of the development permit.

Planner Porter said that the covenants can demonstrate that the issues identified by the Executive Committee have been addressed. The cost recovery agreement can still allow the applicant to have his own lawyer draw up the covenant and refer it to the Islands Trust if the applicant wishes.

Chair Bell said that a covenant gives a higher level of assurance to decision making bodies. A covenant is a much more rigorous process than a development permit.

A general discussion of the staff recommendations followed.

HO-097-2010

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee requests staff to enter into a cost-recovery agreement with the applicant for HO-RZ-2009.2 (Hornby Island Resort Ltd.) so that Island Trust legal counsel may draft a covenant to address issues of conservation and sustainability; and

That the Hornby Island Local Trust Committee requests that staff advise the applicant for HO-RZ-2009.2 (Hornby Island Resort Ltd.) that it requires that the covenant to address issues of conservation and sustainability be tabled for consideration by the Local Trust Committee prior to referral of the bylaw 141 to the Executive Committee for approval.

CARRIED

HO-098-2010

It was **MOVED** and **SECONDED** that Bylaw 141 cited as “Hornby Island Land Use Bylaw No. 86, 1993, Amendment No. 1, 2010” be read a third time.

.CARRIED

9.1 HO-SUB-2010.6 (Wai/VanGelder) – Request for Exemption from 10% Frontage Requirement - Subdivision Referral Report dated November 30, 2010

Planner Porter presented the subdivision referral report.

HO-099-2010

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee, pursuant to Section 944(2) of the Local Government Act, hereby grants exemption from the 1/10 perimeter provisions of Section 944(1) of the Local Government Act for Lot A of the proposed subdivision plan for Lot 4, Section 11, Hornby Island, Nanaimo District, Plan 28020 (4005 Roburn Road, Hornby Island)..

CARRIED

9.3 HO-ALR-2010.1(Downes Point) Update

Planner Porter presented the report on the Downes Point Agricultural Land Reserve Application.

Discussion took place regarding the report and recommendations. Chair Bell observed that the application is compliant with the Official Community Plan, however the referral will take time as the Agricultural Land Commission is short staffed.

HO-100-2010

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee instruct staff to forward application HO-ALR-2010.1 to the Agricultural Land Commission with the following comments: “That the Hornby Island Local Trust Committee’s review of this application confirms that exclusion and inclusion of equivalent areas of land would be in compliance with Official Community Plan policy, subject to Agricultural Land Commission approval. The local trust committee advises, for purposes of information and not to suggest approval or disapproval of the exclusion, that exclusion of the proposed area from the Agricultural Land Reserve would facilitate management of the existing residential values and that the Local Trust Committee is prepared to consider ongoing zoning regulations that would allow for ongoing agricultural use of the area proposed for exclusion and to rezone the land proposed for inclusion as ‘Agriculture. ”

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

The Local Trust Committee decided to reverse the order of the two following items.

10.2 *HO-OCP-2009.2 Accessory Vacation Rental Enforcement Policy Staff Report dated December 15, 2010*

Bylaw Enforcement Coordinator Drew presented his report.

Discussion of the report from Bylaw Enforcement Coordinator Drew followed.

Planner Porter said that, from a planning prospective, the advantage of having a good policy in place is that it would bring clarity to the short term vacation rental issue and define boundaries so that land use policy can guide rather than follow development.

Further discussion took place on the possibility of batch processing of Temporary Use Permits for short term vacation rentals.

HO-101-2010

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request staff to bring to the next Local Trust Committee meeting a report outlining further additions to the Short Term Vacation Rental bylaw enforcement policy proposed on October 13, 2010 that would identify an implementation process and time and would outline a possible process for improving Temporary Use Permit and Rezoning processes.

CARRIED

Chair Bell recessed the meeting at 3:40 pm.

Chair Bell reconvened the meeting at 3:45 pm

10.1 *HO-OCP-2009.1 Official Community Plan/Land Use Bylaw Memorandum dated December 15, 2010*

Planner Porter presented changes proposed by the Advisory Planning Commission to the Official Community Plan for the Local Trust Committee's consideration.

Discussion of possible paths for completion of the Official Community Plan and Land Use Bylaw followed. The Local Trust Committee expressed a commitment to completing the review of the Official Community Plan and Land Use Bylaw within the current Committee term.

HO-102-2010

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee request that staff amend the draft Hornby Island Official Community Plan as discussed at the December 15, 2010 meeting of the local trust committee, and

That the Hornby Island Local Trust Committee direct staff to proceed with work on the draft Hornby Island Official Community Plan and the draft Hornby Island Land Use Bylaw in accordance with the principles and objectives outlined by the Terms of Reference endorsed by the Local Trust Committee on November 16, 2009 that provides that consideration of a draft Official Community Plan and Land Use Bylaw occurs concurrently, and

That the Hornby Island Local Trust Committee endorses a revised timeline for consideration of a draft Official Community Plan and Land Use Bylaw in accordance with the schedule agreed upon at the December 15, 2010 meeting of the Hornby Island Local Trust Committee.

CARRIED

11. REPORTS

Consideration of the following reports was postponed until the next regular business meeting.

11.1 Strategic Plan for Local Trust Committees

11.2 Work Program Reports

Top Priorities Report and Projects List Report dated December 6, 2010

11.3 Applications Log

Report dated December 6, 2010

11.4 Trustee and Local Expenses

11.4.1 Expenses posted to October 26, 2010

11.4.2 Expenses posted to November 24, 2010

11.4.3 Local Trust Committee Expense Account Review to March 31, 2011

12. NEW BUSINESS

12.1 Comox Valley Regional District Bylaw Referral – Bylaw 139

Memorandum dated November 30, 2010

HO-103-2010

It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee advise the Comox Valley Regional District in response to its referral of Bylaw 139 that its interests are unaffected by the proposed bylaw.

CARRIED

12.2 *Consideration of Budget Allocations for Riparian Area Regulations and Communications for Greenhouse Gas*

Trustee Law distributed a draft document to communicate with the community on climate change as it relates to the Official Community Plan.

Discussion followed on how to possibly create a pamphlet and print and distribute it. Planner Porter said that staff can set up a contract for formatting and printing once content has been finalized.

12.3 *Local Trust Committee Proposed Meeting Schedule*

Discussion took place and consensus was reached by the Local Trust Committee for the proposed meeting schedule and to set regular meeting start times in 2011 to 12:15 pm.

12.4 *Building Code and Potable Water*

Trustee Law said that he would provide further information on this subject to the Local Trust Committee.

13. BYLAWS

None.

14. ISLANDS TRUST WEBSITE

14.1 *Hornby Page*

The Hornby Web Page was not reviewed at this meeting.

15. NEXT MEETING DATE

The next Local Trust Committee regular meeting will take place on Friday, February 18, 2011 at 1:30 pm in the New Horizons, 1765 Sollans Road, Hornby Island, BC

16. CLOSED MEETING

HO-104-2010 It was **MOVED** and **SECONDED** that the Hornby Island Local Trust Committee close this meeting to the public subject to section 90(1)(g) of the Community Charter, and further that Brodie Porter, Island Planner, and Barbara Baird, Recording Secretary, remain present.

CARRIED

The meeting was closed to the public at 5:36 pm.

17. RECALL TO ORDER

Rise and Report from Closed Meeting

The Hornby Island Local Trust Committee reopened this meeting to the public at 5:39 pm.

18. ADJOURNMENT

Chair Bell adjourned the meeting at 5:40 pm.

Recorder

Chair



Islands Trust

Print Date: Feb-08-2011

RWM From: December 04, 2010 To: February 08, 2011

Hornby Island

Resolution #	Action	Resolution Description	Resolution Date
2011-03	In Favour	"That the Hornby Island Local Trust Committee requests staff to arrange for funds provisionally available for the Hornby Island LTC to conduct communications on Riparian Area Regulations to be made available to the Salt Spring Island Local Trust Committee for this purpose, noting that RAR mapping has not been finalized for the Hornby Island Local Trust Area (and that a very small number of Hornby property owners would likely be affected by such regulations) while there is a substantial need for such communications in the Salt Spring Local Trust Area."	Jan 27, 2011
2011-02	In Favour	THAT the Hornby Island Local Trust Committee approves the attached Section 946 covenant for HO-SUB-2010.5 (Warwick and Doss) and that the Local Trust Committee designates the Chairperson as the signatory to execute the covenant.	Jan 17, 2011
2011-01	In Favour	"THAT the Hornby Island Local Trust Committee instructs staff to enter into a cost recovery agreement allowing Islands Trust legal counsel to draft a Section 946 Covenant for Subdivision application HO-SUB-2010.2 (Tuele)."	Jan 07, 2011
2010-12	In Favour	"That the Hornby Island Local Trust Committee anticipates extraordinary costs for the remainder of the 2010/11 budget year for communications in association with the Short Term Vacation Rental project and to hold remaining Local Trust Committee and Advisory Planning Commission meetings where the Official Community Plan and Land Use Bylaw review will be part of the agendas, and requests that \$1550.00 be transferred from the Hornby Official Community Plan and Land Use Bylaw expense budget to the Hornby Island Local Trust Committee Expense budget for such extraordinary costs."	Dec 23, 2010

2010-11	In Favour	"That Elaine Antilla, Ross Muirhead, and Greg Moyles be appointed to the Hornby Island Advisory Planning Commission for a three-year term starting January 1, 2011, and ending December 31, 2013"	Dec 23, 2010
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Islands Trust

Follow Up Action Report w/ Target Date

Hornby Island Mar-17-2010

No.	Activity	Responsibility	Target Date	Status
1	HO-OCP-2009.1 (OCP and LUB review project)	Brodie Porter	Aug-25-2010	On Going

Resolution: request staff to implement changes to draft OCP and LUB versions 1 March 2010 as identified in the meeting.

Resolution:LTC expresses interest in Toby Islet, Norris Rocks and Flora Islet being rezoned from Rural Residential to Park as part of the OCP and LUB review process and request staff to prepare a report on the conservation values of the islets and to consult with their owners.

Report back to LTC on APC resolution and recommendations (see APC minutes); respond to APC request for more information. Staff to advise LTC on s946 subdivision resolution; respond to APC recommendations regarding build out map.

Aug-25-2010

No.	Activity	Responsibility	Target Date	Status
2	OCP policy 6.3.4.1 is to be a subject of discussion with staff advice during OCP review process.	Brodie Porter		On Going

Oct-13-2010

No.	Activity	Responsibility	Target Date	Status
6	Request Ministry of Attorney General to designate the Hornby LTC as a local government under the Local Government Bylaw Notice Enforcement Act and to enact a regulation under Section 29 of said Act to apply the Act to the LTC.	Miles Drew		On Going

Dec-15-2010

No.	Activity	Responsibility	Target Date	Status
1	Hornby Land Use Bylaw - consider Ron McMurtrie's comments regarding septic fields expressed in his Oct 17, 2010 email when drafting the proposed LUB.	Brodie Porter		On Going
2	Staff requested to communicate with Hornby Conservancy to advise them of the jurisdictions with respect to actions on the foreshore in response to their email of Nov 29, 2010.	Brodie Porter		Done
3	HO-RZ-2009.2 (Thatch) Cost recovery agreement authorized to draft a covenant to address issues of sustainability and conservation and that the covenant be tabled prior to referral of bylaw 141 to Executive Committee.	Brodie Porter		On Going
4	Bylaw 141 read a 3rd time	Jacque Hill Brodie Porter		Done
5	HO-SUB-2010.6 (Wai/VanGelder) - 10% frontage exemption granted.	Brodie Porter		Done
6	HO-ALR-2010.1 Downes Point - refer to the ALC with comments as per resolution of LTC.	Brodie Porter		Done
7	Staff to bring to next LTC meeting a report outlining further additions to STVR enforcement policy proposed on Oct 13, 2010 that would identify an implementation process and time and would outline a possible process for improving TUP and rezoning processes,	Miles Drew Brodie Porter	Feb-18-2011	Done
8	HO-OCP-2009.1 - Staff to amend the draft OCP as discussed at Dec 15, 2010 meeting; proceed with work on draft OCP and LUB in accordance with Nov 16 2009 terms of reference that provides an OCP and LUB concurrently; and revised timeline dated Dec 15, 2010 is endorsed.	Brodie Porter		On Going
9	CVRD Bylaw 139 - Advise CVRD that interests are unaffected by the proposed bylaw.	Brodie Porter		Done
10	GHG and RAR Budgets - proposed Climate Change pamphlet to be considered and staff asked upon completion of draft to contract for formatting and printing of pamphlet. RAR budget to be reconsidered at next LTC meeting.	Chris Jackson Brodie Porter		On Going

From: kati marshall [mailto:katimarshall@yahoo.ca]
Sent: Wednesday, January 19, 2011 03:50 PM
To: Fred Hunt; Tony Law; Louise Bell
Subject: NO TO BYLAW ENFORCEMENT POLICY FOR STVR'S

HELLO TONY, FRED AND LOUISE,,
 I AM A HORNBY RESIDENT FOR 32 YEARS, LAND OWNER AND SMALL
 BUSINESS OWNER, THAT VERY STRONGLY OPPOSES ANY REGULATION
 FOR STVR'S..
 I HAVE RENTED MY HOME, AT CONSIDERABLE WORK AND EFFORT, FOR 4
 YEARS TO OFFSET THE COSTS OF MAINTAINCE AND HOME
 IMPROVEMENTS,,,AND FEEL THAT WE SHOULD BE ABLE TO O WHAT WE
 WANT WITH OUR OWN HOME,,,,,,
 THE REASON I MOVED TO THE ISLAND WAS BECAUSE OF THE FREEDOM TO
 DO WHAT WAS NEEDED WITHOUT A LOT OF REGULATIONS AND BYLAWS..
 I THINK BRINGING IN THIS REGULATION WILL ERY ADVERSELY AFFECT
 MANY PEOPLES LIVES THAT DEPEND ON THIS INCOME TO BE ABLE TO
 AFFORD TO LIVE HERE, THESE ARE IMPORTANT PEOPLE THAT WOULD
 PROBABLY HAVE TO SELL IF THESE BYLAWS ARE PUT INTO PLACE, I HAVE
 ALSO HEARD PEOPLE WILL, BAND TOGETHER AND CREATE A CIVIL
 DISOBEDIENCE MOVEMENT.....
 I PERSONALLY DID NOT VOTE FOR TONY IN THE ELECTION WHEN THIS
 ISSUE WES FIRST ON THE TABLE FOR HIM WANTING REGULATION...
 PLEASE, PLEASE, YOU ARE STIRRING UP A HORNETS NEST BY TRYING TO
 GO AHEAD WITH THIS, AND QUITE POSSIBLY TEARING THE VERY FABRIC
 OF WHY WE LOVE HORNBY, AS WELL AS FORCING MANY FOLKS TO
 MOVE....
 AS FOR THIRD PARTY MANAGEMENT, THE YEAR I TRIED THAT IT WAS A
 TOTAL DISASTER....INCOMPETENT BEYOND BELIEVE,, IHAVE HEARD
 MANY SIMILIAR STORIES.. THANK YOU FOR LISTENING..
 YOURS TRULY , KATI MARSHALL. 250-335-0885

From: arobdsmith@shaw.ca [mailto:arobdsmith@shaw.ca]
Sent: January-28-11 2:49 PM
To: holtcwebmail
Subject: Hornby Island Local Trust Committee



Islands Trust

Preserving **island** communities, culture and environment.

January 28, 2011

From: amy robertson
Email: arobdsmith@shaw.ca

Subject: Hornby Island Local Trust Committee

Hi there. It has come to my attention that Islands Trust may be putting an end to short term vacation rentals on Hornby Island. I think that is a very short-sighted thing to do. A large percentage of Hornby residents are able to maintain and pay taxes on their properties by summer rentals.

Without the influx of summer visitors and income, the whole dynamic on the island would change, creating an elite community. The middle class community would leave, leaving working poor and the rich. Not a great mix.

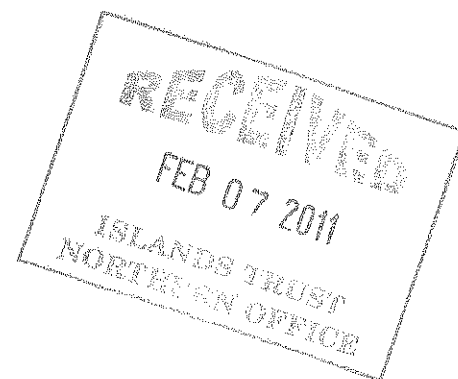
I hope you will reconsider. My husband and I have been coming to Hornby almost every summer since 1984.

Cheers, Amy Robertson

www.islandstrust.bc.ca

February 7, 2011

Louise Bell, Chair
Hornby Island Trust Committee
Denman Island, B.C.
V0R 1T0 Fax: 250 247 7514



Dear Ms. Bell:

Thank you for the invitation to submit comments on the Draft Staff Report on short term vacation rentals.

Three main concerns were raised at the last Water Stewardship meeting:

- Treating bylaw enforcement as an "option" continues to be a frustration in all areas of protection on this island, but especially with regard to the quality, quantity and extraction of groundwater. Bylaw enforcement needs to be applied equally to all properties. We believe that that is the job of The Islands Trust.

- Attaching restrictions to the size of the property is arbitrary and, in our view, does not work. Restrictions should consider the number of people occupying the property, and should consider proof of effective sewage treatment adequately sized for the number of people occupying the property. Winter rainfall on Hornby, as our studies have proved, moves fecal coliform downhill in significant quantities. As an example, a steeply sloped ten-acre property, with little or no adequate sewage treatment, where the occupied area is adjacent to and up hill from neighbouring properties and is periodically occupied by many people is as much a problem as small properties with well-maintained effluent treatment regulated by a permit or a TUP. All properties used for short term vacation rentals should be required to treat effluent in a manner that protects groundwater. Working in co-operation with Environmental Health to develop and allow effective alternative systems could alleviate costs.

and

2

- Stating that fees for a permit or a TUP would be "onerous" puts the value of the income for the property owner above the value of protection of groundwater. The costs for all other services provided on short-term rental properties, such as hydro, internet, telephone, etc., are factored into the rent (in some cases above \$1200 per week). Those services do not have the potential to affect the health and safety of residents. Lack of groundwater protection regulations and enforcement does. An option would be to lower the fees for permits or TUPs and require compliance.

Further, there is nothing in the Bylaw Enforcement Coordinator's Report defining '**health**' (p.2, part 1, #5), but '**health**' is a trigger for enforcement (p.3, #9). **Water Stewardship's** purpose is to provide information and take action that protects the health and safety of Hornby Island's groundwater, and we continue to request that effective, approved effluent treatment be recognized as the top priority in Short Term Vacation Rental decisions!

The lack of Islands Trust bylaw enforcement is equal to the lack of provincial government groundwater regulation. The frustration of Water Stewardship volunteers who are not "just an interest group" and who have spent sixteen to eighteen years working on education and encouragement to protect groundwater on Hornby is, no doubt, apparent. There are some areas where voluntary compliance is inadequate and water protection is one of them. If it were possible to do without regulations and enforcement, we would be heartened, but human behaviour isn't proving encouraging.

Tourism is the core of our island's economy. This would not be possible without access to adequate amounts of clean water. We must find ways to work together to manage and protect our precious water resources to ensure a healthy environment for residents and tourists into the future.

3.

Thank you for this opportunity to contribute to the Staff Report. We sincerely hope that Bylaw Enforcement will study our reply as diligently as we examined its report.

Sincerely,
Hornby Water Stewardship Project

Betty Fairbank, Cathie Howard, John Howard, Judith Lawrence,
Ellen Leslie, Mary MacKenzie, Rudy Rogalsky, Bob Sarti, Muggs
Sigurderson, Paddy Tsurumi

cc: Fred Hunt, Hornby Trustee
Tony Law, Hornby Trustee

----- Original Message -----

From: [Nicki Johansen](#)

To: [Fred Hunt](#)

Cc: [Tony Law](#)

Sent: Wednesday, February 09, 2011 8:46 PM

Subject: STVR's

To the Hornby Island Trustees for your consideration prior to the LTC meeting on Feb. 18th 2011.

Firstly I wish to state that I rent my home on Hornby Island to visitors in the summer, mostly 2 to 4 people only and I am a small business owner year round.

I understand that it is not a legal requirement for local government to enforce it's bylaws and I therefore ask that you consider the economy as the primary issue here. Summer house rentals promote the current healthy local economy that supports a thriving community. Local businesses can increase their profit margins during the " rental season" and are then able to provide full service to year round residents for the remainder of the year.[ie The Coop] Even people who are not directly employed by a homeowner who is providing summer accomodation are in fact receiving spin-off benefits from this activity. 7 people benefit directly from my own rental activities.

"An Even Playing Field" has been promoted [Emmerson, Law and Drew] between commercially zoned accomodation businesses and visitor accomodation on residentially zoned properties. The LTC has never pursued this concept in other areas of business on the island - why single out home rentals.

I write in support of the summer visitors who will have nowhere to stay if their favourite home-away- from-home becomes unavailable due to local legislation. They do not have the option of staying at a commercial resort since they are all without vacancies in the summer.

"STVR's do not fit the home occupation definition" [Drew] Perhaps they could be made to fit when the official community plan is revised?

" Residential use and character of residential zones"

I believe that my home and others like it that are situated on acreage, is infinitely more peaceful now that I have 2 to 4 guests in the house than when my 4 children were living at home with all their friends!

" Changing characteristics of the rental industry" [Brodie]

I have been renting my home here on Hornby for 20 years and in that time have made no changes in how I organise this and the restrictions I place on the use of my home in order to retain the rural residential nature of my property. Since I am present on the property I would be the first to know if water resources were being over used and the problem would be dealt with immediately.

"Threshold of enforcement activities could be health and safety issues or nuisance for the neighbours"

As I have stated before I believe that health and safety issues belong in the pervue of the householder's insurer. I feel strongly about this even though I have already been informed that there are vacationers who are willing to stay in uninsured homes.

The issue of adopting new bylaw enforcement policies has become a monster. It consumes much of our time that could be better spent on other deserving community activities such as provision of food and housing. It's been going on for far too long - some of the people involved in the crowded meetings in the past decade are now no longer with us. I appreciate that you are both committed to continued community input but I feel that I am merely making the same points repeatedly. We are all aware of properties that have triggered complaints to the Trust about noise or other unacceptable activities by summer renters and I believe that these occurences were when the owner was absent from the property. I would therefore suggest that whatever the outcome of your decision making, properties, especially acreage, where the owner is in residence during the rental period, should be exempted.

Respectfully submitted, Nicki Johansen.



STAFF REPORT

February 9, 2011

File No.: HO-OCP-2009.2

To: Hornby Island Local Trust Committee
For meeting of Feb. 18, 2011

From: Brodie Porter
Island Planner
Northern Team

CC: Chris Jackson
Regional Planning Manager, Northern Team

Re: Short Term Vacation Rental Implementation

THE PROPOSAL:

The purpose of this report is to address the LTC resolution of Dec 15, 2010 requesting examination of options for improving Temporary Use Permit and Rezoning processes and to provide information and an outline of any issues associated with Trustee Law's submission dated January 19, 2011(attached to the agenda as item 11.1.2) and other options.

The term "Short Term Vacation Rental" (STVR) is used in this report to be inclusive of any form of vacation rental. The terms "Vacation Home Rental" and "Commercial Vacation Home Rental" are also used to distinguish between a level of home rental that might be authorized on a residential property compared to a use that requires a temporary use permit or rezoning.

STAFF COMMENTS:

For convenience of discussion it is suggested that there are five categories associated with the discussion of STVR use on Hornby Island as follows and summarized in the subsequent table:

1. Residential land use with no option for any form of STVR use
2. Residential land use with STVR activity that is generated by word of mouth is primarily targeted to friends and relatives and is relatively infrequent and is interpreted to be part of the nature of residential land use.
3. STVR use that can be advertised is potentially managed by persons other than the owner of the property and is potentially of a more frequent nature than category 2 and is interpreted to be part of the nature of residential land use.

4. STVR use as per category 3 permitted as a separate permitted land use in residential zones. (I.e. it is not considered part of the nature of residential land use)
5. STVR use as per category 3 is permitted only through approval of a temporary use permit or by rezoning of the property.

Category	1	2	3	4	5
	Residential Land Use No STVR	Residential Land Use includes STVR use by word of mouth for Friends, relatives	Residential Land Use includes STVR use via advertising etc.	STVR use as separate stand alone permitted use in residential zone	STVR via TUP or Rezoning
Role of Enforcement Policy	No new policy	New enforcement policy defines limits	New enforcement policy defines limits	No new policy	No new policy
Bylaw Requirements	No action	No action	Bylaw amendments required Trust Policy issues	Bylaw amendments required Trust Policy issues	Bylaw amendments required

The fundamental issues relate to the concept of residential land use. Staff has asserted that residential land use does not allow for a commercial level of STVR use and that the Hornby Island OCP upholds the concept of residential land use in identified areas. This perspective arises from the traditional concept of residential land use and how such use is addressed on most islands within the Islands Trust. This may not preclude some form of vacation home rental as per category 2. Such vacation home rental use could be interpreted as a traditional part of residential land use.

The challenge is that category 2 use cannot be articulated in bylaw language in specific terms without potentially enabling land use activity of a greater scale than might otherwise be intended. The use of a bylaw enforcement policy, as is applied in some other LTC areas (North Pender, Mayne, etc) can be used as an effective tool to separate the commercial level of activity from that which might be considered an acceptable element of category 2 use.

The counter argument raised by some supporters of STVR use is that Hornby Island has had a long tradition of allowing residential areas for a range of STVR uses and that such use has now been entrenched sufficiently to be realized as part of the economic and social character of Hornby Island. STVR use in this discussion includes both category 2, 3 and 4 proposals. The argument offered is a broader range of STVR use,

within defined limitations, is an acceptable form of use in residential areas on Hornby Island.

The counter argument, while it may place Hornby Island in a unique position relative to other islands within the Islands Trust, suggests a revised vision for Hornby Island to that which is stated in the current OCP. It is dependent on community opinion in support of such a proposal and compliance with Trust Policy. Staff is not taking a position for or against the concept of STVR use in this report but is responsible for raising the issues that arise from any course of action that the LTC may choose to undertake.

Staff is not in a position to gauge community support, but staff can raise an identification of issues so that Trustees and the community are informed as debate continues.

Issues

Timing of Consideration

The LTC has previously discussed the timing of consideration of the STVR issue relative to the OCP review. While the current norm of STVR activity on Hornby Island does not significantly impact the achievement of existing OCP goals, any decision that entrenches some form of right to STVRs can potentially alter the social and economic character of the island, depending upon how it is enacted and depending upon market forces. If one examines some existing popular resort areas, it is not uncommon to identify unanticipated consequences of land use decisions, including the alteration of existing residential areas. This comment is raised not to cast judgment on the appropriateness of such potential impacts, but rather to suggest that the issue is of sufficient significance that it will influence many other planning issues on the island, including the fundamental question of what residential land use is.

It is recommended that the STVR issue be addressed before the OCP and LUB review progresses much further.

Trust Policy Statement

Any bylaw that is advanced for consideration must be in compliance with the Trust Policy Statement. The Executive Committee of the Islands Trust, pursuant to section 27(1) of the *Islands Trust Act* must approve any bylaw proposals and they must be satisfied, pursuant to section 15(4) of the *Act* that the proposed bylaw is not contrary to or at variance with the Trust Policy Statement.

Excerpts from Islands Trust Act

15 (4) A bylaw

(a) submitted to the executive committee under section 27(1) or 38(1), or

(b) referred to the trust council under section 27(3) or 38(3)

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

27 (1) A local trust committee must, before adoption, submit its bylaws to the secretary for approval by the executive committee.

A review of Islands Trust Policies suggests that there are some issues that arise in considering any form of outright approval of a STVR.

Any concept that allows for an STVR without a requirement of a Temporary Use Permit or rezoning relates to the following Trust Policy Statement policies:

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

Comment: If an STVR is permitted on a lot adjacent to agricultural lands, the question arises as to whether such use creates any adverse affect on the adjacent agricultural land. Zoning regulation can establish increased setbacks or other types of regulations on lots adjacent to agricultural lands to mitigate impacts but any behaviour or residents or STVR occupants cannot be regulated by zoning.

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

any adverse affects on agricultural land.

Comment: The limitation of the intensity of STVR use to levels comparable to bed and breakfast use should ensure that there is no increase in intensity at a site level. There would not be any control density of STVR use at a community level, unless zoning regulations restricted STVRs to specific locations.

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.

Comment: While there may be no alteration to aesthetic or environmental considerations, any increase in STVR activity may be seen as an alteration to the social framework, especially within residential areas.

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.

Comment: There is no means whereby retention of the residential nature of land can be guaranteed if STVR's are permitted. It is possible that a STVR land use can grow on Hornby Island at the expense of residential or other land use. This phenomenon is not uncommon in recreational areas where the demand for short term accommodation exceeds available supply and local residences are acquired to provide for such accommodation. Evidence from other resort areas is that such changes in land use may impact resources and community character.

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.

Comment: The proposal does create economic opportunity but at what expense to area resources and community character?

5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Comment: If STVR use expands, it may be at the expense of existing residential accommodation or as an addition to residential use. This change of use may alter requirements for certain types of community facilities and reduce the availability of residential housing stock. It challenges the ability of the local trust committee to address projected housing requirements.

It is suggested that options 3 and 4 would be contrary to Islands Trust Policy and any bylaw amendments advanced under such concepts would not qualify for approval by the Executive Committee.

Official Community Plan

The previous staff report dated September 9, 2010 discussed the relationship of STVRs to the objectives and policies of the OCP. Fundamentally the issue is whether an STVR

is compatible with the OCP objectives. Previous staff reports advise that amendments are required to the OCP to allow for STVR use at commercial scales if they are to be stand alone uses.

It is important to note that it is not just the perception of an existing acceptable level of STVR use that would under discussion, but also what potential exists for STVR use. Allowing an STVR use in residential zones without some form of land use control as to island density and site specific management can potentially alter the community character of Hornby Island so as to become more of an island resort community. Amendments to section II of the OCP with respect to primary objectives and policies that establish the vision for Hornby Island would have to be redrafted to illustrate a modified character for the island.

Land Use Bylaw

The land use bylaw at present does not allow for STVR land use. There are various concepts with respect to how STVRs might be addressed in a land use bylaw and they are outlined below together with comment:

- a. STVRs are part of a residential land use. This is perhaps a reflection of some of the traditional activities of owners providing their homes as vacation home rentals. While the use is not permitted in land use bylaws, enforcement policy can provide that enforcement resources are only allocated if the use crosses a threshold that establishes a commercial character to the use. The distinction is commonly defined by whether the occupancy of the STVR is established by “word of mouth” to friends and relatives or whether there is advertising and 3rd party management that establishes a commercial character to the enterprise.
- b. STVR is a home occupation. This requires an owner to live on the property while the STVR land use exists. It can only work if there are two permitted dwellings on the lot and the owner resides in one dwelling and STVR use exists in the second dwelling.
- c. STVR is an accessory land use. Accessory land use demands that the primary land use continue on the property. The concept of STVR use is that residential land use is discontinued for the duration of STVR land use. STVR land use therefore cannot be accessory to residential land use.
- d. STVR land use is a stand alone permitted land use. This would require authorization either by a TUP or by blanket permitted zoning in all residential zones or by rezoning on a property by property basis. Blanket zoning that authorized STVRs in all residential zones is considered to be contrary to Trust Policy.

Trustee Law’s Proposal/ Improvements to Process

An analysis of Trustee Law’s proposal suggests that residential vacation rentals be permitted on properties limited to seasonal use, to a minimum rental period and to

occupant levels according to the size of the lot. Reference was made to the lot size standards currently used for Bed and Breakfasts, which currently regulates number of permitted bedrooms but suggested bylaw language regulates the total number of persons that may be accommodated based upon lot area.

The suggestion is that such a proposal would allow vacation rental use at a level comparable to existing residential use; that does not compete unduly with commercial zoned visitor accommodation providers, and addresses water consumption at levels comparable to existing permitted uses of residential and B & B use.

The following analysis is provided:

a. Regulation by Number of Bedrooms vs. Number of Persons

The current Bed and Breakfast regulations regulate occupancy by limiting the number of bedrooms that can be occupied based upon lot size. Such an approach is effective in a practical sense in that it establishes a practical limitation on the number of persons that can be accommodated and is easily measurable and enforceable. It is possible that several people could occupy a single bedroom, but this is not anticipated to be a common occurrence especially since the B&B operator is impacted by such high occupancy. In addition, it is generally expected that an occupant of a B&B will not expect to accommodate visitors, unless as separate B&B occupants.

Regulating the number of persons that may occupy an STVR can be enacted in a bylaw, but the realities of enforcing such a regulation are uncertain. There is also an issue of who is to be counted as an STVR occupant. The advantage of an STVR is that it can accommodate families or groups of friends and the setting up of an STVR (bringing in food to cook etc) suggests a longer stay (e.g. one week). With longer stays occupants may wish to invite friends or relatives to visit, even if it is just for the day, or potentially overnight. The enforcement issues associated with determination of the number of persons occupying the structure are open to question. If the number of persons cannot be practically regulated, then there is some potential for more serious impacts on water supply.

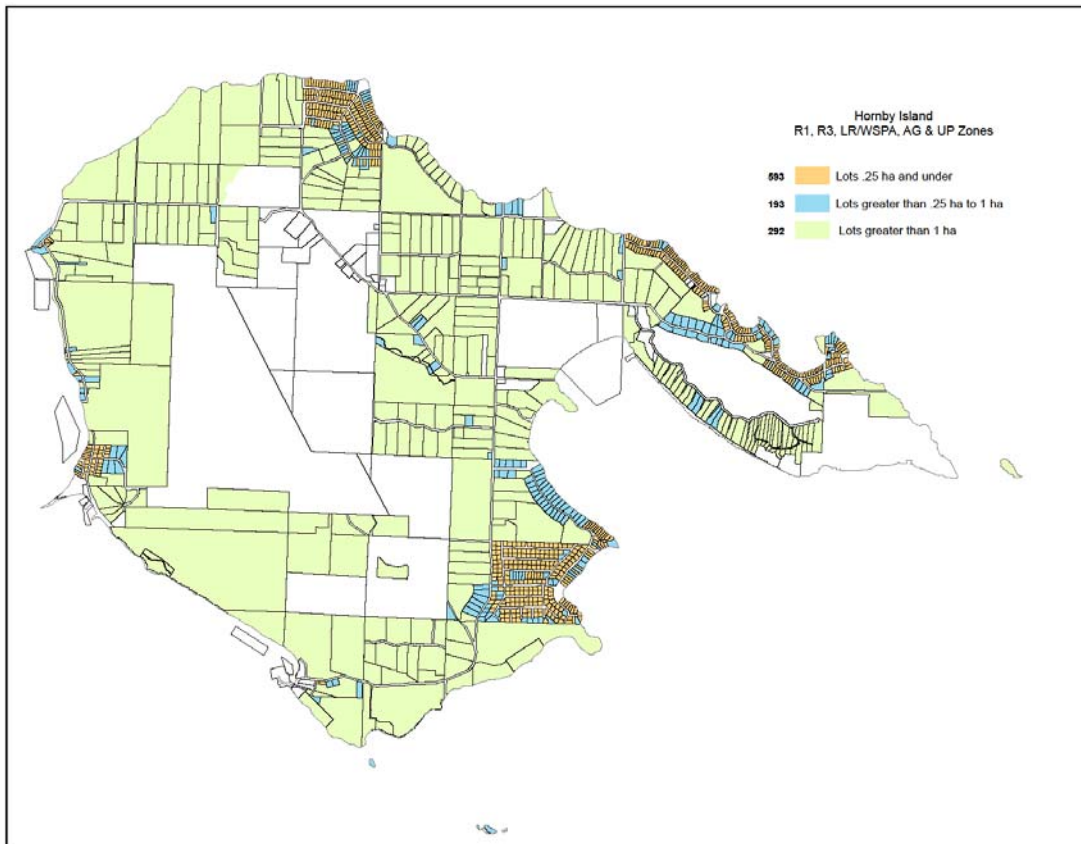
b. Potential Allocation of Vacation Home Rentals

Based upon the current Bed and Breakfast regulations that allow for occupancy of one bedroom for lots less than 0.25 hectares, two bedrooms for lots greater than 0.25 hectares up to one hectare and three bedrooms on lots greater than one hectare, the following allocations are identified:

Lot size	Number of lots	# of bedrooms permitted based on B & B regulations
Less than 0.25 hectares	593+/-	1

>0.25 ha – 1 ha.	193 +/- (approx 56 are waterfront)	2
>1 hectare	292	3

The following map identifies the location of the properties where Bed and Breakfasts are permitted based on lot size:



b. Practical Implication of Using B & B Guidelines for Vacation Home Rental Use

In practical terms restriction of a vacation home rental to use of one bedroom may not be realistic. Many homes will have more than one bedroom and the appeal of a vacation home rental is that it can accommodate families or a group of friends that require more than one bedroom. Visitors of the users of the vacation home rental may also want to visit and stay overnight, thus requiring additional bedrooms. Use of two bedrooms may also be limiting to users, but can accommodate a broader range of interests. Lots over one hectare are best able to accommodate the vacation home rental use.

If number of bedrooms is to be considered a regulating factor, it might be appropriate to allow for one additional bedroom, which would otherwise be occupied by an owner if it was a B&B use. Occupancy levels would then be

generally equivalent to those found in a B & B. Number of bedrooms would be permitted to the following levels:

Lot size	Number of lots	# of bedrooms permitted based on B & regulations
Less than 0.25 hectares	593+/-	2
>0.25 ha – 1 ha.	193 +/- (approx 56 are waterfront)	3
>1 hectare	292	4

c. Allowing Commercial Vacation Rentals through TUP

Commercial vacation home rentals that exceed what is permitted as a vacation home rental could be considered through application for a temporary use permit.

The limitations on use of a vacation home rental may trigger a requirement for applications for temporary use permits. It is not anticipated that there will be significant local community support for such TUPs as area residents may see such use as eroding the residential character of their area.

The LTC will have to examine whether the granting of such a TUP is of sufficient broad community benefit so as to outweigh any local area objections that may arise.

d. Means to improve Temporary Use Permit Process

A temporary use permit currently requires an application be submitted together with the current application fee of \$1100 (\$165 for renewal) and a process of notification of neighbours and consideration of the application by the local trust committee. Currently these applications are placed in an application queue and are processed as staff resources become available.

Means to facilitate the processing of TUPs for commercial vacation home rentals could include:

- i. development of a standard TUP template for commercial vacation home rentals with a section to address any variances to the standard requirements.
- ii. dedication of certain times and LTC meetings to provide for decisions on TUP applications in a timely manner. For example if most operators wish to initiate their use in April of each year, the LTC could dedicate a meeting

in March to the consideration of any TUP application that have been received by February 1 of each year. The exact timelines could be determined in consultation with the operators. Advertising on the Islands Trust website could outline time frames for such purposes.

- iii. The local trust committee could review its application fee as economies of scale may be derived from such batch processing.

In order to guide the LTC in consideration of such applications and in order to advise applicants as to whether they should apply for a TUP, legislation requires that areas be designated and general conditions regarding the issue of TUPs be established in the OCP or LUB. Conditions would have to be identified that stipulate where a TUP may be suitable for issue and under what conditions a TUP may not be appropriate. Criteria such as water supply, size of dwelling and lot, sewage disposal etc may assist in guiding applicants and the LTC but in the final instance there is no certainty as to community opinion in any one location.

- e. Allowing a Commercial Vacation Home Rental through a Rezoning Process

Similar to a TUP application it is not anticipated that there will be significant local community support for such a rezoning as area residents may see such use as eroding the residential character of their area. The intensity of opposition may be greater as the zoning grants a permanent right of use. Such right of use can be subsequently removed through a further rezoning, but any established commercial vacation home rental would enjoy the rights provided as a non-conforming use

The LTC will have to examine whether the granting of such a rezoning is of sufficient broader community benefit so as to outweigh any local objections that may arise.

- f. Means to Improve Rezoning Process

Each rezoning application is unique and must be considered separately so it is not anticipated that concepts such as batch rezoning will help expedite the process. A standard commercial vacation home rental zone can be prepared but this is not envisioned to facilitate processes to any significant degree. It is not anticipated that application fees could be reduced as fees must cover the average costs of processing an application.

The rezoning process is well defined by legislation and provides that such rezoning must not be contrary with OCP policy. Similar to TUP conditions it is helpful to the LTC and to applicants if OCP policy can provide guidance as to the suitability of locations for commercial vacation home rental use. Aside from site characteristics such as lot size, water supply etc the issue that will always arise is the opinion of local area residents.

Residential Use Assumptions

There can be no guarantee provided that a property used for a vacation home rental or a commercial vacation home rental will be used for a residential use at other times when not used for home rental. Some operators have suggested that the current norm is one where area residents operate the vacation home rental and live in their dwellings when they are not used for rental. Such arrangements may work well within the Hornby Island community. The issue is that bylaws cannot stipulate who may operate a vacation home rental. It is not uncommon in popular resort areas to find that other owners have acquired residences for vacation home rental or a commercial vacation home rental and that at other times of the year the dwelling simply sits empty.

Competition with Commercially Zoned Accommodation

While the LTC's role is to manage land use and not necessarily address issues of competition, it is recognized that owners of commercially zoned land used for accommodation have gone through a zoning process to establish the right to provide commercial accommodation. They also pay property taxes in accordance with such permitted use that is usually higher than property taxes for residential property.

Whether competition occurs between a vacation home rental and a commercial property is determined by the supply of accommodation and the type of accommodation that is provided. If demand exceeds commercial zoned land supply for accommodation then the addition of vacation rentals adds to market supply without undue competition. If supply exceeds demand however then vacation home rental operators may have some advantages in the market place.

OPTIONS

Given the ongoing discussion of this topic it is evident that there are not any easy solutions. Most of the issues have been discussed at different times and it appears that the following are options that have been expressed. While it is noted in some options that issues relating to Trust Policy may arise, these matters may be further explored if any particular option is pursued.

1. Status quo – no further action. – This does not resolve matters as there is an inconsistency between what bylaws authorize and what happens in practice on properties where vacation home rentals operate.
2. Interpret that residential land use includes a level of STVR use that is limited by word of mouth, is primarily targeted to friends and relatives and is relatively infrequent. Bylaw enforcement policy is used to define the parameters and enforcement is exercised if operators exceed the parameters.
3. Allow vacation home rentals as a permitted part of residential land use that includes a broader commercial nature of the use – This option requires amendments to the OCP, especially in regards to the fundamental vision for the island, and the LUB and raises some issues with respect to the definition of residential land use and Islands

Trust policy. These bylaw initiatives may not meet with approval from the Islands Trust Executive Committee.

4. Allow vacation home rentals as a separate permitted use in residential zones – This option requires amendments to the OCP, especially in regards to the fundamental vision for the island, and LUB and raises some issues with respect to Islands Trust policy. These bylaw initiatives may not meet with approval from the Islands Trust Executive Committee.

5. Allow vacation home rentals through a temporary use permit or a rezoning process. Issues offered by operators are that application processes are costly, time consuming and may provide limitations that are difficult to adhere to. Staff suggests there is opportunity to streamline the TUP process to some extent and the parameters of any TUP or rezoning would have to be discussed with the applicants. The processes do invite public comment though and it is difficult to know how such comment would influence these processes. This option requires amendments to the OCP and LUB.

6. Allow a vacation home rental to a level similar to that of a Bed and Breakfast, in terms of number of bedrooms permitted for occupancy, and require a TUP if the vacation rental is proposed to exceed that permitted by bylaw. This is the option outlined by Trustee Law. This option requires amendments to the OCP and LUB and raises some issues with respect to Islands Trust policy.

7. Allow a vacation home rental to a level similar to that of a Bed and Breakfast, in terms of number of bedrooms permitted for occupancy, and require a TUP or a rezoning application if the vacation rental is proposed to exceed that permitted by bylaw. This differs from option 6 in that rezoning is added as an option. This option requires amendments to the OCP and LUB and raises some issues with respect to Islands Trust policy.

8. Allow a vacation home rental to a level similar to that of a Bed and Breakfast plus one additional bedroom (that would have otherwise been occupied by the owner of a B&B was established) and suggest that these are the limits acceptable within the community and that a TUP or rezoning are not a realistic option. This option requires amendments to the OCP and LUB and raises some issues with respect to Islands Trust policy.

While there is no clear path to recommend at the time of writing this report, it is suggested that due to the multiplicity of interests regarding this issue that the LTC choose an option(s) to pursue and take it forward in order to receive public comment. By separate report you will have received comment regarding bylaw enforcement recommendations as directed by the LTC that may be part of the decision making process as to which option to pursue.

RECOMMENDATION

THAT the Hornby Island Local Trust Committee request that staff prepare draft bylaws to implement option ____ of the staff report dated February 9, 2011, and

THAT staff be requested to schedule a community information meeting to present draft bylaws for community comment and discussion.

Prepared and Submitted by:

Brodie Porter

February 9, 2011

Brodie Porter

Date

Concurred in by:

Date

Attachments

1. Proposal from Trustee Law dated January 19, 2011 (attached as item 11.1.1 to agenda)

To: Hornby Island Local Trust Committee

From: Trustee Tony Law

8 February 2011

Short Term Vacation Rentals

I would be grateful if this document could be included in the agenda package for the committee's 18 February meeting. It includes motions that I intend to put forward at that meeting.

Preamble

The issue of how to address short-term vacation rentals (STVRs) has been discussed and unresolved ever since I was first elected as a trustee in 1996. During the fourteen years since, the Local Trust Committee has received:

- 10 staff reports on the subject
- Advisory Planning Commission recommendations
- Results of a community survey
- Considerable public input during two OCP reviews, in response to draft bylaws, at Town Hall sessions, at discussion meetings and through written submissions.

The issue has, at times, dominated the Local Trust Committee's work program, detracted from other matters that the Local Trust Committee or the community might want to pursue and has caused residents and property owners to feel apprehensive and uncertain about possible outcomes.

It is my understanding that both Trustee Hunt and myself have articulated our intentions to see this issue resolved and in a way that recognizes all legitimate interests and concerns.

There is no easy way to do this. Every option available to us is unsatisfactory in one way or another. It is impossible to take a course of action that does not have some deficits attached to it.

Nevertheless, I think it is time to take action, to resolve this issue and to move on – mindful of the reality that whatever course of action we take there will be legitimate concerns.

There seems to be three general approaches that could be considered:

1. Allow vacation rentals as a permitted use in zoning regulations

Staff has advised that this approach would not allow for readily-enforceable regulations that might address the concerns that have been identified, could compromise the residential character of residential-zoned neighbourhoods, would not address inappropriate competition with commercially-zoned accommodation providers, would limit future options with respect to addressing expansion of visitor accommodation in residential areas and might contravene the Islands Trust Policy Statement with respect to increasing land use in areas known to have water problems.

2. Allow vacation rentals through Temporary Use Permits

Although this approach has been recommended by staff and by the Hornby Island Advisory Planning Commission, there is considerable resistance in the community because of anticipated costs and the perception of a demanding bureaucratic process for what many consider a small-scale operation.

Certainly there would be a huge administrative challenge if all 100+ vacation rental operators applied and a huge bylaw enforcement challenge if they don't. It would be hard, perhaps impossible, to get broad community buy-in for this option.

3. Continue with the status quo and adopt a Bylaw Enforcement Policy

Initially this option seemed attractive as it would avoid the challenges associated with the first two. However, staff has advised that it would be problematic if the Local Trust Committee adopted a policy that was significantly at odds with the bylaw because the committee would be misusing policy as a way to change law which requires due process. Staff have advised that a policy should include advertising and property management as triggers because these are hallmarks of a commercial operation. Trustees have suggested that these activities do not have an impact on the land and would severely curtail existing operations. One thing is clear, a bylaw enforcement policy would still leave this vacation rentals as an unpermitted use and still create uncertainty because it could be changed at any time.

I would like the Local Trust Committee to consider an approach that combines elements of all three options:

This would involve:

Allowing residential vacation rentals on all residential lots

These would be limited to seasonal use, to a minimum rental period and to occupancy levels according to size of lot (as is the case with B&Bs at present). This would allow vacation rental use to continue at a level that is compatible with residential use of property, that does not compete unduly with commercial-zoned visitor accommodation providers, and addresses water consumption by only allowing occupancy levels that likely occur anyway with residential or B&B use.

While there are bylaw enforcement challenges with this approach, investigations could be initiated as a result of advertising of unpermitted uses. More importantly, permitting this use would enable the Local Trust Committee to advocate for good practices and to work with the community to established guidelines.

Allowing commercial vacation rentals through Temporary Use Permits

Vacation rentals that exceed what is permitted as a residential vacation rental could be allowed through a Temporary Use Permit. Clear and straightforward guidelines could be established. A more straightforward application form could simplify the application and approval process. This could be coupled with commercial vacation rentals being assigned the lower of the two current fees. TUPs can now run (with renewal) for six rather than four years, which also makes them less unattractive as an option.

Allowing home occupation vacation rentals on lots with two legal dwellings

Vacation rentals could be permitted as a home occupation where a resident is occupying one permitted dwelling and is operating a vacation rental in second permitted dwelling on the same lot.

Adopting a Bylaw Enforcement Policy

A bylaw enforcement policy (without advertising or property management as triggers) could be adopted as an interim policy. A subsequent policy could be considered after changes have been made to the Official Community Plan and Land Use Bylaw.

Proposed motions

These are the motions I intend to move at the February 18 meeting:

- 1. That the Hornby Island Local Trust Committee request staff to amend the text of the draft Hornby Island Official Community Plan by:**
 - a) adding a policy to enable residential vacation rentals on all residential lots to be permitted and limited by regulation with respect to i) the time of year in which rentals can be conducted, ii) a minimum rental period and iii) occupancy levels according to lot size;**
 - b) adding a policy to enable commercial vacation rentals (vacation rentals that exceed what is permitted for residential vacation rentals) to be considered through Temporary Use Permits;**
 - c) adding a policy to enable vacation rentals as a home occupation on those lots that contain two permitted dwellings and in circumstances where a resident of one dwelling is operating a vacation rental in the second dwelling;**
 - d) adding a policy to advocate good practices for vacation rentals;**
 - e) adding conditions for a Temporary Use Permit for commercial vacation rental use**
 - f) making other changes so that text in the draft OCP is compatible with the above changes.**
- 2. That the Hornby Island Local Trust Committee request staff to incorporate into a revised draft of the Hornby Island Land Use Bylaw:**
 - a) a definition of “residential vacation rental” which specifies that this use only takes place in designated months.**
 - b) general regulations for “residential vacation rentals” that address minimum rental period, use of only a dwelling unit for accommodation and maximum occupancy levels.**
 - c) regulations for vacation rentals as a home occupation;**
 - d) an information note with respect to commercial vacation rental use being considered through applications for a Temporary Use Permit**
 - e) the addition of “residential vacation rental” as a permitted use in all residential zones and “vacation rental home occupation” use in rural residential, upland and agricultural zones;**
- 3. That the Hornby Island Local Trust Committee work program be amended to include drafting an amendment to the Fees Bylaw to include a lower fee for Temporary Use Permits for commercial vacation rental use.**
- 4. That the Hornby Island Local Trust Committee work program be amended to include a request to staff to develop a simple prof forma application process for commercial vacation rentals.**
- 5. That the Hornby Island Local Trust Committee gives notice that it will consider a Bylaw Enforcement Policy with respect to vacation rentals at the committee's April 27 meeting with the following text to be considered:**

The Hornby Island Local Trust Committee resolves to adopt the following bylaw enforcement policy:

1. A Short Term Vacation Rental (STVR) will only be subject to enforcement if it has one or more of the following characteristics:

a) More than one dwelling on a lot is simultaneously made available for STVR by the same owner or resident;

b) While the property is rented persons are accommodated other than within a permitted dwelling unit, such as in trailers, RVs, accessory buildings or tents (except for children staying in tents while beds are provided for them within the dwelling);

c) There are issues related to health and safety with respect to the operation of the STVR;

d) There is a written complaint by an owner or resident of a nearby property about a bona fide serious nuisance issue such as noise or parking congestion related to the STVR;

e) The operator of the STVR uses more than one property on Hornby Island as a STVR.

2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw

3. The Hornby Island Trust Committee may change this policy at any time.

4. This policy expires on February 28, 2012.

Suggestions

Here are some suggestions to give a sense of how the above resolutions could be implemented.

a) Suggested changes to text of “Official Community Plan – Draft Revisions Oct 2010

Suggested deletions

Suggested additions

6.5.3 Vacation Home Rental

Background

Given the island's increasing popularity as a summer destination, there has been increasing demand for visitor accommodation. Aside from the commercial visitor accommodation facilities and bed and breakfast home occupations, there has been a tradition of some home owners renting their cottages or homes for short periods of time each summer. Property owners benefit from the opportunity to raise funds towards the cost of property taxes and upkeep while retaining their residence for its primary residential use for most of the year.

Visitors benefit from a range of accommodation options to experience the Island's environment and amenities. The community benefits from the economic inputs from these visitors. At first, homes were generally rented to friends, acquaintances and relatives through “word of mouth” contact. This direct contact established a relationship between owner and visitor that provided connectivity to, and respect for, the property, the neighbourhood, the community and the environment.

The availability of Internet advertising and the establishment of property management companies have contributed to an increase in the number of homes available for vacation rental and a transformation of many

rental situations into a more commercial practice that does not always involve such a direct relationship between the property owner and those renting the property or with the neighbourhood or community.

This change over time in the number and type of vacation rentals has led to concerns regarding the individual and cumulative impacts of an unregulated commercial land use happening in areas zoned for residential use. Some dwellings are advertised for year-round availability as visitor accommodation - some by the night. Some involve levels of occupancy much higher than normal household size. This can erode the residential character of neighbourhoods and put pressure on water resources in areas with documented problems.

The previous Plan attempted to address this issue by including a policy suggesting that a vacation rental could be permitted and regulated as a home occupation. However, a home occupation implies that an owner or resident is living in a home on the property while conducting the occupation. Therefore such a policy can only be applied to the limited number of properties that contain two permitted dwellings with the owner occupying one as their home while operating the other as a rental.

For several years prior to the adoption of this Plan, the Local Trust Committee considered potential options for addressing vacation home rentals. The option of permitting vacation rentals on all lots through zoning regulations ~~precludes~~ **limits** the ability to address potential impacts of concern and it removes future choices by the community to limit the number of residential properties used for commercial visitor accommodation. The option of addressing all existing and future vacation rentals through issuing Temporary Use Permits or rezoning properties would involve a significant bureaucratic process that may not be appropriate for those vacation rentals carried out on a modest scale. The option of maintaining the status quo could be augmented by establishing a bylaw enforcement policy to focus limited resources upon targeting only those vacation rentals that create an impact upon neighbours or the environment or that contribute to a loss of residential character. Area:

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

Objectives:

The objectives of this subsection are:

- 1) to recognize that ~~historically~~ there has been ~~some~~ **a long history of** short term vacation home rental **activity** on Hornby Island without authorization by land use bylaw;
- 2) to ensure that the residential use of property and its residential character is retained where it is the permitted and established use;
- 3) to enable ~~some traditional~~ **the established** practice of **seasonal residential** vacation home rentals to occur ~~without entrenching a right of such use as a conforming or non-conforming use~~; and to provide for the consideration of commercial vacation rentals;
- 4) to address potential impacts of vacation home rentals ~~if such uses are authorized~~;
- 5) ~~to support future evaluation of vacation home rental policies, recognizing that such uses are a significant and challenging issue for the Hornby Island community.~~

Policies:

~~6.5.3.1 Additional policies may be considered as an amendment to this Plan to address the use of a residence as a vacation home rental. Such an amendment should be considered only if the proposals are consistent with the object of the Islands Trust and with the Trust Policy Statement and all of the objectives of this Plan are addressed with specific reference to minimizing impacts on the local neighbourhood; the retention of the residential character of that neighbourhood; noise and safety issues; water supply and sewage treatment capability; traffic-~~

management and guidelines for property management.

6.5.3.2 Implementation of any policy to permit vacation home rentals may be examined by:

a) amendment of this Plan:

(i) to provide a new land use designation for vacation home rentals, and

(ii) development of development permit area guidelines to address form and character of commercial accommodation; protection of the natural environment, its ecosystems and biological diversity; promotion of energy conservation, water conservation and reduction of greenhouse gas emissions for vacation home rentals; and

b) consideration of a rezoning application and development permit area application to allow for such use; or

c) amendment of section 6.10 (Temporary Use Permits) of this Plan to allow for the vacation home rental use on a temporary basis and allow for future evaluation as to the impacts of the use. A temporary use permit should include conditions to address impacts that are identified in the review of the development proposal.

6.5.3.3 The rental of a residence for a term of one month or more should be considered a residential use of land while a rental of less than one month (vacation home rental) should not be a permitted use on property zoned for residential use.

6.5.3.4 The use of a residence for a vacation home rental should only be considered a residential use of a property where there is a second dwelling on the property occupied by the resident of the lot, in which case such a rental may be permitted as a home occupation.

6.5.3.1 Residential vacation rental use, which is the limited use of an individual dwelling unit in order to provide short term accommodation for paying guests in the summer, may be permitted on properties zoned for residential use. The residential vacation rental should be subject to regulations which:

- ***limit the time of year during which a residential vacation rental may be conducted and limit the length of the rental period in order to retain the primary residential use of the property and the character of residential neighbourhoods and to restrict undue competition with commercial visitor accommodation providers and bed and breakfast operators;***

- ***limit the total number of persons which may be accommodated based on the lot area on which the dwelling is located in order to support the retention of residential use and character and to address impacts in small lot areas where there are known problems with freshwater resources;***

6.5.3.2 Commercial vacation rental use, which is the use of an individual dwelling unit in order to provide short term accommodation for paying guests in a way that exceeds what is permitted through land use regulations, may be permitted through the approval of a Temporary Use Permit pursuant to Section 6.9 of this bylaw.

6.5.3.3 Home occupation vacation rental use, which is the use of an individual dwelling unit in order to provide short term accommodation for paying guests that is being conducted by a resident occupying another dwelling on the same lot, may be permitted as a home occupation on lots where two dwellings are permitted.

6.5.3.4 The Local Trust Committee shall encourage property owners conducting vacation rentals to:

- ***utilize cisterns for rainwater catchment to meet all outdoor water uses;***
- ***ensure that the sewerage system is regularly inspected and is capable of supporting the proposed occupancy load;***
- ***install water conserving fixtures as required by the British Columbia Building Code;***
- ***provide renters with information on the location of property lines;***
- ***provide renters with information on water conservation measures;***
- ***provide renters with information on noise control regulations of the Comox Valley Regional District;***

- *provide neighbouring property owners with the contact information of an on-Island property manager who can be available to address problems that may arise.*

6.10 Temporary Use Permits

Background:

Section 921 of the *Local Government Act* provides that temporary uses may be permitted in areas designated in Official Community Plan. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only.

Objectives:

The objectives of this subsection are:

1. to consider allowing a temporary event as per policy 6.5.1.11,
2. to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning as per policy 6.5.1.11,
3. to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per policy 6.5.1.11,
4. to consider allowing transport of ground water of a lot where the water is extracted as per policy 5.1.4.
5. to consider allowing temporary seasonal or emergency accommodations as per policies 6.3.5.17 and 6.3.5.18
6. to consider allowing a temporary secondary suite or detached housing for a relative or caregiver of occupants of the residence as per policy 6.3.5.13.
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.
8. to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations as per policy 6.5.3.9.
9. *to consider allowing commercial vacation rental uses in accordance with policy 6.5.3.3*

Guidelines:

6.10.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, as shown on Schedule B, with the following exclusions:

- a) properties less than one quarter of a hectare (0.63 acre) ***other than for commercial vacation rental use***,
- b) land designated as PR1 and PR2 (park) and LR/WSPA (Large Lot Residential/ Water Supply Protection Area), as shown on Schedule B, and
- c) land identified as an ecologically sensitive area, as shown on Sensitive Ecosystem Mapping or Schedule D2 ***other than for commercial vacation rental use***.

6.10.2 Applications for Temporary Use Permits ~~should~~ **may** be referred to the Advisory Planning Commission which shall be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

6.10.2 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 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 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.

6.10.4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.

6.10.5 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) should be screened from adjacent residential uses,
- d) industrial uses should be screened from adjacent properties and roads,
- e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties,
- f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations,
- g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials,
- h) water supply should be addressed so as to not create negative impacts upon existing common water sources,
- i) other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate, and
- j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit.

6.10.6 Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.

6.10.7 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.

6.10.8 The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.

6.10.9 Despite policy 6.10.5., the conditions for a Temporary Use permit to allow a commercial vacation rental use are as follows:

a) if the applicant proposes that a commercial vacation rental will accommodate more persons than permitted by land use regulations for a residential vacation rental, then the applicant must:

- i) provide information from a qualified professional that the sewerage system is capable of supporting the proposed level of occupancy;***
- ii) provide information confirming that water conserving fixtures, as required by the current BC Building Code, have been installed in the dwelling;***
- iii) fence the property or provide information to renters to indicate the location of all property lines.***

b) two parking spaces must be provided and an additional parking space must be provided if more than six guests can be accommodated;

- c) information must be provided to all guests about water conservation practices and about the noise control regulations of the Comox Valley Regional District*
- d) other conditions may be included to address specific impacts identified through the referral process*

b) Suggested changes to be included in a new draft Land Use Bylaw

Add definitions:

residential vacation rental use means the use of a residential dwelling unit for the short term accommodation of paying guests during the months of July? and August? only

Vacation rental home occupation use means the use of a residential dwelling unit for the short term accommodation of paying guests that is operated by a resident occupying another permitted dwelling unit on the same lot

Add new section:

RESIDENTIAL VACATION RENTAL USES

Residential vacation rental uses must be in accordance with the following limitations:

1 No dwelling unit may be occupied by any particular paying guest, or group of paying guests occupying the dwelling unit as a single domestic unit, for a period involving fewer than six? consecutive nights or for more than thirty (30) consecutive days.

2. During a residential vacation rental use, accommodation shall only be provided within the dwelling unit.

3. No dwelling used for residential vacation rental use shall be used to accommodate more than:

i) 4? persons at any one time if the lot on which the dwelling is located has an area of less than 0.2? hectares or

ii) 6? persons at any one time if the lot on which the dwelling is located has an area of at least 0.2? hectares and less than 1 hectare, or

iii) 8? persons at any one time if the lot on which the dwelling is located has an area of 1 hectare or more.

4 Despite 3, no dwelling used for residential vacation rental use shall be used to accommodate more than 6 persons at any one time on properties that are located on aquifers classified as heavily developed and highly vulnerable (as defined by the Province of British Columbia Groundwater Section), or within the Small Lot Residential and Compact Residential Zones.

Information note: Applications for Temporary Use Permit can be made for commercial vacation rentals on properties where the proposed vacation rental exceeds the provisions of this Bylaw for a residential vacation rental use.

Add new section:

VACATION RENTAL HOME OCCUPATIONS

1. Where a vacation rental home occupation is permitted in any zone, the operator of the home occupation must comply with all of the regulations specified in Section 4.1 of this bylaw for all home occupations, except Sections 4.1.3 and 4.1.4;

2. A vacation rental home occupation can only be conducted within one permitted dwelling unit on a lot while the resident conducting the home occupation is occupying another permitted dwelling on the same lot.

3. A vacation rental home occupation may be conducted at any time of the year.

4. No dwelling unit may be occupied by any particular paying guest, or group of paying guests occupying the dwelling unit as a single domestic unit, for a period involving fewer than two consecutive nights or for more than thirty (30) consecutive days.

4. No dwelling used for residential vacation rental use shall be used to accommodate more than:

i) 4? persons at any one time if the lot on which the dwelling is located has an area of less than 0.2? hectares or

ii) 6? persons at any one time if the lot on which the dwelling is located has an area of at least 0.2? hectares and less than 1 hectare, or

iii) 8? persons at any one time if the lot on which the dwelling is located has an area of 1 hectare or more.

4 Despite 3, no dwelling used for residential vacation rental use shall be used to accommodate more than 6 persons at any one time on properties that are located on aquifers classified as heavily developed and highly vulnerable (as defined by the Province of British Columbia Groundwater Section), or within the Small Lot Residential and Compact Residential Zones.

Information note: Applications for Temporary Use Permit can be made for commercial vacation rentals on properties where the proposed vacation rental exceeds the provisions of this Bylaw for a residential vacation rental use.

Add “residential vacation rental” as a permitted use in all residential zones.

Add: “vacation rental home occupation” as a permitted use in “Rural Residential”, “Upland” and “Agricultural” zones.

c) Draft an amendment to the fees bylaw

Amend “Table 2 - Permits,” item “9” by adding the words ***“and commercial vacation rental”*** after the words “Temporary Use Permit, non-profit & home based business <3 months per annum” and adding a new category 10 a) for “Temporary Use Permit for commercial vacation rental” with a lower fee.

d) Prepare a modified TUP application form for Commercial Vacation Rentals

This form could simply require:

- a) property and ownership information,
- b) a site plan showing location of dwelling and parking,
- c) if additional accommodation is proposed:
 - i) supplementary information on sewerage capacity
 - ii) supplementary information on water-conserving fixtures
 - iii) supplementary information on whether the property is fenced or how, instead, the applicant will provide information to renters on the location of property lines
- d) period of year in which the applicant intends to conduct rentals
- e) minimum rental period proposed

e) Consider an interim bylaw enforcement policy

Suggested:

The Hornby Island Local Trust Committee resolves to adopt the following interim bylaw enforcement policy:

1. A Short Term Vacation Rental (STVR) will only be subject to enforcement if it has one or more of the following characteristics:

- a) More than one dwelling on a lot is simultaneously made available for STVR by the same owner or resident;***
- b) While the property is rented persons are accommodated other than within a permitted dwelling unit, such as in trailers, RVs, accessory buildings or tents (except for children staying in tents although beds are provided for them within the dwelling);***
- c) There are issues related to health and safety with respect to the operation of the STVR;***
- d) There is a written complaint by an owner or resident of a nearby property about a bona fide serious nuisance issue such as noise or parking congestion related to the STVR;***
- e) The operator of the STVR uses more than one property on Hornby Island as a STVR.***

2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw

3. The Hornby Island Trust Committee may change this policy at any time.

4. This policy expires on February 28, 2012.



STAFF REPORT

File No.:

To: Hornby Island Local Trust Committee

From: Miles Drew, Bylaw Enforcement Coordinator

Date: For the Hornby Island Local Trust Committee meeting of February 18, 2011

Re: Hornby Island Bylaw Enforcement Policy for Short Term Vacation Rentals in Residential Zones

THE PROPOSAL:

This report address the question the Hornby Island LTC posed at the December , 2010 meeting about the Bylaw Enforcement Coordinator's proposal that an enforcement policy be adopted which outlines a priority for enforcement for Short Term Vacation Rentals. The report will also make some brief comments about enforcement relating to the STVR proposal submitted by Trustee Law.

ISSUES SUMMARY:

Specifically the Hornby Island LTC requested:

staff to bring to the next Local Trust Committee meeting a report outlining further additions to the Short Term Vacation Rental bylaw enforcement policy proposed on October 13, 2010 that would identify an implementation process and time and would outline a possible process for improving Temporary Use Permit and Rezoning processes.

As a separate report authored by Planner Brodie Porter outlines various options for improving Temporary Use Permit and Rezoning processes has been submitted this report will concentrate on the issues of an implementation process and timing for a STVR enforcement policy.

The current STVR enforcement policy proposed by staff on October 13, 2010 is stated below:

1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement:

1. They are advertised on the internet (except social networking sites such as Facebook), newspapers or other media;

2. They are not managed by the property owner or long term renter;
3. More than one dwelling on a lot is simultaneously made available for STVR by the same owner or resident;
4. While the property is rented persons are permitted to stay in tents, trailers, RVs, or accessory buildings;
5. There are issues related to health and safety;
6. There is a written complaint by an owner or resident of nearby properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR;
7. The operator of the STVR uses more than one property on Hornby Island as a STVR.

2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Hornby Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

Staff Comments:

The above policy would have the affect of directing staff not to take any enforcement action against any STVR that did have at least one of the above outlined elements in its operation. This means that approximately 50% of currently operating STVRs on Hornby Island would have to make no change at all to their operations. Staff believes that many of the remaining STVRs could adjust their operations to meet the requirements for avoiding enforcement. This is especially the case as many STVRs have operated on Hornby for many years and could rely on the word-of-mouth networking available to them through their existing client list.

For the remainder there is the possibility that the Local Trust Committee could permit STVRs to operate after they acquire Temporary Use Permits or rezonings. STVR operators will need time to understand fully the various available options and to implement the required changes to their operations or to undergo the necessary administrative processes. Additionally, the LTC will need time to affect the various changes necessary to the OCP and the LUB to permit TUPs and rezonings for STVRs. Therefore, staff recommends that the above enforcement policy be adopted now, but that its implementation date is postponed to February 15, 2012. This delay will have the advantage of making clear to the community that overtly commercial STVR operations that violate the LUB will no longer be ignored. This will focus community attention on the necessity of resolving this issue and ensure a serious discussion about associated OCP and LUB amendments. Additionally, it will permit staff to develop a comprehensive communication plan about the enforcement policy, and the TUP and rezoning processes.

The communication plan may include the following:

- A brochure explaining the STVR rules and best practices on Hornby;
- A letter to known STVR operators and management companies about the upcoming changes and opinions for managing them;
- Public meetings attended by the Bylaw Law Enforcement coordinator and;
- Information about STVRs to the general community through notices in the local paper.

One of the purposes of the communication period would be to explain what efforts have been undertaken to try to resolve this issue and to meet the need specific to Hornby Island. As well as explain the constraints that the *Local Government Act* and the *Islands Trust Act* puts upon the Local Trust Committee in its search for viable options.

Any plan for managing STVRs will ultimately require enforcement action to secure a positive affect. The above described plan although presenting some difficulties is relatively easy to investigate and to gather evidence. Primarily, the bylaw enforcement officer will look for advertising and confirm that the STVR is operating contrary to zoning. Then all that is required is that he confirms that the property is indeed rented for STVR purposes. This process is simple and although it will require an interview with the owner or manager of the property and possibly a site visit it does not evolve prolonged investigations or drastic invasions of privacy.

The proposal that Trustee Law submits which permits STVRs to operate provided they have no more than 4 or 6 persons depending on lot size will require a bylaw enforcement officer to visit each STVR operation, count the number of people present, and interview each to determine if they are overnight guests or not. This will be greatly resented by the subject people and it will be exceptionally hard to develop an enforcement program that will make the Bylaw affective. Because most of the STVR on Hornby Island where STVRs currently operate are less that .25 hectares and thus will all require TUPs a much bigger and more draconian enforcement policy will have to be developed to make this proposal affective if it is adopted. Without a commensurate enforcement policy there will be no motivation to acquire the necessary TUPs.

RECOMENDATONS:

The Bylaw Enforcement Coordinator recommends that the Hornby Island Local Trust Committee adopts the following resolution.

The Hornby Island Local Trust Committee resolves that:

1. THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities STVRs that have one or more of the following characteristics will be subject to enforcement:

1. They are advertised on the internet (except social networking sites such as Facebook), newspapers or other media;
2. They are not managed by the property owner or long term renter;
3. More than one dwelling on a lot is simultaneously made available for STVR by the same owner or resident;
4. While the property is rented persons are permitted to stay in tents, trailers, RVs, or accessory buildings;
5. There are issues related to health and safety;
6. There is a written complaint by an owner or resident of nearby properties about bona fide serious nuisance issues such as noise or parking congestion related to the STVR;

7. The operator of the STVR uses more than one property on Hornby Island as a STVR.

2. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Hornby Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

3. This enforcement policy will come into affect on February 15, 2012 and until that time no enforcement against STVRs will take place except for reasons listed in Sections 1.5 and 1.6.

The Hornby Island Local Trust Committee further directs staff to develop a communications plan as outlined in this report for the approval of the LTC.

Miles Drew
Bylaw Enforcement Coordinator



STAFF REPORT

February 9, 2011

File No.: HO-OCP-2009.1

To: Hornby Island Local Trust Committee
For meeting of Feb 18, 2011

From: Brodie Porter
Island Planner
Northern Team

CC: Chris Jackson, Regional Planning Manager, Northern Team

Re: Hornby OCP Review

THE PROPOSAL:

At the December 15, 2010 meeting of the LTC the following direction was provided:

“That staff amend the draft Hornby Island Official Community Plan as discussed at the December 15, 2010 meeting of the Local Trust Committee, and

That staff proceed with work on the draft Hornby Island Official Community Plan and the draft Hornby Island Land Use Bylaw in accordance with the principles and objectives outlined by the Terms of Reference endorsed by the Local Trust Committee on November 16, 2009 that provides that consideration of a draft Official Community Plan and Land Use Bylaw occurs concurrently, and

That the Hornby Island Local Trust Committee endorses a revised timeline for consideration of a draft Official Community Plan and Land Use Bylaw in accordance with the schedule agreed upon at the December 15, 2010 meeting of the Hornby Island Local Trust Committee.”

This report provides an update to the OCP and an outline of work done on a proposed LUB.

STAFF COMMENTS:

Changes to the OCO enacted from the LTC discussion at the meeting of December, 2010 included:

Section 1.5 “The Natural Setting” – 2nd paragraph under “Fresh Water” – update to references to Strachan Valley to note wetland status.

Section 2.2 Text re “Ecosystems” and “Groundwater” added as per APC recommendations.

Section 3.2 “Background” – deleted references to Strachan Valley containing beaver dam and shallow lake.

Section 3.4 “Background” Amended reference to dam in Strachan Valley to note that it is now abandoned.

Policy 3.4.4 – deleted reference to beaver habitat in Strachan Valley and revised to note protection of sensitive ecosystems and support for transfer of lands for conservation or park.

Section 3.7 “Heritage Roads” – rewritten to consolidate all references to heritage roads as per APC recommendations. Policies 5.8.7(i) and 5.8.3 deleted as a consequence

Section 4.4 “Background” – last two sentences interchanged as per APC recommendation.

Policy 4.4.1 – Addition of 2nd paragraph to implement APC recommendation.

Policy 6.1.1 Add “and structures” as per APC recommendation.

Policy 6.1.19 Add “and roads” as per APC recommendation.

Section 6.3.4 “Background” – delete 3rd paragraph as per APC recommendation.

Section 6.3.5, Objectives 3 and 4 – change “medium” to “moderate” as per APC recommendations.

Policy 6.4.1.3 – now worded as two policies (6.4.1.3 and 6.4.1.4) as per APC recommendations.

Section 6.5.1 “Background” – reference to insufficient parking at Co-op now removed as per APC recommendation.

Policy 6.5.2.7 – 1st wording option is deleted and “cabins” added to policy as per APC recommendation.

Sections 6.5.3 “Vacation Home Rental” and **Section 6.5.5** “Home Occupations” to be reviewed at Feb LTC meeting. Recommendations are outlined below.

Policy 6.5.4.2 – reworded as per APC recommendation and discussion at Dec, 2010 LTC meeting.

Section 6.7.1.4 Objective 6 – addition of clause (6) as per APC recommendation.

Policy 6.10.5 – addition of clause (k) as per APC recommendation.

Other suggested revisions or points of consideration for the OCP include:

Section 3.2 Environmentally Sensitive Areas – Background – information has been inserted from the Regional Conservation Plan about Hornby Island.

Policies 6.1.5 thru 6.1.8 address amenity zoning and density transfer. These policies are new concepts in the OCP and provide for some potential density increase, within defined limits. Whether these policies would be implemented will be dependent upon available development potential on the island and the willingness of property owners (and at least two owners in a density transfer). There is generally very limited additional development opportunity on the island. If these topics are of concern or require further clarification before further consideration, it is suggested that they are topics that could be easily removed from the draft OCP and could be addressed as a separate work project item at a separate time.

Section 6.3.3 Rural Residential – Background - is redrafted to reflect consolidation of Rural Residential, Large Lot Residential and Large Lot Residential/Water Supply Protection Area into the one designation.

Policy 6.3.5.3 – removed reference to statutory declaration as housing agreement is really the only means to ensure affordable housing. Statutory declarations may be used as part of the administration of a housing agreement but their use in lieu of a housing agreement would not provide any certainty that affordable or special needs housing requirements would be upheld.

Policy 6.3.5.13 – Rental Housing and use of temporary use permit for temporary housing – This policy has been modified to denote that while a TUP can establish temporary forms of housing, it cannot manage who will occupy such housing. The policy is retained to outline the desired intent of the LTC as to who should occupy such housing. If such housing is not used for the intended purpose, then the LTC could choose to not renew the TUP. It may also be important to ensure that there are provisions in the TUP to ensure removal of the housing if it is no longer authorized as a use. This requirement will be addressed in Section 6.10 of the OCP re TUP guidelines.

Section 6.5.3 “Vacation Home Rental”

NOTE: By separate staff report, a recommendation is provided that the issue of vacation home rentals and commercial vacation home rentals (sometimes referred to as Short Term Vacation Rentals (STVRs)) be addressed prior to proceeding with further review of the OCP and LUB. The following proposed amendments are tabled on the basis that the STVR issue is not to be addressed until after the OCP review is completed.

a. The last paragraph of the “Background” section has been redrafted (text in blue) to outline issues and most recent history of use of enforcement policy as an interim step to establishment of OCP policy.

b. Grammatical edit in objective 1 and delete some text in objective 3 that prohibited entrenched rights (i.e. permitted use in zoning) for vacation home rental.

Section 6.9.1 – Development Permits to Define the Form and Character of Commercial Development. This suggestion has not been previously discussed and is presented now for discussion. The value of a development permit is determined by the quality of the guidelines that are provided for any particular development permit designation. A development permit can:

- a. vary or supplement a land use bylaw or subdivision regulation;
- b. establish standards, requirements or conditions, as enabled by legislation; and
- c. impose conditions respecting the sequence and timing of construction.

While a review of all DP guidelines is suggested as a separate project, it is suggested regarding commercial lands, that it may be important to insure that commercial construction be established before any non-commercial construction is permitted on the property so as to uphold the commercial purpose of the property. Provision “c” above could be addressed with a guideline that states:

11. On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes shall be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.

This objective can also be addressed by zoning regulation by the establishment of residential land use as an accessory land use to commercial uses, but the inclusion of such a guideline may assist together with zoning to establish the objective. Note that the guideline only addresses the construction and does not insure preservation of the commercial land use on the lot. An exception is added to allow for the owner or caretaker suite that is commonly permitted on commercial zoned properties.

Section 6.9.2.1 Water Collection System Protection Development Permit Area – Guidelines – This designation exists in the current OCP but there are no guidelines in place. It applies to Lot 11, Plan 25736. The adjacent Lot 10, Plan 25736 is subject to the separate Large Lot Residential/Water Resource Protection Development Permit Area. The suggestion is that these two DP areas be integrated as one DP area as they both focus on water protection. Given the Large Lot Residential designation is proposed to be discontinued, the name of the DP area would be renamed as Water Supply Protection Development Permit Area. In addition two additional guidelines are proposed in recognition of recommendations of the Piteau Associates study that was completed in this area and in recognition of existing covenants that are registered on title by other agencies that restrict use.

Sec 6.10 Temporary Use Permits – TUPs cannot be used to stipulate who any temporary housing is intended for without additional use of a housing agreement

associated with the TUP. A TUP can provide that the intention is to provide for housing for a certain purpose – affordability, caregiving, summer occupancy etc and if the use is not undertaken in compliance with the stated purpose, the LTC could choose not to renew the TUP. The TUP would have to require some provision that removes the residential nature of the housing.

Suggested amendments to this section include:

Objective (6) – addition of text to add requirement for a “housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver”.

Guideline 6.10.5(j) – addition of requirements for an undertaking in a TUP that the building or structure is to be removed and the land to be brought back into a condition stipulated in the TUP if the temporary use is discontinued and reference that such a provision should be applied to temporary housing.

Next Steps Regarding Draft OCP

If the above amendments are endorsed, the only remaining issues are:

1. Resolution of issues related to STVRs and any related policies and guidelines (e.g. development of policies to address rezoning criteria for STVRs and TUP guidelines for consideration of STVRs).
2. Property designations on certain properties
 - a. Downes Point – This property is proposed for redesignations to Land Cooperative/Agriculture. The property is subject to a current application to the Agricultural Land Commission. It is recommended that the OCP designation remain but any zoning amendment will have to await an ALC decision.
 - b. Norris Rocks, Toby Islet and Flora Islet – these locations are all designated Park (P) in the current OCP and would remain as such in the proposed OCP. Zoning changes will have to be addressed in the LUB.
3. Community Information Meetings – at the last LTC meeting a timeline was endorsed that included scheduling of community information meetings in February 18/19 and additional CIMS as required. Staff suggest that this timeline be revised for two reasons:
 - a. There are separate recommendations suggesting that the issue of STVRs be addressed before further review of the OCP/LUB; and
 - b. There is a transition of planning staff in March 2011 and the returning Island Planner; Sonja Zupanec would likely facilitate any community review process associated with the OCP and LUB when the time came to initiate such a process.

For purposes of transparency and management of expectations, staff suggest that if the LTC has resolved to give priority to the STVR issue, that while staff may be able to continue work on the OCP and LUB, it probably is not reasonable to expect that the OCP/LUB work can be completed within this term.

LUB Review

Staff have not had the opportunity to follow up further on preparation of the draft LUB so there nothing further to report on this program.

RECOMMENDATIONS:

THAT the Hornby Island Local Trust Committee request staff to complete all of the amendments to the draft OCP as recommended in the staff report dated Feb 9, 2011 and that further work on the OCP and LUB be deferred pending resolution of work program priorities.

Prepared and Submitted by:

Brodie Porter

February 9, 2011

Brodie Porter

Date

Concurred in by:

Date



Islands Trust

HORNBY ISLAND OFFICIAL COMMUNITY PLAN

BYLAW NO. 2011

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plan Bylaw are available from the Islands Trust Office, 200 - 1627 Fort Street, Victoria, BC V8R 1H8

Consolidated:

BYLAW AMENDMENTS

This Copy is consolidated for convenience only and includes the following **Text Amendments** only:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
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DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. _____

A BYLAW TO ADOPT THE OFFICIAL COMMUNITY PLAN FOR THE HORNBY ISLAND LOCAL TRUST AREA

WHEREAS Section 29 of the *Islands Trust Act* gives the Hornby Island Local Trust Committee the same power and authority as a Regional District under Section 694(1)(i), 723 and Part 26, except sections 932 to 937 and 939 of the *Local Government Act*; and

WHEREAS Sections 876 and 882, respectively, of Division (2) of Part 26 of the *Local Government Act* applies to the Hornby Island Local Trust Committee and authorizes it to adopt an Official Community Plan and outlines procedures for developing and adopting such plans including a public hearing and Ministerial approval; and

WHEREAS Section 27 of the *Islands Trust Act* requires that the Executive Committee of the Islands Trust must approve an Official Community Plan prior to adoption; and

WHEREAS Section 877 of the *Local Government Act* lists the subjects that must be addressed in a Plan; and

WHEREAS Section 884(1) of the *Local Government Act* provides that the adoption of an official community plan does not commit or authorize the Hornby Island Local Trust Committee to proceed with any project that is specified in the Plan; and

WHEREAS Section 884(2) of the *Local Government Act* requires that all bylaws enacted, permits issued, and works undertaken by the Hornby Island Local Trust Committee be consistent with the Official Community Plan;

NOW THEREFORE the Hornby Island Local Trust Committee being the Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

TITLE

1. This Bylaw may be cited as the "Hornby Island Official Community Plan Bylaw No. _____, 2011".

APPLICATION

2. This Bylaw applies to:
Hornby Island,
Toby Island,
Flora Islet,
Norris Rocks,
and unnamed islets and the surface of water within 1000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet, except where the boundary overlaps with that of Denman Island in which case, the jurisdiction of the Hornby Island

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Local Trust Committee extends to a line mid-channel between the two Islands as shown on Schedule B.

ORGANIZATION

3. Schedule A, and Maps B, C, D1, D2, E and F, attached to and forming part of this Bylaw, are hereby designated as the "Hornby Island Official Community Plan Bylaw No. 2011".

4. The Schedules and Maps comprising this Bylaw are as follows:

Schedule A: Bylaw Text
Schedule B: Land Use Designations Map
Schedule C: Land Status and Road Designations Map
Schedule D2: Environmentally Sensitive Areas Map
Schedule E: Development Permit Areas Map
Schedule F: Hazardous Areas Map
Schedule G: - List of Community References

Deleted: Schedule
D1: Environmentally Sensitive Areas
(Sensitive Ecosystem Inventory) Map

BYLAW REPEAL

"Hornby Island Official Community Plan Bylaw No. 104, 2002", as amended, is repealed upon adoption of this Bylaw.

SEVERABILITY

If any section, subsection, sentence, clause, phrase, plan, map, diagram, table, schedule, or other graphic material or any part thereof of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

READINGS

READ A FIRST TIME THIS th DAY OF , 2011
PUBLIC HEARING HELD THIS th DAY OF , 20
READ A SECOND TIME THIS th DAY OF , 20
READ A THIRD TIME THIS th DAY OF , 20
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS th DAY OF , 20

APPROVED BY THE MINISTRY OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT
THIS th DAY OF , 20
ADOPTED THIS th DAY OF , 20

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COMMUNITY

SECRETARY

CHAIRPERSON

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Hornby Island
Official Community Plan - DRAFT REVISIONS FEBRUARY 2011



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SCHEDULE A HORNBY ISLAND OFFICIAL COMMUNITY PLAN

SECTION I—BACKGROUND

1.1 Context and Interpretation

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

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

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

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

1.2 Purpose

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

1.3 Islands Trust Authority

The *Islands Trust Act* gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*.

Bylaws must be approved by the Islands Trust Executive Committee and, in the case of Official Community Plans, also by the Minister of Community, Sport and Cultural Development before adoption by the Local Trust Committee.

Deleted: Minister of Community and Rural Development

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

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

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

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. Local trust committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

1.4 Historical Perspectives

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

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

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

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

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

Hornby Island and its surrounds, immediately prior to the advent of western civilization, was the territory of the Pentlatch, a people belonging to the Coast Salish group of West Coast people. They and their ancestors, being semi-nomadic, used the Island seasonally and cyclically nine months of the year and became part of the Island's ecosystem. The island could provide for nearly all their needs.

In 1791 A.D., the Spaniards named the Island, Isla de Lerena but in 1850 the British renamed it Hornby Island, after Rear Admiral Phipps Hornby, at that time Commander of the Pacific Station. Ten years later Mt. Geoffrey and Phipps Point were named after the Admiral and his son, Captain Geoffrey Hornby of HMS Tribune while the officers of his ship had their names immortalized in other Island promontories.

By 1850 there were practically no Pentlatch left. Sickness, slave raids, the movement of people into their territory from the land further north, and the collapse of their world from the compounding of these misfortunes, finally wiped out the people to whom the natural life of Hornby Island was a part. The lands on Hornby Island continue to be recognized today as part of the traditional lands of the Coast Salish people through discussions with representative First Nations such as the K'omoks First Nation.

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

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

Hornby Island, like all islands, promised a dream. The Island challenged, dared, and offered an escape. Not everyone who came succeeded and even those who did succeed, often found their children seeking dreams elsewhere. By 1960 most land had changed hands several times. Families had come and gone. Some orchards were derelict and many fields were overgrown. The 150 people on the Island were made up of fishermen, subsistence farmers, resort owners, their children and one or two retired intellectuals. Towards the end of the sixties developers discovered the Island and three farms were turned into small lot residential subdivisions.

To avoid more indiscriminate carving up of the Island, a policy restricting subdivision to a ten-acre minimum lot size was introduced. This coincided with the arrival of the counter culture people, and the Island flowered with artists, craftsmen and academics seeking a more meaningful life. In 1974 the Islands Trust was formed to preserve and protect the Gulf Islands, which include Hornby Island, against inappropriate use and development.

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

1.5 The Natural Setting

Terrestrial Ecosystems

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

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

On Hornby only about 104 hectares (260 acres) of relatively undisturbed stands of older forest have been identified. This is about 3.5% of the island's area. However, there are also at least 572 hectares (1330 acres) of older second-growth forest (19% of the Island). As these recovering forests reach about 80 years old, they start to develop a structure and composition that allows much of the natural biodiversity to become re-established. These areas can provide important connectivity, allowing the movement and dispersal of forest plant and animal species. Within the Coastal Douglas Fir zone, Garry Oak Woodlands cover about 0.6% of the landscape. They often occur on south-facing slopes where summer moisture is low and shallow soils are common.

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

On Hornby, the Garry oak ecosystem is near the northern extremity of its range. There are about 16 hectares (40 acres) of woodlands, the principal sites being west of Helliwell Park and above the Ford Cove Hill. There are many other smaller stands of Garry oaks.

Terrestrial herbaceous ecosystems (natural grasslands rich in wildflowers) are found in rocky, exposed areas near the shoreline and above coastal bluffs. Hornby has about 24 hectares (60 acres) of these sensitive ecosystems. They contain many rare and uncommon plants—and also support other species, such as the endangered Taylor's Checkerspot Butterfly. However, they are very susceptible to disturbance and degradation because they occur in areas that attract

residential development and recreation.

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

Fresh Water

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

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

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

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

The Marine Environment

The waters around Hornby support a high diversity of marine life including a variety of sponges, anemones, sea stars, nudibranchs crabs and fish. A unique feature of the marine ecology is the presence of six-gilled sharks, normally a deep-water dweller, at relatively shallow depths near Flora Islet.

The Hornby-Denman area is the site of the largest and most consistent herring spawn in British Columbia. This spawning is important to a variety of species, including Stellar and California sea lions (that spend the winter in these waters using rocks and islets to the south-east of Hornby as haul-outs), the estimated 10,000 bald eagles that congregate here each spring and the West Coast's largest concentration of Harlequin ducks.

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

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

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

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

1.6 Socio-economics of Hornby Island

A permanent population of 1075 persons in 2006 represents an 11.2% population increase or double the provincial increase since 2001. The population is generally aging with increases in numbers of persons age 45 and older and a drop in persons aged 44 and younger. Seventy-eight per cent (78%) of the family units are persons without children at home representing the higher concentration of older couples who choose to retire on Hornby Island. The population is characterized by lower than average incomes and higher than average education. If trends continue, the challenges of ensuring housing affordability and safety, mobility and security will increase and efforts to provide for supportive services will be of concern.

The economy follows a seasonal cycle and is highly dependent on a population of visitors that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses on Hornby Island, of which about 80% operate as home based businesses. Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. The construction industry, some public service positions and an increasing number of caregivers rounds out an integrated economy.

A recently published (March, 2010) Hornby Island Community Profile provides more detailed information.

1.7 Principles

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

Deleted: in cooperation with municipalities and the government of the Province,

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

This Plan helps ensure that decisions related to the use of land on Hornby Island will not be made on the basis of expediency but rather will be based on the features of the natural environment and their inherent capacity to support a particular use or development. In addition, this Plan helps ensure that any proposed change in land use will be evaluated in terms of its impact on the social environment of the whole Island and on the associated needs of future generations.

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

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

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

1. To ensure that all human activities on the island respect the natural environment and preserve the fragile ecosystems.
2. To ensure the quality and quantity of the groundwater is not compromised through human activities.
3. To maintain a rural community that is safe, creative, self reliant and diverse.
4. To develop and support the Official Community Plan to guide the actions and decisions of residents, visitors and all levels of government with respect to Hornby Island.

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

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

SECTION II—PRIMARY OBJECTIVES AND POLICIES

2.1 Broad Community Objectives

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

- (1) To promote the conservation, preservation or restoration of:
 - a) areas of natural, scenic, historical, archaeological or scientific value.
 - b) watershed and groundwater recharge areas.
 - c) public land and parks.
 - d) areas of significant vegetation, the forests, the wildlife and their habitat,
 - e) land with agricultural potential,
 - f) shoreline, foreshore and the Island's surrounding marine ecosystem, and
 - g) water courses and riparian areas.
- (2) To ensure all human activities are carried out in a manner that is sensitive to the protection of fresh water resources and to the fragility and interaction of natural ecosystems, are compatible with activities of surrounding neighbours, and are in keeping with the rural scale of land use on the Island.
- (3) To minimize pollution of air and water.
- (4) To limit or reduce present and future stresses upon natural and community resources, particularly those generated by increasing seasonal uses.
- (5) To encourage a self-reliant rural community based on agriculture, low impact businesses and home occupations that are sustainable and non-polluting.
- (6) To ensure changes, growth and development are gradual and support the sustainability of the community.
- (7) To maintain the community's sense of unity and to promote a residential development pattern consistent with the rural character of the Island.
- (8) To encourage residents and visitors to take an active role in the preservation of natural and social values on the Island.
- (9) To encourage consultation with and participation of the public in local government decisions and in the management of Provincial resources by appropriate agencies.
- (10) To protect through sound long-range planning policies and strategies, the agricultural potential of lands, foreshore and intertidal areas, forested areas and groundwater recharge areas.
- (11) To support community awareness and participation in achieving lifestyles and buildings which ensure energy efficiency.
- (12) To preserve the rural character of the Island.

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2.2 Objectives and Policies for All Land Use

Background:

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

Ecosystems

Ecosystems are areas of high biodiversity and exhibit the greatest need for conservation. Hornby Island is located within the Coastal Douglas-fir biogeoclimatic zone, which is a relatively rare zone within British Columbia, occupying only 0.25% of the province. Schedule G lists several references that provide information regarding these ecosystems.

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

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

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

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

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

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

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

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Groundwater

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

Over-riding Land Use Objectives:

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

- (1) to preserve the natural ecosystems and biodiversity of the Island, and
- (2) to protect the groundwater resource.

Over-riding Land Use Policies:

Policies [2.2.1](#) and [2.2.2](#) apply to all sections of this Plan.

2.2.1 In order to preserve the natural ecosystems and biodiversity of the Island the following ~~should~~ be addressed: a) wherever possible through zoning and land use regulations and where appropriate through Development Permit Areas ; b) when considering applications for permits, rezoning and subdivision; and c) through information and advocacy directed to residents, property owners and agencies with jurisdiction on Hornby Island:

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- i) protecting identified sensitive ecosystems and important habitat from the adverse effects of development;
- ii) conserving relatively undisturbed natural areas;
- iii) retaining areas of native vegetation on each property wherever possible, especially along lot lines;
- iv) managing undeveloped public land so as to maintain or restore natural biodiversity and ecological integrity;
- v) securing connectivity between natural areas whenever the opportunity arises.
- vi) sustaining the forested areas of the island through timber harvesting practices that retain tree cover and forest ecosystems, and
- vii) preventing the spread of invasive species.

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

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- i) maintaining the recharge of the groundwater resource in identified recharge areas by restricting extensive logging, modification of natural drainage features, residential, commercial and industrial developments, extensive road development, excavation, quarrying and soil removal, ditching and drainage works;
- ii) maintaining the quality of the groundwater resource by preventing contamination from: sewage and used water, concentrated animal feeding operations, intensive fertilizer or pesticide application, improper use or storage of toxic chemicals,

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- improper waste disposal, such as burning and open dumps, inadequate protection of wells, inadequate sealing of abandoned wells, over-pumping of groundwater in areas where salt-water intrusion is likely to occur;
- iii) maintaining the quantity of the groundwater resource by: limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem, using rainwater catchment and storage systems wherever possible in new and existing developments, establishing water conservation measures and practices; and
 - iv) supporting the implementation of a groundwater protection plan, including innovative and remedial programs.

SECTION III—OBJECTIVES AND POLICIES FOR PROTECTION OF THE ENVIRONMENT

3.1 Environmental Stewardship

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to encourage senior governments to preserve and protect the environment,
- (2) to inform residents and visitors of actions necessary to protect the island's ecosystems, freshwater resources, and preserve native biological diversity,
- (3) to ensure that permitted land uses do not threaten the sensitive environment of the Island and its native biological diversity.

Advocacy Policies:

- | | | |
|-------|--|---|
| 3.1.1 | A moratorium on oil and gas exploration in the Trust area is supported. | Deleted: Policies 2.2.1 and 2.2.2 apply to all sections of this plan. |
| 3.1.2 | The Ministry of Energy, Mines and Petroleum Resources <u>is</u> requested to establish a reserve on the entire Island against exploration for mineral or petroleum resources. | Deleted: shall be |
| 3.1.3 | The Local Trust Committee <u>should</u> encourage measures to <u>reduce</u> the risk of pollution from transporting dangerous materials by air, sea or land on or near the Island. | Deleted: shall |
| 3.1.4 | The <u>Ministry of Transportation and Infrastructure</u> and utility corporations <u>are</u> requested to replace the application of pesticides and herbicides on road allowances or other transmission routes with non-polluting practices such as manual trimming. | Deleted: will be |
| 3.1.5 | The hydro-electric utility company <u>is</u> requested to consult with the Local Trust Committee on any field operations involving the application of chemicals (such as remedial woodpole treatment programs). | Deleted: shall be |

- 3.1.6 The Comox Valley Regional District ~~is~~ requested to consider affordable and effective measures that will address the problem of uncontrolled dogs on Hornby Island. Deleted: shall be
- 3.1.7 The Comox Valley Regional District ~~is~~ requested to continue to maintain and enforce the following;
 a) an effective noise bylaw to address noise disturbance originating from sound systems, musical instruments, barking dogs and other sources;
 b) an effective unsightly premise bylaw; and
 c) the "dark skies" in rural areas lighting standards. Deleted: shall be
- 3.1.8 All government and non-government agencies and private businesses involved in providing services for the resident and visiting public ~~are~~ requested to provide adequate toilet facilities and waste recycling containers for their clients and to make information available on water conservation. Deleted: shall be
- 3.1.9 Tourism-related businesses, real estate agents and other organizations that provide information to visitors or potential owners of island property ~~are~~ requested to include information on the legislated "preserve and protect" mandate of the Islands Trust and the objectives and policies of the Official Community Plan to protect the island's ecosystems and freshwater supply and to preserve native biological diversity. Deleted: will be
- 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 Fire Marshall. Deleted: shall be
 Deleted: Best Management Practices and Requirements for Land Development
- 3.1.11 Efforts to control the spread of invasive exotic plant species (such as Scotch broom, holly, ivy, daphne and Himalayan blackberry) and to eradicate them from environmentally sensitive areas to enable their replacement with native species ~~are~~ encouraged. Deleted: shall be
- 3.1.12 Programs to control the population of opossums ~~are~~ supported. Deleted: shall be
- 3.1.13 The use of toxic herbicides and pesticides and heavy applications of fertilizers on lawns and gardens ~~is~~ strongly discouraged. Deleted: shall be
- 3.1.14 The dissemination of information about the risks of introducing invasive non-native species and pathogenic organisms harmful to indigenous species resulting from bringing biological material (including soil, bark mulch and firewood) onto the Island ~~is~~ supported and efforts to increase sustainable island self-sufficiency with respect to the provision of firewood and other biological material ~~are~~ encouraged. Deleted: will be
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3.2 Environmentally Sensitive Areas

Background:

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

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

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Copies of the Sensitive Ecosystem Mapping (SEM) and the Regional Conservation Plan are available on the Islands Trust website (www.islandstrust.bc.ca) and the SEM map will be readily available electronically and in hard copy. The map will not be an official schedule to this Plan so that it can be readily updated without requiring formal amendment to this Plan.

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

Deleted: The "Sensitive Ecosystem Inventory (SEI) of East Vancouver Island and Gulf Islands", a joint project of Federal and Provincial agencies, was initiated in 1993 in response to an urgent need for inventory information on rare and fragile ecosystems. The basic mapping of the remaining fragments of a rare and fragile ecosystems was completed in 1997 and a Conservation Manual was published in 2000. The inventory is updated as field information becomes available. Ground truthing shall be undertaken where ever possible and additional sites (wetlands particularly) that meet criteria should be identified and added to the inventory. Only 7.9% of the Islands Trust Area has been identified as sensitive ecosystems. Less than 6% of Hornby falls within this inventory.

Sensitive Ecosystems (August, 2010):

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

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

Protected Areas Distribution (November, 2010):

<u>Type of Protected Area</u>	<u>Area (hectares)</u>	<u>Area as % of Local Trust Area</u>
<u>Conservation Covenant (Conservancy held)</u>	<u>3.9</u>	<u>0.1</u>
<u>Ecological Reserve</u>	<u>0</u>	<u>0</u>
<u>Nature Reserve</u>	<u>0</u>	<u>0</u>
<u>Park – Municipal</u>	<u>0</u>	<u>0</u>
<u>Park – Community</u>	<u>6.7</u>	<u>0.2</u>
<u>Park – Provincial</u>	<u>333.9</u>	<u>11.2</u>
<u>Park – Regional</u>	<u>335.6</u>	<u>11.2</u>
<u>TOTAL</u>	<u>680.1</u>	<u>22.7</u>

Other noted features identified in the Regional Conservation Plan include:

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"At Risk Species (September, 2010):

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

Forested Ecosystems (August, 2010):

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

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

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

Marine Ecosystems (September, 2010):

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

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

Modified Ecosystems (August, 2010):

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

Threats to Ecosystems:

The threats to biodiversity found in the Islands Trust Area are described in section VIII of this report. These threats are pertinent to the Hornby Island Local Trust Area. In particular, the Hornby Island Local Trust Area may be vulnerable to degradation of natural ecosystems from

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existing agricultural and residential lands if landowners are not sensitive to the impacts of their land use on the surrounding landscape. Education about ecologically friendly agricultural practices and residential land uses may be beneficial within this local trust area. Biological threats to the Garry oak ecosystem also include conifer encroachment. Local organizations should be consulted prior to initiating education programs to avoid duplication of efforts."

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

Other inventories, fieldwork carried out by biologists and local knowledge have identified the following habitat areas and features (shown in Schedule D2):

- a) Important Terrestrial Habitat:
 - i) cormorant nesting area on the bluffs of Helliwell Park,
 - ii) heron rookery at Tralee Point and other current or potential heron nesting areas,
 - iii) eagle, osprey and peregrine falcon nesting locations,
 - iv) large older firs providing eagle habitat, particularly along the coastline and the inland bluffs,
 - v) old growth trees and large snags (providing habitat for a variety of species) throughout the island,
 - vi) wetlands and ponds throughout the island providing important habitat,
 - vii) Beluah Creek (salmon habitat), its riparian corridor and feeder creeks,
 - viii) Ford Cove Creek (fish bearing), its riparian corridor and feeder creeks,
 - ix) meadows in the south western part of Helliwell Park providing habitat for the only extant colony of Taylor's Checkerspot butterfly, and
 - x) buildings providing established habitat for Townsends big-eared bat;
- b) Important Marine Habitat:
 - i) shoreline near Saint John's Point/Whaling Station Bay and other areas where Harlequin ducks gather during their flightless phase,
 - ii) saltwater marsh north of Texada Road providing valuable waterfowl habitat,
 - iii) Norris Rocks and rocks near Flora Islet where sea lions haul out,
 - iv) islets and rocks around the Island where sea birds nest or gather,
 - v) Whaling Station Bay and other bays around the Island providing waterfowl habitat,
 - vi) the area of the underwater wall by Flora islet providing habitat for many marine species and frequented by six-gilled sharks,
 - vii) the area surrounding Norris Rocks and Heron Rocks providing habitat for juvenile rock fish and other species, and
 - viii) areas of marine vegetation important for herring spawning.

Area

All areas identified on Schedule B (Map Designations) are subject to the following objectives and policies

Objectives:

The objectives of this subsection are:

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The Sensitive Ecosystems identified in the SEI inventory for Hornby Island (shown in Schedule D1) as follows: ¶

- a) Coastal Bluff:
 - i) bluffs north-east of Tribune Bay, and ii) Toby Islet; ¶
- b) Terrestrial Herbaceous:
 - i) meadow areas in Helliwell Park and extending west of Helliwell Park,
 - ii) meadows north-east of Helliwell Park;
 - iii) Flora Islet;
 - iv) Downes Point;
 - v) Grassy Point;
 - vi) "The Bench", near the top of Mount Road;
 - vii) "The Bench", above Ford Cove, and
 - viii) small meadow north of the Recycling Depot; ¶
- c) Woodland (Garry Oak/arbutus/Douglas Fir):
 - i) "Thousand Oaks" west of Helliwell Park;
 - ii) within Helliwell Park,
 - iii) along bluffs north of Tribune Bay,
 - iv) west of Norman Point,
 - v) slopes of Ford Cove Hill,
 - vi) near Phipps Point, and
 - vii) south of Collishaw Point; ¶
- d) Sparsely Vegetated:
 - i) Shingle Spit,
 - ii) cliff tops along "The Bench", and
 - iii) cliff tops along Mount Geoffrey escarpment; ¶
- e) Older Forest (average age 100 years+):
 - i) in Helliwell Park,
 - ii) north of Helliwell Park,
 - iii) north of Sandpiper subdivision,
 - iv) north of Norman Point; ¶
 - (v) below and west of the Mount Geoffrey escarpment ("rainforest" area, including spruce trees); ¶
 - (vi) Crown land north of the gravel pit in Strachan Valley; ¶

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 <#> shallow lake in Strachan Valley providing important habitat for many species; ¶
 other ponds and

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Hornby Island

Official Community Plan: DRAFT REVISIONS FEBRUARY 2011

- (1) to ensure maximum protection of areas with ecological, natural, aesthetic or heritage value,
- (2) to ensure protection of sources of fresh water and groundwater recharge areas,
- (3) to allow for public access to such areas only when there is no danger of damage to sensitive features or ecosystems, and
- (4) to maintain native biodiversity and connectivity of the natural habitat areas.

Policies:

- 3.2.1 Notwithstanding policies contained elsewhere in this Plan where they apply to land identified here, this section takes precedence.
- 3.2.2 Where areas are designated as environmentally sensitive on Sensitive Ecosystem Maps or on Schedule D2, the sensitive area may be protected by covenants at time of rezoning, subdivision or other change in land status in favour of an appropriate third party such as the Islands Trust Fund, or other organizations with the capacity to hold and monitor effective conservation covenants.
- 3.2.3 In areas of known water collection and aquifer recharge, natural drainage patterns should be retained, and any removal of forest cover or other physical changes should be conducted so as to preserve the ability of the ground to retain water to recharge the aquifers, and may be regulated by Development Permit.
- 3.2.4 Development should be prohibited or restricted in areas identified by a hydrogeological study as being vulnerable with respect to water catchment, recharge or storage functions.
- 3.2.5 Any development in areas with sensitive ecosystems or important habitat may be regulated by Development Permit to protect the identified features, including establishing buffer areas in accordance with Sensitive Ecosystem Inventory recommendations or Environmental Guidelines for Development.
- 3.2.6 Development along coastal areas adjacent to foreshore with significant marine values (such as shellfish resources or migratory bird habitat) may be regulated by Development Permit.
- 3.2.7 Fish-bearing streams, their riparian areas, tributary creeks and wetlands feeding them should be protected and enhanced in accordance with the Provincial *Fish Protection Act* through regulations and through supporting enhancement programs.
- 3.2.8 Connectivity of relatively undisturbed natural areas should be maintained wherever possible including between the shore and the interior forested uplands
- Advocacy Policies**
- 3.2.9 Where significant ecological, natural or historical areas or significant habitat areas are located on Crown land, the Ministry of Sustainable Resource Management and the Ministry of Environment are requested to secure these areas in protective reserves, Parks or through transfer to the Islands Trust Fund, and to keep them in the public domain with access appropriate to the level of sensitivity.
- 3.2.10 Voluntary covenants or easements to protect natural features and the donation or sale of sensitive areas to a conservation land trust such as the Islands Trust Fund are

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Comment: Confirm fish bearing streams from RAR mapping when it is available.

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Deleted: Comox Valley Regional Districts strongly encouraged to work with the Islands Trust to provide for Natural Area Protection Tax Exemptions in accordance with Part 7.1 of the *Islands Trust Act* to encourage and support the voluntary conservation of natural areas:-
¶

Inserted: Comox Valley Regional District

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encouraged.

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

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

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

3.3 Parks and Protected Areas

Background:

The natural features of the island provide many opportunities for recreational use by members of the local community and visitors. A large area of Crown land and a system of traditional trails through private land have provided access to forest areas and scenic viewpoints. In addition, the public has access to three Provincial Parks and two Regional Nature Parks. There are also four small community parks; four water accesses managed by the Comox Valley Regional District as neighbourhood parks and a number of other water accesses and unused road dedications under the jurisdiction of the [Ministry of Transportation and Infrastructure](#) that provide public open space and/or contribute to the trail system.

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

Hornby Island's Provincial Parks are Helliwell, established in 1966, Tribune Bay, established in 1978 and [Mount Geoffrey Escarpment](#), established in 2004. There is evidence of traditional use of the Helliwell Park area by First Nations. All of the parks are designated "Class A" Parks under the *Park Act*. Helliwell Park contains a 69-hectare (173-acre) terrestrial component on the peninsula culminating in St. John's Point and a 2803-hectare (7008-acre) marine component. Most of the terrestrial area is heavily forested; grasslands extend inland from the shore-line, which mostly consists of rocky bluffs.

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

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

The fragility of the Park's ecosystems together with its popularity for recreation poses challenging conservation and management problems. In 1999 a Conservation Stewardship Agreement was established between BC Parks and Conservancy Hornby Island to enable local involvement in

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practical and educational conservation measures. In 2000, BC Parks initiated the Helliwell Ecosystem-based Planning Project.

Tribune Bay Park covers 96 hectares (240 acres), of which 23 hectares (58 acres) are foreshore of Big Tribune Bay. The Park's vegetation consists of about 70% second-growth forest and about 30% grassland resulting from former cultivation. The broad white sand beach, backed by the open meadow area, is the primary attraction of the Park. The Tribune Bay Outdoor Education Centre operates under a Park Use Permit in the north-east corner of the Park and provides educational programs to youth, mostly school groups. Infrastructure includes the old lodge, other buildings, a climbing wall and a high ropes course. A tennis court is also located in this area. A pilot constructed wetland providing alternative waste treatment has been established at the Centre.

The Mount Geoffrey Escarpment Park covers 187 hectares (462 acres) and offers both historic values associated with the Leaf House and the Ford Family ~~farmstead~~ and together with the Mount Geoffrey Regional Nature Park, covers approximately 25 % of the island containing coastal bluffs, forested benches, wetland, and rugged shoreline.

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The Mount Geoffrey Regional Nature Park was established by the Comox Valley Regional District on 303 hectares (758 acres) of what was formerly vacant Crown land. It includes the upper and western part of the Mount Geoffrey escarpment as well as lower land below and to the west of the escarpment. Within the Park are sensitive ecosystems - Older Forest (below the escarpment) and Sparsely Vegetated long the edge of the escarpment) - which have been identified in the "Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997". Most of the park's vegetation is second growth forest. The escarpment of Mount Geoffrey is an important part of the Island's groundwater recharge area.

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

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

Area

All areas identified on Schedule B (Map Designations) are subject to the following objectives and policies

Objectives:

The objectives of this subsection are:

- (1) to ensure that parks remain in an essentially natural state and that the bio-diversity, sensitive ecosystems and wild life habitat are preserved;
- (2) to allow for recreational and educational opportunities for visitors and residents that are managed and monitored to ensure minimal environmental degradation and to fully protect fragile areas;

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- (3) to encourage a system of walking, bicycling and horseback trails, with minimal development, through forested areas, to and from parks and across and around the island;
- (4) to encourage community and neighbourhood involvement in the planning and stewardship of parks.

Policies:

3.3.1 At the time of subdivision and if park dedication is required under the *Local Government Act*, the Local Trust Committee **should** require park dedication, not cash-in-lieu. This could take the form of trails, easements or parks.

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

- a) land that is shown on Schedule B as park, groundwater or ecological reserve for existing areas,
- b) land that contributes to a community trail network that connects residential areas, commercial areas, the community hall and school area, parks, beaches and ferry terminals,
- c) land that is designated as Environmentally Sensitive Areas, as shown on **Sensitive Ecosystem Maps** and **Schedule D2**,
- d) land that provides access to the ocean,
- e) land that provides low impact recreational opportunities for the community and visitors,
- f) areas of undeveloped lands,
- g) land contiguous with existing parks and protected or undeveloped areas, particularly where it may provide a buffer for an ecologically sensitive site,
- h) designated water accesses as parkland, and
- i) land that provides habitat connectivity.

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

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

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

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

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

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

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3.3.3 A Parks and Trails Plan shall be developed for the Island. The plan shall show all parks as well as areas with values that would make them appropriate for additional parks should the opportunity become available. It will also show present and potential public trails. Designation of all public trails shall be determined through a consultation process involving the community in general and affected neighbourhoods and land owners in particular and will take into account potential adverse impacts as well as benefits.

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Advocacy Policies

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

3.3.10 The Ministry of Environment is requested to:

- a) maintain the natural values and not permit development, other than those required for public health and education in Helliwell and Tribune Bay Provincial Parks;
- b) continue to regularly consult with the community's parks committee and/or the Local Trust Committee on matters relating to the management and infrastructure of the parks on Hornby in particular to address community, conservation, aesthetics and safety concerns;
- c) involve the community in stewardship programs with respect to the parks;
- d) prohibit camping uses in the Parks except those associated with the Outdoor Education Centre at Tribune Bay Park, and
- e) implement ecosystem-based management plans for Helliwell, Tribune Bay and Mount Geoffrey Escarpment Provincial Parks.

Deleted: continue the present Helliwell Conservation Stewardship Agreement which provides for local involvement in conservation and educational projects and to support a similar arrangement for Tribune Bay

3.3.11 The Comox Valley Regional District is requested to:

- a) continue to manage Mount Geoffrey Regional Nature Park as an undeveloped Park, for low-impact, nature-oriented uses, with only those minimal facilities necessary for public health and safety. The Master Plan for this Nature Park should continue to emphasize protection of ecosystems, retention of vegetation, and protection of fragile areas and existing water sources,
- b) continue active community involvement in the planning, stewardship and management of parks and other undeveloped parcels under its jurisdiction on Hornby,
- c) investigate and report on options for acquiring tenure of the adjoining vacant Crown land including management of this parcel as a Community Forest Park or other designations.

3.3.12 The Ministry of Transportation and Infrastructure is requested to:

- a) work with the Local Trust Committee to develop a plan for all water accesses, unopened road allowances and other such properties under the Ministry's jurisdiction on Hornby Island;
- b) support tenure by Comox Valley Regional District of those parcels that the community and the Comox Valley Regional District consider appropriate for management as parks,
- c) establish a stewardship arrangement with an appropriate community organization, or organizations, to act as stewards for the remaining properties once a plan has been developed for them,
- d) maintain the unopened road allowances in their natural state, prevent unpermitted alienation by adjacent land owners and discourage overnight camping by means of signage.

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

- | 3.3.14. The Ministry of Environment is requested to work with the Canadian Coastguard to develop measures to ensure that motorized vessels are excluded from that part of Tribune Bay that is within the Provincial Park.
- | 3.3.15 The Ministry of Environment and the Department of Fisheries and Oceans Canada are requested to introduce regulations and other measures to fully protect marine species and habitat in the marine component of Helliwell Park.
- 3.3.16 Agencies with jurisdiction over parks are supported in restricting or controlling access to areas in parks where this is required for the protection or restoration of sensitive ecosystems and habitats.
- | ~~3.3.17. Community organizations and land owners are encouraged to work together using available tools such as covenants and easements to secure and extend the existing network of trails according to the Parks and Trails plan.~~
- 3.3.18. Owners of land located adjacent to established parks are encouraged to dedicate land or to provide trail easements to add to the park amenity.
- 3.3.19 Where a park contains public well, parks authorities are requested to maintain the well and to post water quality analysis information.

Deleted: 3.3.17 The Comox Valley Regional District is strongly encouraged to work with the Islands Trust to provide for Natural Area Protection Tax Exemptions in accordance with Part 7.1 of the *Islands Trust Act* to encourage and support the voluntary granting of public access through natural areas on private land.

Inserted: Comox Valley Regional District

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

Background:

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

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

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

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

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

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

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The island's two main water courses - Beulah Creek and Ford Creek, both fish-bearing streams - pass through this area. A beaver dam on the parcel established wetlands in Strachan Valley. The dam has since been abandoned. The parcel also contains a number of small wetlands and seasonal and ephemeral streams.

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

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to protect and enhance the groundwater recharge function of the area,
- (2) to enable the continuing recovery, restoration and protection of the forest so that the natural structure, composition and bio-diversity characteristic of a Coastal Douglas-fir forest ecosystem are re-established,
- (3) to protect the forest from major disturbance by fire,
- (4) to maintain the aesthetics/visual qualities of the forest,
- (5) to encourage tenure arrangements that enable community control and stewardship of this area,
- (6) to provide for low-impact recreation activities that are compatible with the first three objectives, and
- (7) to ensure that any silvicultural activities or extraction of forest products are compatible with and subordinate to the first four objectives.

Policies:

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

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

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

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

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Deleted: 3.4.8 A Management Plan shall be professionally prepared in consultation with the Local Trust Committee and community organizations and shall have the following primary objectives: to protect and enhance the groundwater recharge function of the area; to enable the continuing recovery, restoration and protection of the forest so that the natural structure, composition and bio-diversity characteristic of a Coastal Douglas-Fir forest ecosystem are re-established; and to protect the forest from major disturbance by fire. The Management Plan should be based upon available information on the groundwater resource and its protection, an ecological protection plan and the policies of this subsection. All developments and uses on the property shall be in accordance with this Plan. .

3.4.9 The Management Plan shall designate significant ecosystem reserves where no extraction or other modification of the land or vegetation will take place in order to protect natural bio-diversity, to preserve important habitat areas and sites of ecological significance (including "older forest" areas identified in the Sensitive Ecosystem Inventory [... [83]

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Advocacy Policies

- 3.4.5 The use of fertilizers and pesticides and the storage and disposal of waste material, hazardous chemicals and other potential pollutants should be prohibited to protect the groundwater resource and natural ecology.
- 3.4.6 Excavation, quarrying, soil removal, road development, ditching and drainage works should be regulated to protect against alteration of natural surface drainage or groundwater catchment and storage functions and against impacts upon identified ecological values.
- 3.4.7 Studies that provide additional data on the groundwater catchment and flow system should be supported.
- 3.4.8 The Ministry of Environment is requested to consider acquisition of the Mount Geoffrey area identified by the GW/EPA designation on Schedule B for a provincial park or other type of protected area.
- 3.4.9 As a preferred alternative tenure option, the Minister of Environment is requested to propose legislation that would enable the designation of this area as a community groundwater recharge area for the protection of the community's groundwater resource, to be managed through community stewardship with objectives and policies compatible with this Official Community Plan.
- 3.4.10 As an alternate tenure option, the Comox Valley Regional District is requested to investigate in consultation with the Local Trust Committee, the community and relevant First Nations, the appropriate options for obtaining tenure that would be compatible with the objectives and policies of this Official Community Plan.
- 3.4.11 Integrated Land Management Bureau is requested to only consider dispositions of this land or interests in this land that is compatible with the objectives and policies of this Official Community Plan.
- 3.4.12 The Ministry of Forests and Range is requested to only establish tenures that enable the implementation of the objectives and policies of this community plan.

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~~¶ 3.4.9 The fire protection component of the Management Plan shall include recommendations for locating water sources, designating and creating adequate fire breaks and maintaining trails required for emergency access and hose lay.~~

~~¶ 3.4.11 The essential forest cover should be maintained and openings should only be created where these are specifically prescribed in programs to meet primary objectives.~~

~~¶ 3.4.12 The area shall be gated to prevent access by vehicles other than emergency vehicles and those involved in carrying out work authorized through the Management Plan.~~

~~¶ 3.4.13 A recreation compone ... [85]~~

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3.5 Groundwater Protection—Gravel Pit Area

Background:

This area is under the jurisdiction of the Ministry of Transportation and Infrastructure as a gravel resource area.

Area

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

Objective:

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

Advocacy Policies:

- 3.5.1 The Ministry of Transportation and Infrastructure is requested to only use this land for gravel extraction as required for the development and maintenance of roads on Hornby and to not allow its use for the storage of flammable material or potential pollutants.
- 3.5.2 The Ministry of Transportation and Infrastructure and Integrated Land Management Bureau, are requested to support the transfer of any unused portion of the gravel pit parcel in Strachan Valley (and the whole of that parcel when it is no longer required for gravel extraction) for inclusion in the Groundwater Recharge- Environmental Protection Area land use designation.

Deleted: 3.4.15 The Ministry of Transportation and Infrastructure and Integrated Land Management Bureau are requested to transfer any unused portion of the gravel pit parcel in Strachan Valley (and the whole of that parcel when it is no longer required for gravel extraction) for inclusion in the Groundwater Protection/Environmental Protection Area designation. .
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¶

3.4.34 As an interim measure, prior to long-term tenure being established, the Ministry of Forests shall be requested to work with the community to make recommendations for and to oversee a local program to reduce the deadwood fuel load alongside main trails in order to increase their viability as firebreaks. .
¶

Inserted: Integrated Land Management Bureau

3.6 Marine Conservation

Background:

The marine conservation area [addressed by this Plan](#) within the Hornby Local Trust Area extend up to 1000 metres from the [natural boundary](#) of Hornby, but actions taken further off-Island can affect the coastal environment.

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

The coastline and offshore waters of Hornby Island are rich and varied. There are large expanses of sand beaches, gravel flats, underwater and exposed reefs, sandstone shelves and deep-water habitat, all of which are important for a variety of sea life.

The area off the eastern and southern shoreline of Hornby Island provides significant habitat for a rich variety of species. Over 175 species of marine fauna have been recorded, including rare species. Of particular significance are the unusual presence of six-gilled sharks at relatively shallow depths and the annual herring spawn, one of the largest on the B.C. Coast. Most of this area is contained within the marine component of Helliwell Park. It has also been proposed as a Marine Protected Area under the *Oceans Act*.

Area

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

Objective:

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

Policies:

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

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

Advocacy Policies

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

3.6.4 [Integrated Land Management Bureau](#), and the Federal Department of Fisheries and Oceans are requested to ensure that foreshore uses or developments that might deplete or disturb migratory wildfowl feeding areas, shellfish communities, fish nursery areas and herring spawning areas not be permitted.

3.6.5 The Federal Department of Fisheries and Oceans and the [Ministry of Environment](#) are requested to fully protect through conservation measures, including fisheries closures, any vulnerable species of marine fauna and flora and those important habitats identified Sensitive Ecosystem Maps or on Schedule D2, such as the area where six-gilled sharks come near the surface near Flora Islet and areas supporting juvenile rockfish or herring

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spawning.

- 3.6.6 The Federal Department of Fisheries and Oceans is requested to fully protect the marine component of Helliwell Provincial Park through conservation measures such as prohibiting the taking of marine life by diving, closures of fisheries as required and the establishment of a Marine Protected Area.
- 3.6.7 The Federal Department of Fisheries and Oceans is requested to regulate, police and monitor any harvesting of shellfish to ensure that wild stocks are sustainable.
- 3.6.8 The Federal Department of Fisheries and Oceans is requested to ensure that no activities shall be permitted in the Hornby Island Local Trust Area that will degrade the sea bed.
- 3.6.9 The Vancouver Island Health Authority is requested to prohibit outfalls for sewage and used water on Hornby Island.
- 3.6.10 Transport Canada is encouraged to require holding tanks for sewage and used water in all commercial and recreational vessels.
- 3.6.11 The designation and enforcement of Tribune Bay as a no sewage discharge area under Federal Sewage Pollution Prevention Regulations is supported. The designation of additional areas where sewage discharge problems have been identified is also supported.
- 3.6.12 The Federal Ministry of Environment, Transport Canada, Fisheries and Oceans Canada, the Ministry of Defense and other relevant agencies are requested to prohibit the disposal of domestic, industrial or military waste or the discharge of waste from vessels (including cruise ships) into waters within or adjacent to the Hornby Island Local Trust Area.

Deleted: 3.6.8 . The Marine Stewardship Initiative of the Islands Trust and San Juan County, including the establishment of a Marine Stewardship Site in the Hornby Island Local Trust Area, shall be actively supported. .
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3.7 Heritage Features

Background:

The community supports the concept of preservation of areas of unique or representative natural systems and of preserving heritage resources. Numerous petroglyphs have been found and documented on the sandstone benches along the shoreline of the Island. The origin and age of these picture symbols remains uncertain.

The Island was once used by First Nations, predominately from the east coast of Vancouver Island, as a summer camping area to collect and dry venison, berries, fish and shellfish for use in their villages throughout the winter. The Island may also have provided a source of cedar for building canoes. Fossils and middens are found in many locations. Archives have been established in the community and there has been interest in establishing a museum to include artifacts and fossils.

Various road locations are also considered of heritage value either because of their historic use or by the nature and design of the roadway.

Area

All areas identified on Schedule B (Map Designations) and heritage road locations identified on Schedule C (Land Status and Road Designations) are subject to the following objectives and policies.

Objective:

The objective of this subsection is to protect the Island's heritage sites and resources, including heritage roads, and to promote the preservation and public availability of artifacts and historical records.

Policies:

- 3.7.1 All cemeteries shall be considered community heritage sites and some mechanism of protecting them in perpetuity should be sought.
- 3.7.2 Development should be located away from areas of known archaeological sites wherever possible until an archaeological assessment has been done and suitable management options are developed.
- 3.7.3 Development Permits should be required and guidelines developed once heritage areas are accurately identified and designated or otherwise protected.

Advocacy Policies

- 3.7.4 A program to identify buildings and sites of historical significance and outstanding or typical examples of local architecture is supported and where appropriate, the [Comox Valley Regional District](#) or the Province are requested to designate or otherwise protect and preserve these resources.
- 3.7.5 The Ministry of [Tourism, Culture and the Arts](#) is encouraged to assist in further identifying all archaeological sites on the island and to ensure those sites are protected from disturbance under the provisions of Section 13 of the *Heritage Conservation Act*.

- | 3.7.6 The Ministry of Transportation and Infrastructure and hydro-electric and telephone utility companies are requested to consult with the Islands Trust before undertaking any widening, clearing or installation of poles and lines along Central Road particularly that portion designated a heritage road.
- 3.7.7 The Ministry of Transportation and Infrastructure is requested to designate Savoie Road and Little Tribune Bay Road as heritage roads, as noted on Schedule C, in accordance with the Island Trust and the Ministry of Transportation and Infrastructure Agreement (1992 and as amended in 1996) and the existing 33 foot road allowance should be retained.
- | 3.7.8 The establishment of covenants held by the Islands Trust Fund to protect heritage sites is supported
- 3.7.9 The establishment of a local museum involving appropriate societies is supported.

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3.8 Hazard Areas

Background:

The *Local Government Act* enables local governments to regulate setbacks of structures and septic systems in hazard areas through Development Permit. A study of soil stability may be required before new construction commences. The safe location of a residence is the owner's responsibility and not that of the local government. Based on greater than 30 % slope, possible hazards are shown on Schedule F. The sandy areas of Tribune Bay and Whaling Station Bay are active erosion areas due to severe storms and high water. The bluffs of Mt. Geoffrey and along certain shoreline areas may be subject to sloughing.

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Area

All areas identified on Schedule B (Map Designations) and areas noted specifically on Schedule F (Hazard Areas Map) as slope > 30% and the "Mt. Geoffrey slump area" are subject to the following objectives and policies.

Objective:

The objective of this subsection is to control development in hazardous areas.

Policies:

- 3.8.1 Areas identified as hazardous to development including the slump area on the south-west side of Mount Geoffrey and other areas that may be particularly vulnerable to earthquake activity may be designated Development Permit Areas and added to Schedule E of this Plan.
- 3.8.2 The development and use of the upland and foreshore in Whaling Station Bay should be regulated to protect against loss of the sand in the area.
- 3.8.3 Subdivision and development under the face of Mt. Geoffrey bluff that may contribute to erosion because of removal of vegetation or changes in natural drainage patterns should be extremely limited and controlled by regulation.
- 3.8.4 The Local Trust Committee should consider ways to further refine the identification of hazard areas identified on Schedule F in cooperation with other relevant agencies.

Comment: Issue largely eliminated due to park but there is still one parcel of F designated property.

Advocacy Policies:

- 3.8.5 The Ministry of Transportation and Infrastructure is encouraged to ensure there is no road construction along edges of the shoreline, the bench, or the Mt. Geoffrey escarpment.

SECTION IV—OBJECTIVES AND POLICIES FOR THE STEWARDSHIP OF RESOURCES

4.1 Farming

Background:

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

Area

All areas identified on Schedule B (Map Designations) are subject to the following objective and policies.

Objective:

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

Policies:

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

Advocacy Policies:

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

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

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

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

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

4.2 Forestry

Background:

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

Area

All areas identified on Schedule B (Map Designations) are subject to the following objective and policies.

Objective:

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

Policies:

- 4.2.1 Logging on steep slopes such as those identified on Schedule F - Hazards Map on private lands (not subject to the *Private Managed Forest Land Act*) should be strongly discouraged and regulated.
- 4.2.2 Cutting of forest land that leaves large openings is considered inappropriate except when agricultural land is being cleared in accordance with a plan for farming the land.
- 4.2.3 Industrial scale logging is considered inappropriate for Hornby Island.
- 4.2.4 Maintaining buffers on all forested lots is encouraged to minimize the impacts of blow down, drainage alteration and other negative impacts on adjacent lots and to maintain connectivity of forest ecosystems.
- 4.2.5 The Local Trust Committee should assist landowners in achieving the objectives of this section by making information available on forest stewardship and sustainable management.

Deleted: 4.2.1 The need for local firewood supplies is acknowledged and the careful management of firewood harvesting in order to improve the forest resource shall be encouraged. .
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Advocacy Policies

- 4.2.6 The need for local firewood supplies is acknowledged and the careful management of firewood harvesting in order to improve the forest resource shall be encouraged.
- 4.2.7 Low-impact sustainable forestry that maintains the essential forest cover and bio-diversity values is supported.
- 4.2.8 Owners of forested land are encouraged to ensure that forestry activities do not significantly alter natural drainage patterns.
- 4.2.9 The Ministry of Forests and Range is encouraged to consider the objectives and policies of this Official Community Plan and the policies of the Islands Trust Policy Statement in

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recognition of Hornby Island's location within the Island Trust Area and shall be requested to:

- a) promote management practices that ensure the protection of native biodiversity, valued environmental features and groundwater recharge areas; and
- b) encourage management plans that involve the maintenance of continuous tree cover and that use native species in planting programs.

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

4.3 Mariculture

Background:

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

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Area

All areas identified below the natural boundary of Hornby Island on Schedule B (Map Designations) are subject to the following objective and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure the negative impact of commercial mariculture uses on the upland owners is minimized,
- (2) to ensure maximum protection of the foreshore and of the native life forms inhabiting it,
- (3) to support low impact mariculture operations, and
- (4) to ensure commercial use of marine resources does not pollute the foreshore and surrounding waters, nor preclude the use or enjoyment of the shoreline by the public or upland property owners.

Policies:

4.3.1 Fish farms should not be permitted.

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

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

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

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

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

Deleted: <#>An area of foreshore near Phipps Point (as designated on Schedule B), the site of lapsed license #1404374, should be rezoned for mariculture to allow the use to be resumed and should be regulated to ensure that the operation is low impact, such as using low rock walls, and does not involve structures or introduced materials such as rebar and chain-linked fences.

¶
4.3.4 A small area of foreshore (1 ha or 2.5 acre) near Collishaw Point (as designated on Schedule B), adjacent to the existing small license 108810 (1ha or 2.5 acres), may be redesignated and rezoned for mariculture. If the area is rezoned, then it should be regulated to ensure that the operation is low impact, such as using low rock walls, and does not involve structures of introduced materials such as rebar and chain-linked fences.

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Advocacy Policies

- 4.3.8 The Integrated Land Management Bureau is requested to prohibit:
- a) mariculture in areas fronting provincial parks, regional parks or nature reserves, and

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

- | 4.3.9 The Integrated Land Management Bureau is requested to:
 - a) ensure that mariculture operations are restricted to below the 2 metre (7 ft.) tideline and that adequate space is retained between lease areas to ensure public access to the shoreline;
 - b) consider the policies contained in this subsection relating to the location of new lease areas whenever it is considering the renewal of existing lease areas, and
 - c) monitor the impact of mariculture on other marine resources.
- | 4.3.10 The Integrated Land Management Bureau, the Ministry of Agriculture and Lands and the federal Department of Fisheries and Oceans are requested to ensure that areas of natural occurrence of oysters and clams are available for public use and remain free of
- | 4.3.11 The Integrated Land Management Bureau is requested to provide an assessment of potential environmental impacts, such as processes required under the *Canadian Environmental Assessment Act* (CEEA), prior to any proposal for additional mariculture tenures being considered by the Local Trust Committee.
- | 4.3.12 The Ministry of Agriculture and Lands is requested to encourage development of new technology in shellfish production techniques that minimize use of structures.

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4.4 Energy

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to encourage the conservation of energy;
- (2) to encourage the use of renewable energy sources with low environmental impact and safety risk

Policies:

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

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

Advocacy Policies:

4.4.2 The use of low emission wood stoves should be encouraged.

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

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

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

For reference only during review of OCP – Proposed for use in Land Use Bylaw

"Small scale wind turbine" means: A structure that captures kinetic energy from the wind and converts it into energy in the form of electricity and has a nameplate rated capacity of 100 kilo Watts or less and will be used for on site consumption only. A small wind turbine consists of the

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Deleted: Many homes rely on wood as a major source of energy. .

Comment: In terms of Wind Turbines, "Environmental impact" is considered broad enough to encompass issues associated with wind turbines such as:
-Noise, visual and other socio/cultural/economic impacts;
-Impacts on anything ecologically related such as animals and habitats, SEMs, etc.

Safety Risk includes issues such as those associated with blade/ice throw and other structural type failures.

Deleted: <#>to prohibit the storage or generation of nuclear materials, weapons or energy on the Island, and¶ <#>to ensure there is no use, storage or shipment of radioactive material around, over or near the Island.¶

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Comment: Policies 4.4.2 and 4.4.6 are now redundant

Deleted: <#>Land use regulations should be designed to protect the designation of Hornby Island as a nuclear weapons free zone. .
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4.4.6 All agencies involved in the regulation of trans-shipment of radioactive material are requested to ensure there is no trans-shipment around or near the Island. .

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Comment: 100kW limit is loosely derived based on the canWEA suggested applications, being that 30kW-300kW are for farms, isolated communities and institutional use. Definition proposed for use in LUB rather than OCP but outlined here in working draft for illustration.

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Hornby Island

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following:

- a rotor,
- a generator,
- a tower,
- foundation and associated supports such as guy wires,
- associated control and conversion electronics.

DRAFT

4.5 Water

Background:

Surface water sources are managed by [Integrated Land Management Bureau](#). Water Rights Branch through the allocation of surface water rights under the *Water Act*. Hornby Island has 43 surface water licenses issued for domestic, irrigation and storage uses. Groundwater is currently the primary source of water supply. Its availability and quality vary considerably around the Island and seasonal shortages are common. In some areas of the Island there is a high level of development in relation to aquifer productivity. There are reports of salt water intrusion in some locations. Hornby Island's fractured bedrock aquifers exist under unconfined conditions which makes them highly vulnerable to contamination introduced at the land surface. Of particular concern is contamination from inadequate treatment of sewage and used water and improper utilization, storage and disposal of chemicals used domestically or in trades, crafts, agriculture, industry and transportation. Where water supply is a problem, bottled water is purchased, water is obtained from other public or private wells or water is trucked for a fee from productive wells elsewhere on the Island. Household treatment of water also takes place. Irrigation can be a significant use of water in the summer with potential impacts upon availability during the low flow period.

Comment: Update if required.

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

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to encourage water conservation to ensure that existing users of the water supply do not deplete the supply,
- (2) to ensure that new demand for water does not stress the groundwater resource,
- (3) to ensure that activity pertaining to use of land does not lead to degradation of the current supply of fresh water,
- (4) to enable more local involvement in the protection and management of groundwater;
- (5) to encourage the use of effective alternative systems and technologies,

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- (6) to encourage the use of shared systems that provide water, store water and treat used water, and
- (7) to encourage protection of water in wells.

Policies:

- 4.5.1 The establishment of a community-based water resource protection/management committee is supported to provide a coordinated and proactive approach to the protection and careful use of the Island's water resources.
- 4.5.2 A Groundwater Protection Strategy, based upon available technical information community and agency consultation, should be developed and implemented.
- 4.5.3 Development should be restricted in areas where groundwater limitations have been identified by a groundwater geochemistry study, aquifer classification, hydrological report or other technical information.
- 4.5.4 Watersheds, wetlands, lakes, water courses and riparian areas identified on Schedule D2 should be protected through development permit or regulation, including requirements for protective setbacks.
- 4.5.5 Sources of potable water should be protected through "water supply protection area" designation and covenants and/or regulations that restrict land uses to those that are compatible with protecting the water source.
- 4.5.6 Activities that would pollute fresh water or salt water should be prohibited and land uses that may involve a potential for pollution should be regulated.
- 4.5.7 Alternative water source methods such as rain water catchment, lined dugouts and well reservoirs should be used for large scale uses such as for filling swimming pools.
- 4.5.8 Enclosed cisterns and ponds for storage of rainwater to supplement water supply for individual or group household use and fire protection and irrigation are encouraged

Advocacy Policies:

- 4.5.9 The Vancouver Island Health Authority is requested to ensure that surface or groundwater is not contaminated by deleterious liquid discharges.
- 4.5.10 The Ministry of Forests and Range and the Integrated Land Management Bureau are requested to require that any tree cutting be carried out according to a management plan designed to fully protect the groundwater recharge function of the area based upon hydrological information and that draft management plans be referred to the Local Trust Committee for community review.
- 4.5.11 The Ministry of Transportation and Infrastructure is requested to review ditching practices with respect to maximizing groundwater recharge and retention and to work with the Local Trust Committee and the community to identify and carry out pilot projects involving alternative management of run-off in appropriate locations.
- 4.5.12 The Land Titles Office and the Real Estate Board are requested to require from land owners disclosure of septic and well conditions and locations at the time of property

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Deleted: and to develop and implement a Groundwater Protection Strategy. .

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Deleted: 4.5.9 . The Ministry of Water, Land and Air Protection shall be requested to:¶

- a) . monitor water quality and quantity in the Island's aquifers,¶
- b) . ensure that wells with high salt content are capped or grouted to protect against the intrusion of salt into the fresh water table,¶
- c) . ensure that the sealing and capping of abandoned, intermittently dry wells and known contaminated wells, is addressed,¶
- d) . introduce Groundwater Protection regulations which will enable water licensing, the regulation of well-drilling, and the establishment of Groundwater Management Areas,¶
- e) . consider designating Hornby Island as a Groundwater Management Area with provision for local participation in groundwater management, ¶
- f) . take a strong initiative to provide educational material on the groundwater resource and the protection of wells to the Hornby Island community and to visitors and to support local educational efforts, and ¶
- g) . require the capping of artesian wells. .

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transfer so that prospective buyers are informed of the water/septic situation.

- | 4.5.13 Sellers of properties and their real estate agents are requested to disclose water and septic information to prospective buyers of property on the Island.
- | 4.5.14 Any education program directed toward the conservation of Island water supplies, the re-use of water and the utilization of rainwater catchment and storage systems is supported.
- | 4.5.15 The use of chemical fertilizers, pesticides, and herbicides by any agency or individual is strongly discouraged.

SECTION V—OBJECTIVES AND POLICIES FOR A SUSTAINABLE INFRASTRUCTURE

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

5.1 Water Supply Systems

Background:

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

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Area:

All areas identified on Schedule B (Map Designations) are subject to the following objectives and policies

Objectives:

The objectives of this subsection are:

- (1) to ensure the self-sufficiency of the Island with regard to a supply of freshwater,
- (2) to ensure the maintenance of safe potable water sources for residents on the Island,
- (3) to encourage the capture of rainwater for domestic use, and
- (4) to encourage conservation and used water treatment to allow for re-use and recycling of water.

Policies:

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

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

Comment: Research and draft Temporary Use Permit guidelines for commercial groundwater extraction. Reword this policy as necessary.

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

Deleted: . Once such water sources are established, the sale and delivery of water from wells on residential lots shall be discouraged. In the meantime, purveyors of water from wells on private lots shall be strongly encouraged to adhere to a monitoring regime set up by a qualified hydrologist to ensure that the drawing of water does not threaten the common groundwater resource or interfere with its quality or availability to other users.

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

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| Advocacy Policies:

- | 5.1.5 The Vancouver Island Health Authority is requested to monitor water quality of community water systems and wells and to post the results on a regular basis for user's protection.
- | 5.1.6 The Ministry of Environment is requested to:
 - a) regulate the use of groundwater for community systems, and
 - b) identify and assess and then maintain and monitor on a regular basis community wells established at the time of subdivision.
- | 5.1.7 Integrated Land Management Bureau and the Ministry of Environment are requested to give consideration to:
 - a) identifying and reserving areas on Crown land that may be used as remedial sources of freshwater to supply existing residential uses only, and
 - b) establishing community wells in inland areas.
- 5.1.8 Small scale privately installed water systems and shared wells are encouraged, particularly for areas designated small lot residential.
- 5.1.9 Rainwater collection and storage are encouraged to provide domestic or commercial water supply for any new construction (and for incorporation into existing developments).
- 5.1.10 The provision of clean, safe public water supplies for the use of visitors is supported.
- 5.1.11 Dissemination of information on options for water conservation and recycling is supported.
- | 5.1.12 The Comox Valley Regional District and other authorities are requested to work with the Local Trust Committee and the community to develop a strategic plan for providing a continuous safe supply of potable water for all residents of Hornby Island.

5.2 Water Supply Protection Areas

Comment: Have combined water supply protection into one category for discussion.

Deleted: —Neighbourhood Water System

Background

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

Comment: Gassy Point and Sollans Road well may be capped? Confirm

Area

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

Objective:

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

Policies:

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

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

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

Deleted: 5.3.1—All parcels containing public wells that are used, or have the potential for being used, as community water sources are designated as Water Supply Protection Area—Public Well. ¶

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

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

Deleted: 5.2.3—Each well shall have a designated agency or purveyor identified that will take the responsibility for treatment, operation and maintenance of these systems." Agencies with jurisdiction over public wells shall be requested to protect the well head, to ensure regular maintenance and testing of the well and to post the test results and to monitor draw down and water availability, or to enter into an agreement with a community organization to carry out this work. ¶

Advocacy Policy

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

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5.3 Sewage Treatment and Disposal

Deleted: Disposal of Fecal Matter and Used Water

Background:

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

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

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

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

A number of pilot projects are being conducted on Hornby Island under the Innovative Designs Policy of the Vancouver Island Health Authority. ~~are being planned.~~

Area

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

Objective:

The objective of this subsection is to ensure that the disposal of sewage and used water does not lead to a health hazard through pollution of the groundwater or the waters surrounding the Island.

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Deleted: 5.4.1. Effective treatment systems for fecal matter and used water shall be required by the Ministry of Health Planning for any occupied lot. Shared systems shall be permitted subject to approval by appropriate agencies and subject to easements and other requirements being met. -
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Policies:

5.3.1 All owners should be alerted when applying for a Siting and Use Permit to the need for considering the location of sewage disposal fields before wells are drilled and buildings are constructed and to meet provincial requirements.

5.3.2 The feasibility of facilities to fully treat sewage or to complete the treatment of material from composting toilets may be investigated through a comprehensive planning process, such as a Liquid Waste Management Plan process. Potential sites should only be

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Hornby Island

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considered in appropriate locations away from residential areas and proposed operations must be in compliance with all applicable regulations

Advocacy Policies

- 5.3.3 The Vancouver Island Health Authority is encouraged to apply strict standards in monitoring waste treatment systems.
- 5.3.4 The Vancouver Island Health Authority and the Ministry of Environment are requested to enable the use of proven innovative technologies for sewage and used water treatment methods where conventional systems are not appropriate.
- 5.3.5 The Ministry of Healthy Living and Sport and the Vancouver Island Health Authority are requested to
- a) encourage the use of technologies that improve treatment and/or enable it to take place with a smaller foot print on the land (e.g. The use of effluent filters, tank access risers, package treatment plants and sand filters),
 - b) encourage the use of approval alternate systems where these are appropriate to particular situations, and
 - c) ensure regulations are enforced to prevent inadequate treatment of waste from threatening the quality of groundwater.
- 5.3.6 The Federal Government departments with authority are requested to require the use of holding tanks for sewage on vessels docked or moored in the waters surrounding the Island.
- 5.3.7 Provincial Ministries are requested to support research, development and application of alternative waste treatment systems through community-based pilot projects.
- 5.3.8 Public sewerage and sewage treatment systems are considered a remedial measure only in existing high-density residential areas as a remedial measure.
- 5.3.9 Consideration should be given to securing appropriate land (vacant Crown land or vacant private lots) that may be used in future for neighbourhood full treatment systems in the small lot subdivisions.
- 5.3.10 The Land Title and Survey Authority, the Real Estate Board and local realtors are encouraged to require from land owners disclosure of septic and well conditions and locations before property transfer so that prospective buyers are informed of the water/septic situation.
- 5.3.11 Programs designed to educate the public on appropriate approvable methods and management of sewage and used water disposal systems are encouraged.
- 5.3.12 Efforts to provide information to visitors that there are no pump-out facilities for recreational vehicles or boats on the Island are supported.

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Comment: These policies are governed by provincial regulations and should not be addressed here

Deleted: 5.4.3 The Vancouver Island Health Authority shall be requested to consider the use of local fill for the construction of raised mound septic fields provided the fill meets the required Vancouver Island Health Authority standards and can be obtained without negative impacts on the land and drainage in the area from which it is removed.

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5.4.4 The Vancouver Island Health Authority shall be requested not to permit any outfalls for sewage and used water.
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Comment: Governed by provincial regs

Deleted: 5.4.13 Methods to monitor and regulate the treatment of sewage, such as a Liquid Waste Management Plan, shall be explored by the Local Trust Committee with the Regional District of Comox-Strathcona and other agencies.¶

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5.4 Recycling and Disposal of Solid Waste

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to encourage maximum diversion from land fill through reuse, recycling, and composting solid waste,
- (2) to ensure that the collection, handling and storage of materials does not contaminate the environment, and
- (3) to continue public education on waste diversion methods.

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Policies

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

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Advocacy Policies:

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

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- 5.4.3 The recycling depot and any site for storage or dumping of solid waste should continue to be managed so as to protect the environment in compliance with the [Comox Valley Regional District](#) Waste Management Plan through consultation with the Ministry of [Environment](#).

- 5.4.4 Any necessary burning of waste should comply with the strictest interpretation of the standards of the [Ministry of Environment](#) designed to minimize air pollution.

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

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

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

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

Deleted: Standards for handling recycled, toxic or waste materials should continue to conform to those established in the Comox Valley Regional District Waste Management Plan.

5.4.9 The Comox Valley Regional District is requested to:

- a) continue to monitor down hill wells for landfill leachate in accordance with the Ministry of Environment directives on the management of closed, capped landfilled sites,
- b) to regularly review the operation of the Recycling Depot to identify and address any adverse impacts upon the environment (including upon surface water and groundwater) and to ensure that it complies with Provincial and the Comox Valley Regional District standards, and
- c) continue to support the development of local markets for recycled materials.

Inserted: Comox Valley Regional District

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

Deleted: Steps should be taken to ensure that petroleum products and other hazardous materials such as contained in machinery (including derelict vehicles) do not enter and contaminate the ground and groundwater.

5.5 Public Utilities and Services

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Background:

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

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

Area

All areas identified on Schedule B (Map Designations) and in particular the areas designated Public Utilities and Services (PS) are subject to the following objectives and policies

Objective:

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

Policies:

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

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

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

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Advocacy Policies

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

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

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

Deleted: The BC Buildings Corporation

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

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Hornby Island

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appropriate to preserve viewsapes.

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

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5.6 Air Transport

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Background:

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to minimize the disturbance of quiet enjoyment of property, and
- (2) to ensure that potentially productive use of land is not alienated by air strips.

Policies:

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

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

Advocacy Policies

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

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

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

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

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5.7 Water Transport

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Background:

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

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

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Area

All areas identified on Schedule B (Map Designations) and in particular the areas designated Marine Transport (MT) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

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- (1) to protect the limited sheltered bays for temporary anchorage,
- (2) to provide boat access to the sea,
- (3) to maintain a ferry service directed toward the needs of the local community,
- (4) to promote adequate sewage, used water and solid waste disposal for users of all marine facilities according to Provincial Health standards,
- (5) to encourage measures to reduce the number of vehicles that travel on the ferry, and
- (6) to support the continuing provision of wharfage at Ford Cove or at Shingle Spit.

Policies

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

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

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

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

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

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

Advocacy Policies

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

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

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

~~5.7.10 BC Ferry Services Inc and the Ministry of Transportation and Infrastructure are encouraged to:~~

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- a) achieve a level of service that follows rather than precedes community needs and that is established in consultation with community representatives;
- b) encourage car pooling and non-automotive land transportation;
- c) ensure that all vessels and associated upland facilities meet all the standards of the Vancouver Island Health Authority and the Ministry of Environment;
- d) consult on a regular basis with a local advisory committee (or in the absence of such a committee, the Hornby Island Local Trust Committee) with respect to future planning for and any changes to ferry service between Hornby Island and Vancouver Island; and
- e) consider the impact of the level and structure of tariffs upon the social and economic viability of the community.

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

5.8 Roads

Background:

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

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

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

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

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

Area

All areas identified on Schedule B (Map Designations) and as referenced on Schedule C (Land Status and Road Designations) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to maintain the rural character of roads on the Island,
- (2) to ensure safe, convenient transportation routes that do not encourage excessive speed,
- (3) to encourage safe bicycle and pedestrian travel as an alternative to vehicle use, and
- (4) to establish scenic/heritage road designations for unique and valued roadways and the appropriate consultative process when improvements are to be undertaken.

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Policies:

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

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Main Rural:

Posted maximum speed: 60 km/hr, except

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

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The following road standards are endorsed:¶
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Paved Width: 6.7 m (7.3 m on a curve)

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

Minor Rural:

Posted maximum speed: 40-50 km/hr

Paved width: 6.1 m

Shoulder width: no paved shoulder unless on a cycle route

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Residential Rural:

Posted maximum speed: 30-40 km/hr

Paved width: 5.5 m

Shoulder width: no paved shoulder

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

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

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

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

Advocacy Policies

5.8.6 The Ministry of Transportation and Infrastructure and B.C. Hydro are requested to:

- a) ensure the road system follows natural contours of the land wherever possible,
- b) continue the major road pattern as shown on the land use map, which does not connect across the bench under Mt. Geoffrey,
- c) retain unused road dedications as greenways and, where appropriate, as pedestrian and bicycle trails for access to beaches, Crown land, parks and other trails and roads,

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- ~~d)~~ retain as much natural vegetation along the roadside as possible and especially to protect wildflowers, rare plants, dogwood, arbutus and Garry oak trees,
- ~~e)~~ provide for safe travel of non-motorized traffic along Central Road and other busy sections of road (this should preferably take the form of paths adjacent to but separated from the existing roadway),
- f) ensure signage along the roads is minimal and in keeping with a rural atmosphere,
- g) consult with the Local Trust Committee on setting priorities for annual road work and ditching programs,
- h) work with the Local Trust Committee to address public parking provisions in community service use areas,
- i) ensure that ditching of roads is carried out so as to reduce impact upon natural groundwater and surface water flow patterns,
- j) work with the Local Trust Committee and community organizations to develop a trails and greenways plan and establish local stewardship arrangements for water accesses and unopened road allowances,
- k) provide written referrals to the Local Trust Committee with respect to any proposed works on roads, right-of-ways, water accesses and unopened road allowances,
- l) refer any disposition of road allowances to the Local Trust Committee,
- m) provide adequate dust control on gravel roads and consider in consultation with the community paving heavily traveled sections such as the lower portion of Strachan Road, and
- n) consider, in consultation with the community, traffic calming measures where these can address neighbourhood safety concerns.

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

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- 5.8.8 The Ministry of Transportation and Infrastructure is requested to ensure that road development does not compromise agricultural land or significant forest areas.
- 5.8.9 The Ministry of Transportation and Infrastructure is requested to ensure that waste material (particularly flammable material) is not allowed to accumulate in gravel pits and other land under its jurisdiction.
- 5.8.10 The Ministry of Transportation and Infrastructure is requested to make old gravel pits available for community uses when the gravel resource has been exhausted.
- 5.8.11 Programs to educate cyclists, motorists and pedestrians on road safety issues are supported.
- 5.8.12 The RCMP is encouraged to enforce highway regulations in order to help maintain the safety of the roads.
- 5.8.13 The Comox Valley Regional District is requested to maintain regular transit service to Buckley Bay from the Comox Valley and to expand the transit service across Denman to Hornby Island.

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SECTION VI—OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE

6.1 Objectives and Policies for Development

Background:

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

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

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Area

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

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Objectives:

The objectives of this section are:

- (1) to protect the physical environment and natural features,
- (2) to ensure that all land uses are regulated equitably,
- (3) to ensure all development of the land base is self-sufficient for services and does not impose or create load on surrounding land uses; and
- (4) to consider the community benefit in any significant rezoning application.

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Comment: New policy

Policies:

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

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

6.1.2 A minimum parcel size should be established for a parcel that may be subdivided pursuant to section 946 of the Local Government Act so as to uphold the objectives of the applicable land use designation.

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

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

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6.1.5 Applications for amenity rezoning may be considered by the Local Trust Committee for purposes ~~of provision of a needed amenity such as affordable housing, conservation, community food production, a community facility, access or a trail.~~ Any density increase ~~authorized by an amenity zone should not exceed the density authorized by the applicable land use designations of the areas plus in exceptional circumstances, where the amenity is considered of significant value to the community as determined by the Local Trust Committee, an increase in density of one lot may be considered.~~ The total number of additional lots allowed in exchange for community amenities on Hornby Island should not ~~exceed~~ five from the date of adoption of this Plan until the next review or update. ~~For purposes of application of this policy the term "lot" may be used interchangeably to mean "dwelling".~~

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Information Note: An illustration of the application of policy 6.1.5 (amenity zoning), if the owner of 4 hectares of land designated Rural Residential wishes to donate 1 hectare of land for conservation as an addition to an adjacent park (an eligible community amenity) the applicant may, through an amenity rezoning, be eligible to create two lots on the remaining 3 hectares.

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6.1.6 The Local Trust Committee may consider applications to transfer residential density from one parcel to another provided new development results in the clustering of development, protection of sensitive, rare or threatened ecosystems and contributes to preservation of community character or heritage resources, and the proposed development area is an appropriate location for an increase in density.

6.1.7 The Local Trust Committee should only consider applications for additional higher density for new development based on transfer of density from a donor parcel to a receiver parcel subject to the following:

- a) The application would result in the preservation and protection of a sensitive ecosystem, significant natural feature, or a heritage resource;
- b) the maximum permissible density for the receiver parcel would be:
 - i. the original permitted density of both the donor and receiver parcels prior to consideration of density transfer; plus
 - ii. a number less than or equivalent to the original permitted density of the donor site prior to consideration of density transfer;
- c) the additional density would be residential lots or dwellings;
- d) the additional development would be sited away from sensitive ecosystems, would minimize visual impacts, would mitigate potential natural hazards, and would implement sustainable building practices;
- e) the additional development would not adversely impact adjacent properties; and

- f) the owner of land in the donor area, as an initial step would grant a covenant in favour of Hornby Island Local Trust Committee to preserve and protect all or part of the donor area, after which the Local Trust Committee may consider rezoning both the donor area and another part of the Plan area to effect the transfer of density

6.1.8 A maximum of one lot or dwelling transfer should be considered in any one transfer application until such time as this policy is further reviewed.

Information Note: For purposes of illustration of a density transfer (policies 6.1.6 to 6.1.8), if a donor area is 4 hectares and is designated Rural Residential and a receiving area is 4 hectares and is designated as Rural Residential and the donor and receiver seek to transfer one dwelling entitlement, then the Local Trust Committee may consider a density transfer of one dwelling from the donor lot to the receiving lot. Considerations should include whether such a transfer supports community objectives and whether the receiving lot has the capacity for an additional dwelling. The receiving lot, which may have originally been entitled to two dwellings, would now be entitled to three dwellings.

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

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

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6.1.11 Recommendations from the Ministry of Environment Stormwater Management Guidebook regarding the maintenance of pre-development infiltration and drainage regimes should be considered in the development of land use regulations.

- 6.1.12 Lot coverage should not exceed 15 % on lots less than one hectare (2.5 acres) and 10% on lots greater than one hectare (2.5 acres). Lot coverage for lots within the Agricultural Land Reserve should not exceed 20% with the additional 10% to be used only for structures required for agricultural production such as barns and greenhouses.

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

- 6.1.14 A recreational vehicle, manufactured or mobile home, caravan, studio, boat or a travel trailer, if used as a residence, should be defined as a dwelling unit and be subject to

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density regulations.

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

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

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

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

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

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Comment: This policy moved from 6.3.1.8 (Residential General) to apply to all development.

Advocacy Policies

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

Deleted: The identification of areas on each lot where vegetation will be retained or restored should be required upon any application for Siting and Use Permit or a Development Permit.

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

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

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

6.2 Community Service Use

Background:

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

The community is fortunate to have a large area of Crown land in the central part of the island and most community services are located in this vicinity. School District #71 owns the land on which the Community School, "Room to Grow" and the Preschool are located; Hornby Island Residents' and Ratepayers' Association owns the land on which the Community Hall, Clinic and RCMP office are located; the Fire Hall is on land owned by the Comox Valley Regional District; New Horizons Centre (including the Public Library), The Community Health Care Centre and the Athletic Association facilities are all on leased Crown land. The previously designated "light industrial" land is now added to the "community service use" designation which could provide for future public institutions and community trades and services. The community will continue to work with the Integrated Land Management Bureau to identify the best uses of this area.

The land in this designation is in a groundwater recharge area upslope from a residential area and, therefore, requires careful development and use.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to ensure that the central community service lands are managed as an integrated unit for the benefit of the community as a whole,
- (2) to protect the groundwater resource from degradation for purpose of water supply,
- (3) to design development to accommodate anticipated traffic and parking needs,
- (4) to encourage the clustering of public buildings in this area,
- (5) to encourage the sharing of utilities such as parking, sewage and used water systems, vehicle access, and water supply,
- (6) to encourage the continued use of building styles, materials, landscaping and the retention of treed areas which are in keeping with the rural landscape,
- (7) to ensure that there is ample sewage treatment and water supply for the anticipated uses,
- (8) to use community resources efficiently and to allow for development of community facilities as needed,
- (9) to ensure that the existing community use and service areas are maintained,
- (10) to recognize the importance of keeping long-term residents of the Island within the community by enabling community housing, and
- (11) to support community acquisition or lease of parcels of Crown lands in this area that may be required to provide public services.

Policies:

- 6.2.1 A Community Trades and Services Area, developed and operated under the jurisdiction of an organization (such as a cooperative or land trust) with accountability to the

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Deleted: 6.2.1 All centrally located Crown lands north of Central Road and adjacent to Sollans Road shall be designated "Public Use" and the Crown land south of Central Road previously designated and zoned "Light Industrial", shall be designated "Public Use" and rezoned to "Community Trades and Service Area".

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- community, should be permitted on land designated "community service use" and should be regulated by development permit and land use bylaw regulations.
- 6.2.2 All land within the community service use designation and public utilities and services designation directly north of the GW/EPA designation on Schedule B should be included in a Development Permit Area for the purpose of protecting the groundwater resource. A development permit may be required for any new development that involves: significant water use, sewage and used water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building.
 - 6.2.3 Community facilities, such as schools and recreational facilities should continue to be clustered in the central area near the Community Hall.
 - 6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally.
 - 6.2.5 The Royal Canadian Mounted Police should continue to be located in a central location, and should be requested to provide a structure in character with other public buildings on the Island.
 - 6.2.6 The development of affordable or special needs housing for Island residents, including facilities for seniors, displaced year-round residents and summer workers, operated by a community non-profit society, should be permitted on land designated community service use and be regulated by development permit and land use bylaw regulations. Other residences should only be permitted for the purpose of accommodating a caretaker or operator.
 - 6.2.7 Limited commercial activities (such as a farmers' market for locally-produced foods and goods or a credit union), operated under the jurisdiction of a community non-profit society, should be permitted on community service use lands subject to adequate off-street parking being provided and should be addressed through land use bylaw regulations.
 - 6.2.8 Member use services provided by non-profit organizations, such as community kitchens, gardens, public showers and laundry facilities should be permitted.
 - 6.2.9 Screening of operations should be required by regulation to ensure that wide buffers of native vegetation are left along roads and property lines.
 - 6.2.10 Signage and lighting should be regulated by bylaw to ensure maintenance of the rural landscape.
 - 6.2.11 All buildings should be finished in natural products such as wood, stucco, stone or brick or other materials that would fit in with the ambience of the community and neighbourhood; roofing materials that are appropriate for water catchment may be utilized.
 - 6.2.12 Off-road signage and lighting should be regulated to provide a safe environment in keeping with the rural landscape.

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Comment: APC suggested permanent rather than temporary facilities for summer workers. Note rental housing is not promoted by this policy. Xref to sec 6.3.5

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

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

Advocacy Policies

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

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6.2.16 Integrated Land Management Bureau is requested to:

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- a) only consider dispositions of land designated for community service use that are compatible with the objectives and policies of this Official Community Plan,
- b) consult with the Local Trust Committee to ensure that any dispositions are in accordance with a master plan for the area,
- c) retain this land in public community management, and
- d) ensure public access to the Crown land is maintained.

6.2.17 The Ministry of Transportation and Infrastructure and Integrated Land Management Bureau. Is requested to make available for public use any unused portion of the gravel pit parcel on Central Road (and the whole of the remaining parcel when this is no longer required for gravel extraction).

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

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

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

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

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

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6.3 Residential

6.3.1 Residential—General

Background:

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

Historically, the Island has had a rural character with predominately large acreages. The small lot subdivisions were created prior to the Islands Trust assuming planning authority for the Island and all potential areas for subdivision into that lot size are already subdivided. By 1990, approximately 60% of all residential parcels on the Island were 0.2 hectares (about 0.5 acre) or less. Today more than 95% of the private dwellings are single-detached and 18% are rented.

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

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

The 2006 census records 968 dwellings and a resident population of 1,065 persons which would suggest almost 1 dwelling per resident. However, the census records that only 56% of dwellings are occupied year-round while the BC Assessment Authority indicates that only 37% of properties are owned by Hornby residents

There are three major housing challenges facing the community:

- a) a substantial proportion of the long-term resident population is now in the older age brackets; some may appreciate the availability of special housing in their senior years while others may wish to be supported while remaining in their own homes,
- b) property prices are out of scale with the incomes that can be derived on the Island, making it difficult for younger people to become established here, and
- c) the majority of properties are owned by non-residents and most of these are occupied and/or rented seasonally thereby limiting the availability of year-round rental accommodation.

Area

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

Objectives:

The objectives of this subsection are:

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There is extremely limited potential for expansion of residential development.

Deleted: In 1997, of the 1126 titles listed with the Assessment Authority, 1053 or 93.5% were classified residential for tax purposes.

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Deleted: In 1997, of the total 1053 residential parcels, 79% were developed. Without further subdivision beyond that permitted in this plan, or changes in density, the residential population of Hornby Island could reach more than 2452 people assuming 2.27 people per household. The figure 2.27 comes from the regional index as determined by Statistics Canada for the region. That figure was multiplied by the total residential parcels (1053 parcels) and agriculture parcels (27 parcels). However, the reality for Hornby is that many households are not occupied year-round, while the occupancy level can be very high during July and August. .
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- (1) to ensure that a variety of housing options are available,
- (2) to ensure that the scale of residences and other buildings are appropriate to the Island and neighbourhood context,
- (3) to recognize the importance of keeping long-term residents in the community, and
- (4) to provide for community initiatives to address housing needs.

Policies:

Policies in subsection 6.3.1 apply to all subsections of subsection 6.3

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

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

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

6.3.2 Small Lot Residential

Background:

Lots in this category are smaller than 0.8 hectares (two acres) and generally range around 0.24 hectares (about 0.5 acre) in some subdivisions to 0.1 hectares in areas on the peninsula of the island. As more and more of the lots in these areas are built upon, the already evident problems of sewage and used water disposal and water supply become more acute. The peninsula lots have their own aquifer. The aquifer has been classified as 1A (heavily developed with high vulnerability), which is the highest classification in the Provincial aquifer classification system. This is reflected in the area's water quality and quantity problems, including salt water intrusion, sulphurous water and poor-yielding wells.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to ensure that any construction on existing vacant lots can be supported by the land base and does not lead to health hazards or degradation of the environment,
- (2) to minimize the negative impacts associated with small lot development,
- (3) to protect the water resource in a heavily developed, highly vulnerable aquifer, and
- (4) to ensure that the land uses do not have an adverse effect upon the quality and quantity of water draw down from the Whaling Station Bay Improvement District water collection system nor upon other wells on adjacent properties.

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Deleted: encourage community housing, such as Elder Housing and community land trusts. .

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Deleted: Security lights on private yards shall be regulated so as not to intrude on surrounding properties. .

Comment: Consolidates Small Lot Residential and Small Lot Residential/Water Resource Protection Area.

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Deleted: There are two parcels within the small lot residential zone that have subdivision potential. One parcel is located in Galleon Beach and the other in Sandpiper Beach; both parcels have the potential to create one additional parcel. .

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Policies:

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

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6.3.2.2 The minimum parcel size should be one hectare (2.5 acres).

6.3.2.3 For one specific parcel only (Lot A, Plan 24913), a small portion of the Shingle Spit, the designation is Small Lot Residential with no potential for subdivision.

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

6.3.2.5 One dwelling unit should be permitted on each lot.

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

6.3.2.8 Additional development of the groundwater resource should be strongly discouraged. The use of water catchment and storage systems for household and garden use, and in particular for Bed and Breakfasts home occupations, should be strongly encouraged.

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

6.3.2.10 Consolidation of small lots should be encouraged. To recognize the reduction in density and other impacts resulting from the consolidation of lots, the following should apply for any lot over 1 hectare that is the product of the consolidation of smaller lots: the maximum floor area of a residential dwelling or an accessory building may be permitted to be one and a half times the size permitted on standard lots in the small lot residential designation.

6.3.2.11 Bed and Breakfasts should be permitted as a home occupation providing the number of guests is limited based on lot size.

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6.3.2.12 The provision for shared water supply systems and/or sewage and used water treatment involving two or more lots is supported where appropriate to local situations and in accordance with the Vancouver Island Health Authority standards.

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6.3.2.13 One lot, Lot 11 Plan 25736, is adjacent to a water collection system that provides water to property owners in the Whaling Station Bay area. The following policies apply to Lot 11:

a) residential development should be restricted to the north-western half of the property;

b) the south-eastern part of the property (as identified in hydrological report by Piteau Associates Engineering Ltd. (2002)" should remain in an undisturbed state (except for measures such as ditching that are required to protect the water

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resource) and should be protected by a covenant or through transference to local government for protection purposes;

- c) before any development is permitted, a site drainage plan should be prepared and implemented in accordance with recommendations from the Piteau Associates Engineering Ltd. (2002) report; and
- d) this lot should be included as a Development Permit Area designation on Schedule E for the Protection of the Natural Environment (groundwater resource) to enable the implementation of policies 6.3.3.13 a), b) and c) above.

6.3.3 Rural Residential

Background:

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

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

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

- 6.3.3.1 For any subdivision of properties in the Rural Residential designation an average lot size of four hectares (10 acres) should be maintained, with a minimum lot size of one hectare (2.5 acres) when subdivision averaging takes place unless the subdivision is for the purpose of creating a park, ecological reserve, community land trust or other community service use.

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In 2009 there were 322 parcels greater than two acres in size. Of these lots, 24%, or 79 lots, are listed in the assessment rolls as vacant. The Rural Residential designations are intended to promote the retention of large parcels of land, while still providing an opportunity for cooperative land sharing. These rural residential areas are intended to maintain rural aesthetic appeal while permitting home occupation and minimizing the impacts on surrounding land parcels. There are 16 new Rural Residential parcels that can be created, from two original parcels. ¶

¶
LLR¶

In the past, a number of residents were able to establish themselves on the Island by becoming land partners through the purchase of rural residential land and building two separate legal dwellings. These situations are in some cases becoming problematic as the landowners' circumstances change. The community generally supports the subdivision of properties in these historical situations, provided there is no increase in density or additional impacts upon the Island. ¶

¶
The Large Lot Residential designation has been created to achieve this. The parcel must have had two long-standing homes built and the owners must have been owners in common prior to 1991. The designation is intended to promote the retention of large parcels of land and to m (... [88]

Inserted: (Piteau Associates Engineering Ltd., 2002)

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Policies in subsections 6.1 and 6.3.1 apply to this subsection. .
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6.3.3.2 Exceptions to policy 6.3.3.1 may apply in the following circumstances:

- a) Where two owners have jointly owned a property between 3.5 hectares and 4.5 hectares designated Rural Residential and over the span of time find that continued joint ownership is not feasible. A minimum lot size not smaller than 1.0 hectare may be considered for subdivision if the applicant submits an application using the density transfer or amenity zoning policies of this Plan.
- b) On property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of 0.4047 hectare (1 acre) with an average lot size of one hectare (2.47 acres) may be considered for subdivision.

6.3.3.3 At least half of the number of lots created through subdivision, which are smaller than permitted average lot size should be larger than permitted minimum lot size.

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6.3.3.4 The principal use in this category should be residential with any accessory uses consistent with the residential character.

Deleted: 6.3.6.3 In order for the Local Trust Committee to consider an application for subdivision in the Rural Residential designation, it should be accompanied by a development plan that addresses the following: securing neighbourhood water supply, preserving environmentally sensitive areas, maintaining tree cover, protecting the groundwater recharge function and dedicating land for trails or park. A covenant may be required to protect important values. A hydrological study may be required for considering the subdivision of properties in areas with aquifers classified as "heavily developed".
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6.3.3.5 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings shall be permitted on lots 3.5 hectares (8.75 acres) or greater.

6.3.3.6 Home occupations may be permitted but shall be limited to those having little impact on the rural residential character of the area and its environmental qualities.

6.3.3.7 Public access to the existing trail system shall be secured wherever possible through dedication, covenant or easement.

6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation shall not be supported.

6.3.3.9 The use of water catchment and storage systems for household and garden use for new and existing development shall be encouraged.

Deleted: 6.3.6.8 Should an agreement be reached between the Province of British Columbia and the owner of Lot B Plan 24132 (designated Rural Residential and adjacent to Helliwell Park) for a portion of that lot to be acquired as an addition to Helliwell Park, the subdivision of the lot shall be supported and the remaining portion of the lot shall be redesignated as Small Lot Residential/Water Supply Protection Area¶

6.3.4 Forest

Background:

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

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

Area

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

Deleted: Within this designation there are three parcels that have subdivision potential to create seven new parcels. There are two parcels that can each create one additional parcel and another parcel that can create five new parcels.

Objectives:

The objectives of this subsection are to:

- (1) preserve scenic, aesthetic and ecological values,
- (2) minimize ground disturbance and retain forest cover in order to protect water catchment areas.
- (3) preserve traditional public trail access through forested areas especially to escarpment view points.
- (4) promote retention of large parcels of land,
- (5) provide some limited opportunity for land sharing without encouraging subdivision,
- (6) maintain the visual quality of the residential neighbourhoods, and
- (7) allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated Rural Residential and to ensure minimal negative impact on neighbouring properties.

Comment: Requires a Development Approval Information Bylaw

Deleted: 6.3.7.2 In order for the Local Trust Committee to consider an application for subdivision in the Forest designation, it should be accompanied by a development plan that addresses the following: securing adequate neighbourhood water supply, preserving environmentally sensitive areas, maintaining tree cover, protecting the groundwater recharge function (including from the impact of road building) and dedicating land for trails or park; a covenant may be required to protect important values.

Policies:

Policies in subsections 6.1 and 6.3.1 apply to this subsection.

6.3.4.1 For any subdivision of properties in the Forest designation, an average lot size of 16 hectares (40 acres) should be maintained, with a minimum lot size of four hectares (10 acres) when subdivision averaging takes place unless the subdivision is for the purpose of creating a park, ecological reserve, other community service use or a community land trust.

Deleted: 6.3.4.2 Clustering of development to avoid environmentally sensitive areas defined on Schedules D1 and D2 and to minimize the impacts of road building is encouraged. The Ford Cove area is one location that may be considered for clustering. The west side of Mt. Geoffrey known as the bench and the cliffs above and below it should be protected from development and from any disturbance of the land through road building, blasting, well drilling, logging or pond digging.

6.3.4.2 Residential use of land should be permitted in the Forest designation.

6.3.4.3 Only one dwelling unit should be permitted per parcel and two dwellings if the parcel is over four hectares (10 acres).

¶

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- 6.3.4.4 Setbacks of buildings and uses from cliff edges and retention of vegetation should be required to protect the slopes from erosion.
- 6.3.4.5 Home occupations may be permitted subject to land use bylaw regulations and should be limited to those types having a low impact on the natural forested character of the area or other environmental qualities.
- 6.3.4.6 Development Permits should be required for all new construction, road development or other modifications to the ground, or alterations of the forest that may have an impact upon natural biodiversity or ecologically sensitive areas.
- 6.3.4.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.

Deleted: cover , and for developments or uses

6.3.5 Housing

Background

A 2008 report entitled *Housing Needs on Hornby and Denman Island* prepared by Eberle Planning and Research notes that "the recent prolonged boom in vacation property sales has affected both islands with steadily rising house prices". In the last census period, median house prices on Hornby increased by 116% while incomes increased by only 7%. (An income of \$60,000 is required to buy an average non-waterfront home. The median household income is \$37,689.) The number of rental units declined by 7% in this period and now only 18% of dwellings are rented compared with 30% for BC. The average Hornby renter has moved 12 times. While 90% of elders own their homes, almost half of these need repairs.

The report estimates that at least 97 Hornby households are in housing need. The report recommended that a) approximately 30 affordable housing units could address the needs of Hornby renter households in need who prefer ownership, b) ten elder housing units are required to meet anticipated need over the next 10 years, c) secondary suites / dwellings could address the housing requirements for the minimum 17 single-person renter households in need and renters without year-round accommodation and d) provision for emergency/temporary housing would help address housing shortages in the summer and housing crises in the winter. It also proposes support for renters, repair assistance for elder home-owners and home care for elders. The 2004 Hornby Island Advisory Housing Committee Report included recommendations with respect to secondary units, temporary summer accommodation and the formation of a community land trust.

There are three Hornby Island organizations with a housing focus: Hornby Island Elder Housing Society, Islanders' Secure Land Association and Hornby Outer Island Housing Society. Two properties are currently zoned for community housing.

For purposes of interpretation the following terms are used in this section::

"Affordable Housing" – housing that is by intent and policy more affordable than identical housing that is or could be provided elsewhere in the community and is housing that by design and size provides for residential accommodation that can be acquired with 30 per cent of the median gross income of families or individuals on Hornby Island.

Comment: Existing OCP Section 6.3.8 Forest/Rural Residential section DELETED and no longer applicable.

Deleted: 6.3.8 Forest / Rural Residential¶

¶ Background ¶

Land in this category is uniquely situated in that it is surrounded on three sides by public land - the Mount Geoffrey Regional Nature Park and vacant Crown land designated as Groundwater Protection/Environmental Protection Area. In general, the land has similar characteristics to the¶ adjacent public land including steep areas, continuous forest cover and groundwater recharge properties. Some steeper areas are not appropriate for development. The lower portion is adjacent to land designated Rural Residential.¶ BL 108¶

There is only one parcel within the Forest/Rural Residential designation. It was previously designated as Upland, which did not provide for any subdivision of this parcel. Two rural residential lots may now be created from this parcel. ¶ BL 108¶

Objectives¶

The objectives of this subsection are to:¶

- 1) preserve scenic, aesthetic and ecological values,¶
- 2) allow modest development appropriate to the location and characteristics of the land, and ¶
- 3) allow some additional development.¶

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“Rental Housing” is housing that is available by payment of rent for occupancy for a minimum of one month and can include any form of housing that is available for rent.

“Special Needs Housing” is housing to accommodate persons who may have special needs due to age, health, disability or other factors that may require special housing characteristics.

“Community Housing” is housing that is provided specifically by bylaw to address affordable or special needs housing requirements, including housing that is provided on land designated for community services use, but community housing does not include housing that may be provided as part of a land cooperative; as a secondary suite; as part of a mixed use development such as in association with a commercial land use or as a secondary dwelling on a property; even though such housing may contribute to the provision of housing that is affordable, available for rent or that accommodates the needs or persons with special needs. The Community Housing designation is intended to designate areas that would be suitable for such housing.

Land Co-operatives involve co-operative ownership of some large parcels which have been viewed as consistent with the character of the community. The co-operative lifestyle on rural large parcels of land has required fewer roads, allowed sharing of resources, and made the acquisition of property more affordable for members. The Land Co-operative designation is intended to promote the retention of larger parcels and rural character, while still providing an opportunity for cooperative land sharing and the benefits it provides in terms of affordable housing. Land in this designation may be held by organizations such as community land trusts, co-operatives established under the “Cooperative Association Act” or under a corporate ownership structure owned by resident shareholders.

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Area

The areas identified on Schedule B (Map Designations) and areas with the CH (Community Housing) and LC (Land Cooperative) designations in particular are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to provide for a range of housing opportunities including the creation of affordable, rental and special needs housing,
- (2) to enable affordable, rental and special needs housing options that are compatible with the Island's environment and character,
- (3) to provide for community initiatives to address the housing needs associated with age, disability, and/or moderate and low income through the provision of community housing,
- (4) to provide opportunity for non-profit housing situations to meet the needs associated with age, disability, and/or moderate and low income, and
- (5) to support land cooperatives with the intention of providing opportunity for common ownership through co-operative land tenure.

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Community Housing Policies

Policies in Section 6.1 and section 6.3.1 apply to this subsection.

- 6.3.5.1 The principal use in the Community Housing (CH) designation should be affordable or special needs residential.

Deleted: this category

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6.3.5.2 Residential and Community Service Use designated parcels that have demonstrated ability to meet Provincial Ministry standards of water, used water (sewage and waste water) treatment and other health and environmental requirements, may be considered upon application for a Community Housing designation and subsequent site specific rezoning and regulations. A development plan should be requested upon application for redesignation or rezoning that includes information and future development phases including projected densities, impacts on the land and neighbourhood including the provision of waste supply, waste disposal and retention of natural vegetation.

6.3.5.3 A housing agreement may be required upon application for redesignation and rezoning to Community Housing.

6.3.5.4 Criteria that should be addressed in the provision of community housing includes:

- (a) the form of tenure of the housing units;
- (b) the availability of the housing units to classes of persons if special needs are to be accommodated;
- (c) the administration and management of the housing units, including the manner in which the housing units may be made available to persons within a class referred to in paragraph (b);
- (d) rents and lease, sale or share prices that may be charged, and the rates at which these may be increased over time, as specified in an agreement or as determined in accordance with a formula specified in an agreement

6.3.5.5 Community housing developments should only be located where there is compatibility with existing and potential land use on neighbouring parcels.

6.3.5.6 Community housing developments should be of a scale and character that is compatible with the neighbourhood ambience and the natural environment.

6.3.5.7 Lot A, Section 11, Hornby Island, Nanaimo District, Plan VIP87054 and Lot 1, Section 11, Hornby Island, Plan 87990 may be used to provide affordable or special needs housing.

Affordable Housing

6.3.5.8 Shared land ownership is recognized as one means of providing a more affordable ownership of land and may be supported in land use regulation in lieu of subdivision of land where supported by policy in section 6.3.3 and section 6.3.6 of this Plan.

6.3.5.9 A campsite operated by a non-profit society may be considered within the Community Service Use designation as a means to provide temporary summer accommodation for summer workers, summer visitors and displaced residents who can not otherwise find accommodation.

6.3.5.10 Housing should be permitted on land designated for community service use provided such housing is affordable or provides for persons with special needs.

Rental Housing

6.3.5.11 Residential use should be an accessory use on land zoned commercial use and may be a means to provide rental housing opportunities.

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Deleted: .3.1.? Suitable residential properties may be considered for community housing designation and re-zoning to provide for community housing, including affordable rental housing (in accordance with policies in section 6.3.9 of this plan).¶

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Deleted: 6.3.8.6 Condominiums or multi-unit townhouse type development shall not be encouraged. ¶

Deleted: 6.3.8.6 Public access to the existing trail system shall be secured wherever possible through dedication, covenant or easement. ¶

Deleted: 6.3.1.6 The Local Trust Committee shall establish a special projects advisory planning committee on housing to work with the Local Trust Committee and the community to identify local housing needs, develop and evaluate options for addressing them and prepare recommendations for subsequent amendments to the Official Community Plan that are consistent with the objectives of the Plan.

Deleted: 6.3.5.4 The Local Trust Committee supports the development of a housing needs assessment as a basis for development of a longer term affordable housing strategy.¶

Deleted: <#>The use of a housing agreements bylaw to address:¶

- (a) the form of tenure of the housing units;¶
- (b) the availability of the housing units to classes of persons identified in the agreement;¶
- (c) the administration and management of the housing units, including the manner in which the housing units will be made av(... [89]

Deleted: 11¶

6.3.5.12Agreements under the

Deleted: Landlord and Tenants Act

Deleted: Residential Tenancy Act are strongly encouraged for the rental of dwelling units for periods of more than thirty days¶ ... [90]

Inserted: Residential Tenancy Act

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6.3.5.12 A secondary suite, limited in size and contained within a permitted dwelling, may be permitted on larger rural lots in central areas of the Island (in accordance with policies in section 6.3.3 (Rural Residential) of this Plan) and despite section 6.3.3 on lots larger than 3.5 hectares in areas located within two kilometers of either the junction of Central Road and Sollans Road or the junction of Central Road and St. Johns Point Road in order to provide rental opportunities provided the owner or residential tenant occupies the principle residence.

Deleted: A, Section 11, Hornby Island, Nanaimo District, Plan VIP87054 or ownership

6.3.5.13 A detached unit used to provide non-permanent accommodation for a relative or a care-giver or to provide non-permanent affordable rental accommodation to a community resident may be permitted through a Temporary Use Permit (in accordance with guidelines specified in Section 6.10 (Temporary Use Permits)), but use of such a permit will only establish the temporary nature of such use and will not manage who can occupy the non-permanent accommodation.

Advocacy Policies for Rental Housing

6.3.5.14 Owners of land where a second dwelling is permitted are encouraged to provide the second dwelling as on going rental accommodation to increase the available rental housing supply unless the second dwelling is otherwise used or needed for use by the owner.

6.3.5.15 Agreements under the Residential Tenancy Act are strongly encouraged for the rental of dwelling units for periods of one month or longer.

Special Needs Housing (including housing for seniors)

6.3.5.16 Lot B, Section 10, Nanaimo District, Plan 18085, which is zoned for elder housing, may be considered for zoning amendments to increase the number of units, according to the carrying capacity of the property and may be expanded through the acquisition of adjoining land.

6.3.5.17 A supported living facility, a hostel and other facility for providing emergency and/or temporary accommodation should be permitted on land zoned for community service use (in accordance with policies in section 6.2 (Community Service Use) of this Plan).

6.3.5.18 The Local Trust Committee may explore opportunities for temporary accommodation for summer workers and/or displaced residents

Advocacy Policies for Special Needs Housing

6.3.5.19 Hornby Island residents are encouraged to provide and support home care and home repair assistance initiatives for seniors as a means of extending the opportunities for independent living.

6.3.5.20 Where appropriate to person's needs and preferences, Hornby Island residents are encouraged to make available in their homes opportunities for boarding and other joint living arrangements to expand the range of living opportunities for persons with special needs or who seek affordable housing.

Land Co-operatives

6.3.5.21 Upon application, properties 4 hectares or greater may be considered for redesignation as "land co-operative" and for rezoning based upon a development plan that addresses

Deleted: Policies 2.2.1 and 2.2.2 apply to all sections of this plan.

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projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities where possible.

- 6.3.5.22 ~~Three~~ properties have been designated as Land Co-operatives as a result of this Plan. Subsequent land use bylaw regulations may be created to address historical situations where parcels are in common ownership with each member owning a share believing the share granted him/her the right to build a house. ▼
- 6.3.5.23 The principal permitted uses in this designation should be residential and agricultural. ▼
- 6.3.5.24 Home occupations subject to land use bylaw regulations may be permitted but shall be limited to those having little impact on the area's character and environment.

Deleted: Two existing

Deleted: that

Deleted: Two parcels are identified in this category: Section 15, South 1/2 of Southeast 1/4 (Syzygy Co-operative Community) and Plan 26456A, Section 4A, and portion West 1/2 Section 4 (Shire Co-operative Community).

Deleted: and agricultural use is permitted

Deleted: 6.3.10.4The existing number of dwellings as on November 29, 2002 shall be permitted on the land designated Land Co-operative (the existing land cooperatives known as Shire and Syzygy). Additional dwellings may be considered through a zoning amendment application that must be accompanied by a development plan for the whole property that demonstrates minimal incremental impact. The development plan should address the overall impacts of land uses including: provision of water supply, waste disposal, parking requirements, retention of natural areas, retention of agricultural lands and impacts on neighbouring properties. ¶

6.4 Agricultural

6.4.1 Agricultural

Background:

The early development of Hornby Island included agriculture as a primary occupation. However by 2009 the Assessment Authority listed 190 parcels with an agricultural assessment. Many of the largest holdings with good soil have now been subdivided or are vacant. Residential uses of agricultural land has increased pressure for subdivision. Small-scale farming operations serving primarily local needs are prevalent.

Policies in this section refer to the use of any land for agriculture and do not necessarily deal with issues of preserving land in the Agricultural Land Reserve. Section 6.4.2 of this Plan contains policies on the preservation of the Agricultural Land Reserve which is considered a natural resource of the Island. Land Use Bylaws in Agricultural areas have a traditionally established a minimum subdivision potential of 16 hectares (39.5 acres) or greater unless otherwise noted.

Agriculture on Hornby has been declining and many prime agricultural regions have previously been subdivided or are not being actively farmed.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to support continuing agricultural use of land and associated activities,
- (2) to ensure that the use of land in the Agricultural designation does not compromise the capability of the land for future food production,
- (3) to encourage retention of large parcels of land for agriculture, and
- (4) to ensure agricultural practices do not cause contamination of the groundwater resource.

Policies:

Policies in subsection 6.1 apply to this subsection.

Deleted: Policies 2.2.1 and 2.2.2 apply to all sections of this plan.

6.4.1.1 For any subdivision of properties designated Agriculture a minimum parcel size of 16 hectares (~~39.5 acres~~) should be maintained except that a minimum parcel size of 4 hectares (9.88 acres) should be permitted on the portion of Parcel C (DD 199735I) of the South East ¼ and the East ½ of the South West ¼ of Section 10, Hornby Island, Nanaimo District.

Deleted: 40

6.4.1.2 The principal uses in this designation should be agriculture ~~and residential~~.

Deleted: , with residential use a permitted secondary use.

6.4.1.3 One dwelling (which may contain a secondary suite) may be permitted on lots smaller than 3.5 hectares (8.6 acres).

6.4.1.4 On parcels 3.5 hectares (8.6 acres) or greater the following should be permitted:
a) one dwelling with a secondary suite within the dwelling; or

- b) two dwellings, with the second dwelling limited in size, and if the land is in the Agricultural Land Reserve the second dwelling should only be permitted if the second dwelling is necessary for farm use as determined by the Local Trust Committee in consultation with a Provincial Regional Agrologist; or if authorized as a non farm use by the Agricultural Land Commission.

6.4.1.5 Home occupations which do not impinge upon the principal farm use and which will not cause any degradation of the land nor reduce its capability for agricultural production should be permitted, subject to bylaw regulations and shall comply with Agricultural Land Commission regulations where applicable.

6.4.1.6 All agricultural activities should be conducted in accordance with the Agriculture Waste Control Regulation, Waste Management Act, the Farm Practices Protection (Right to Farm) Act and the Health Act administered by Ministry of Environment.

Deleted: Code of Agricultural Practice for Waste Management,

6.4.1.7 Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) shall be considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required

Advocacy Policy

6.4.1.8 The spreading of agricultural waste should be regulated such that water courses or groundwater resources are not contaminated.

6.4.2 Additional Policies for Land in the Agricultural Land Reserve

Background:

Agriculture is the traditional land-based economic activity of Hornby Island. There are about 824 hectares (2060 acres), 27% of the land base, in the Agricultural Land Reserve, and subject to the *Agricultural Land Commission Act*, which was intended to preserve land with agricultural potential to provide a secure source of food for the future residents of the Province. Farming is encouraged in parcels within the Reserve and non-farming use is regulated by the Commission.

There are 102 parcels on Hornby located within the Land Reserve. The average area of these parcels is 7.2 hectares (18 acres). This land is of high to medium capability for agriculture and is reserved for present or future production. Schedule C, the land status map, identifies land in the Agricultural Land Reserve and Schedule B, the land use map, shows land used primarily for agriculture, most Agricultural Land Reserve land falls in that category.

Area

The areas identified on Schedule B (Map Designations) as AG (Agriculture) and lands within the Agricultural Land Reserve are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to retain land with potential for agriculture,
- (2) to ensure that agricultural land in the land reserve is not degraded, and

- (3) to enable accessory uses that are compatible with farming and the preservation of agricultural land.

Policies:

6.4.2.1 The retention of the Agricultural Land Reserve and the Agricultural Land Commission to protect against the loss of the potential for self-sufficiency in agricultural production in the Province of British Columbia is supported.

Deleted: Policies 2.2.1 and 2.2.2 apply to all sections of this plan. Policies in subsection 6.1 apply to this subsection. ¶

6.4.2.2 Land designated agricultural that is proposed for non-agricultural uses deemed to be in the public interest by both the Agricultural Land Commission and the Local Trust Committee may be considered for rezoning and for removal from the Reserve, the latter being preferred if other land of comparable or better agricultural potential being added to the Reserve.

Deleted: subject to

6.4.2.3 The minimum parcel size within the Agricultural Land Reserve designation should be 16 hectares (39.5 acres) but smaller lots may be created where a portion of a parcel has been leased to another farm operation for at least the five previous consecutive years and such subdivision is approved by the Agricultural Land Commission..

Deleted: of parcels

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Deleted: sixteen

Deleted: 40

Deleted: Commision

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.

Deleted: 6.4.2.4 . Despite section 6.4.2.3 a minimum parcel size of 4 hectares (9.88 acres) shall be permitted on the portion of Parcel C (DD 1997351) of the South East ¼ and the East ½ of the South West ¼ of Section 10, Hornby Island, Nanaimo District, designated Agriculture.¶

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.

Deleted: N

6.4.2.6 Uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts.

6.4.2.8 Soil removal except for purposes of improving the agricultural soil resource on Agricultural Land Reserve lands subject to provisions of the Agricultural Land Commission Act should not be permitted.

Deleted: Soil Conservation Act

6.4.2.9 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.

Deleted: allowed

6.4.2.10 Farm Use as defined by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation is permitted within the Agricultural Land Reserve and may be regulated by land use bylaw.

6.4.2.11 Education and research facilities except schools under the School Act, should be permitted, provided that the buildings and structures necessary for education and research do not exceed 100 m² on any parcel.

Advocacy Policies

6.4.2.12 The Ministry of Energy, Mines and Petroleum Resources is requested to ensure there is no extraction of gravel in areas designated agricultural.

Deleted: shall be

6.5 Commercial and Home Occupations

Background:

Commercial use policies are classified into retail and personal service and visitor accommodation. In 2010 there were 14 properties zoned commercial on the Island. The two main classifications have very different criteria for location as defined in the objectives. Schedule B includes designations for three types of commercial land use: retail and personal service, visitor accommodation and commercial general.

Home occupations also provide some opportunity for commercial activity and may involve the sale of products produced on site or provision of personal services. These uses are permitted in residential areas and so are not designated as a separate land use on Schedule B. Home occupations are permitted only if the residential character of the property is maintained and the product or service is produced by the resident. When a business retails products not produced on-site or at such a large scale that the impact on the property changes the residential character, then appropriate commercial zoning is required.

6.5.1 Retail and Personal Service

Background:

The three existing retail commercial designations on the Island (Co-op Corner, Shingle Spit, and Ford Cove as well as one limited commercial designation {Syzygy}) are shown on the land use map, Schedule B. The Co-operative store, which has a large community membership, is located centrally on the Island near Tribune Bay. This is the busiest commercial area on the island and its services include groceries and hardware departments, post office, liquor outlet, gas bar and independent local merchants operating small-scale food and retail businesses. Ford Cove dock provides the only sheltered moorage on Hornby Island and historically this area has developed to provide marine-related services. It is accessed from land by a steep and narrow heritage road and the location imposes constraints, including for parking. Ford Cove store provides grocery and other retail services. The Shingle Spit commercial area is located at the ferry terminal and provides a restaurant, pub, liquor store and visitor accommodation units. A co-operative bakery operates at Syzygy on Central Road, with a number of associated small businesses including a popular pizza outlet.

Area

The areas identified on Schedule B (Map Designations) as CS (Retail and Personal Service) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to support the existing pattern of one major and three lesser centres for general or limited commercial uses,
- (2) to protect the environment from degradation and resources from depletion while providing opportunity for commercial activities,
- (3) to protect the integrity of quiet residential and rural neighbourhoods,
- (4) to prevent commercial strip development, and
- (5) to ensure the scale, form and character of all commercial developments harmonize with the natural surroundings and the rural character of the Island.

Deleted: 1997 the Assessment Authority listed 11 commercial

Deleted: ,

Comment: Commercial General at Ford Cove?

Comment: Create a policy section for consistency.

Deleted: limited commercial use

Deleted: Limited commercial use, reflects an existing land use that is retail in nature but limited by bylaw to activities associated with a bakery. It is not a designation of future classification, it is considered a special case so there are no specific policies defined in this section for it.

Deleted: There are policies that guide the use listed in this section.

Comment: To be used if the Thatch rezoning is approved.

Deleted: general retail and personal services, including the Island's only banking services, a laundromat, pub and restaurant

Deleted: centre (Co-op)

Deleted: centres (Ford Cove, Shingle Spit and Syzygy)

Deleted: shown as retail and personal service on Schedule B, the land use map

Policies:

~~6.5.1.1 The commercial development at the intersection of Central Road and Shields Road as part of the Co-op property should be retained as the major commercial service centre for Hornby Island.~~

~~6.5.1.2 Existing smaller commercial service centres with accommodation facilities should be retained at Fords Cove and at Shingle Spit Road near the ferry terminal (currently known as the Hornby Island Resort property).~~

~~6.5.1.3 Limited commercial use for a bakery may be retained on part of the south ½ of the southeast ¼ of Section 15, Nanaimo District, Hornby Island currently known as the Cardboard House Bakery lot.~~

~~6.5.1.4 Limited expansion of commercial zoning to allow for small scale retail and personal service use with secondary residential use may be considered based upon the following criteria:~~

- ~~a) close proximity to existing commercial sites to reduce travel requirements and greenhouse gas emissions;~~
- ~~b) protection of the rural character of the island and the area of proposed development~~
- ~~c) minimization of impacts upon adjacent lands.~~
- ~~d) provision of a sustainable water supply, waste treatment and parking.~~
- ~~e) retention of trees and green space.~~
- ~~f) utilization of low-energy technologies;~~
- ~~g) safe traffic pedestrian and vehicle traffic patterns and promotion of pedestrian friendly and bicycle use facilities and other green initiatives where practical such as home delivery; and~~
- ~~h) in locations as provided for in policy 6.2.8 (Community Service Use) of this Plan.~~

~~6.5.1.5 The degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new commercial development should be regulated through Development Permit.~~

~~6.5.1.6 The minimum parcel size should be one hectare (2.5 acres) for any subdivision of property designated for commercial use ...~~

6.5.1.7 The principal land use should be small-scale commercial business.

6.5.1.8 Residential use may be permitted as a use secondary to a commercial use.

~~6.5.1.9 Regulations for any commercially-zoned lot may provide for a mix of compatible uses to enable a clustering of services on land designated as commercial~~

6.5.1.10 Ribbon or strip development is not supported.

~~6.5.1.11 Temporary Use Permits may be permitted for:~~

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

Deleted: Policies 2.2.1 and 2.2.2 apply to all sections of this plan.¶

Policies in subsection 6.1 apply to this subsection.

Deleted: 6.5.1.1. The existing commercial locations for retail and personal services (as shown on Schedule B) of one major centre (Co-op) and two lesser centres (Ford Cove and Shingle Spit) for general commercial uses and one centre (Syzygy) for limited commercial use associated with a bakery shall be supported.

Comment: Site changed from Limited Commercial to Retail and Personal Service with addition of this policy.

Deleted: 6.5.1.2 Limited expansion of commercial zoning at the present Co-op location may be supported to enable improved operation of existing services

Deleted: such as a new gas bar

Deleted: and additional provision for parking subject to Agricultural Land Commission approval.¶

Deleted: 6.5.1.4 Applicants for commercial zoning must provide a Development Plan and demonstrate that there is sufficient available ... [91]

Deleted: The scale of use, the

Deleted: shall

Deleted: 6.5.1.6 For any subdivision of property design ... [92]

Deleted: shall

Deleted: 6.5.1.9 Clustering of compatible retail and personal ... [93]

Deleted: shall

Deleted: be

Deleted: 6.5.1.11 Petroleum product services must incorporate pro ... [94]

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Deleted: as provided for in the Local Government Act will

Deleted: in areas designated

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Deleted: b) short term projects, ¶

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e) seasonal activities.

- 6.5.1.12 Land may be rezoned to supply an off-site parking lot to a commercial use within 100 meters of the property containing the commercial use without an amendment to the Official Community Plan map Schedule "B" provided the zone does not permit associated structures nor human habitation of vehicles.

6.5.2 Visitor Accommodations and Tourism

Background:

Hornby Island has become widely known for its scenery, recreational opportunities, ambience, and locally created crafts and art. The Island's increasing popularity as a summer destination has made tourism both a key component of the local economy and a cause for concern because of its impacts. Island services, such as ferries, roads and the recycling depot, become heavily loaded in the summer. Fragile ecosystems are susceptible to degradation. The greatest demand for water is generated at the time of declining groundwater availability while the adequacy of existing systems to handle the volume of sewage and used water is questionable. The large influx of people can be stressful to a small community and can present safety and law enforcement problems.

This creates the challenge of providing visitor accommodation in a manner and at a level that caters to visitors and provides much-needed employment while protecting the Island's environment, sustaining its resources and amenities and preserving the ambience and character of the community.

Unsupervised and unserviced camping is not considered desirable because of the impact on quiet residential or rural neighbourhoods, the risk of fire, and because public services are not readily available. The provision of such facilities as public washrooms and waste disposal sites could place a burden on the available water supply and thereby threaten the availability of those resources for use by the local community population. Currently, the Island is supplied with visitor accommodations in the form of five campgrounds, three resorts with rental cabins and a restaurant, and several Bed and Breakfasts. Short-term rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impacts, both in neighbourhoods and cumulatively.

The Whaling Station Bay/Anderson Drive area and other small lot areas have been identified as having ground water supply problems due to density of development and vulnerability of the aquifer. Limiting occupancy for any visitor accommodations (e.g. Bed and Breakfasts) to levels of an average household size (four persons according to Statistics Canada) may help address such water supply issues.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to allow, through appropriate zoning, for a variety of types of small-scale visitor accommodation operations that meet health, safety and environmental objectives,

Deleted: 6.5.1.14 Subject to decisions by the Ministry of Transportation and the Agricultural Land Commission, approximately 1 ha of the western portion of a property within the Agricultural Land Reserve adjacent to Shields Road and Central Road may be considered for redesignation and rezoning to allow more land to be available to accommodate the existing permitted uses of the Hornby Island Co-op, and in particular, to enable the continuation of the gas bar services and the provision of required parking.¶

- (2) to allow forms of accommodation which have the least impact on the quiet rural character of the Island,
- (3) to ensure all accommodations can be adequately serviced,
- (4) to allow for recreational opportunities to the citizens of the Province without stressing the existing natural and social systems and services,
- (5) to encourage a kind of tourism which is compatible with preserving and protecting the environmental and social qualities of Island life for present and future generations and to discourage large scale tourist accommodation,
- (6) to emphasize activities which involve quiet, low impact use of existing natural features and amenities rather than man-made ones, and
- (7) to prevent undue cost to the local taxpayers in providing basic facilities for visitors.

Policies:

6.5.2.1 Accommodation for visitors ~~should~~ be environmentally sensitive, small-scale and low density and may be dispersed around the Island. ~~Convention centers or multi-room hotels should not be permitted.~~

6.5.2.2 "Destination resort" type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.

6.5.2.3 Applicants for visitor accommodation zoning should provide a Development Plan and be able to demonstrate that there is sufficient available water supply, ~~(including utilizing rainwater catchment and storage systems), effective and approved sewage and used water treatment, waste disposal capability and adequate provision for parking to serve the business and clientele both at the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource.~~

6.5.2.4 The scale of use, the degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new commercial development for visitor accommodation should be regulated through Development Permit to retain a rural character and reflect community values.

6.5.2.5 One existing property, Lot A Plan 38493 Section 13 (known as Bradsdaislands), has been designated as Visitor Accommodation to recognize a historical legal non-conforming situation in which the parcel has been used for a campground ~~and may be considered for rezoning for campground use upon application.~~

6.5.2.6 Large-scale campgrounds and other tourist facilities should be permitted only by rezoning. Only campgrounds without individual hook-up of power and water services are considered appropriate.

6.5.2.7 Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:

a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or short term (less than one month) vacation rentals on non-Agricultural Land Reserve land using site specific zoning;

b) Agri-tourism accommodation on Agricultural Land Reserve Land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use;

Comment: Policies subject to revision pending accessory vacation rental review.

Deleted: Policies 2.2.1 and 2.2.2 apply to all sections of this plan. Policies in subsection 6.1 apply to this subsection.

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Deleted: attached or joined dwelling units,

Deleted: with Vancouver Island Health Authority approval

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c) Visitor accommodation authorized by a temporary use permits, in accordance with guidelines of the permit, to allow for a period of assessment of a new use involving minimal new infrastructure (such as a small-scale campground)	Formatted: Indent: Left: 0.5", Hanging: 0.19"
6.5.2.8 Small-scale Bed and Breakfasts should be permitted as a home occupation and should be regulated to ensure that the residential character of the site is maintained and that there is sufficient provision for parking, water supply and approved waste disposal and minimal impact on adjacent properties.	Deleted: 6.5.2.8 Facilities zoned for the provision of accommodation of the traveling public should not be converted to privately owned residences or used for time-shared multiple ownership.
6.5.2.9 <u>Due to the limited availability of restaurants at certain times of the year</u> Bed and Breakfasts may be allowed to provide a full complement of meals to overnight guests only, subject to Vancouver Island Health Authority standards for water supply, food preparation and waste disposal.	Comment: Update LUB to support full compliment of meals in B+B zoning subject to VIHA standards. Deleted: Upon application for a Temporary Commercial Use Permit,
Advocacy Policies	Formatted: Indent: Left: 0", Hanging: 0.63"
6.5.2.10 Rainwater catchment and storage systems and water conservation are encouraged for all types of visitor accommodation.	Deleted: 6.5.2.11 The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community.¶
6.5.2.11 New developments and promoted events are encouraged to focus upon year-round and off- season activity rather than upon attracting more visitors during the summer peak season.	
6.5.2.12 A position of "welcome without promotion" to tourism use of the Island is adopted.	
6.5.2.13 Information provided to visitors should emphasize the fragility of the environment, the limited resources (particularly the need to conserve water) and the appropriateness to the Island of low impact recreational activities.	
6.5.2.14 Toilet facilities at beaches and the provision of safe fresh water from community wells is supported for the use of visitors to the Island.	
6.5.2.15 The RCMP is requested to provide adequate policing on the Island particularly in the summer months to address issues of safety and public disturbance.	
6.5.3 <u>Vacation Home Rental</u>	
Background <u>Given the island's increasing popularity as a summer destination, there has been increasing demand for visitor accommodation. Aside from the commercial visitor accommodation facilities and bed and breakfast home occupations, there has been a tradition of some home owners renting their cottages or homes for short periods of time each summer.</u>	
<u>Property owners benefit from the opportunity to raise funds towards the cost of property taxes and upkeep while retaining their residence for its primary residential use for most of the year. Visitors benefit from a range of accommodation options to experience the Island's environment and amenities. The community benefits from the economic inputs from these visitors.</u>	
<u>At first, homes were generally rented to friends, acquaintances and relatives through "word of mouth" contact. This direct contact established a relationship between owner and visitor that</u>	

provided connectivity to, and respect for, the property, the neighbourhood, the community and the environment.

The availability of Internet advertising and the establishment of property management companies have contributed to an increase in the number of homes available for vacation rental and a transformation of many rental situations into a more commercial practice that does not always involve such a direct relationship between the property owner and those renting the property or with the neighbourhood or community.

This change over time in the number and type of vacation rentals has lead to concerns regarding the individual and cumulative impacts of an unregulated commercial land use happening in areas zoned for residential use. Some dwellings are advertised for year-round availability as visitor accommodation - some by the night. Some involve levels of occupancy much higher than normal household size. This can erode the residential character of neighbourhoods and put pressure on water resources in areas with documented problems.

The previous Plan attempted to address this issue by including a policy suggesting that a vacation rental could be permitted and regulated as a home occupation. However, a home occupation implies that an owner or resident is living in a home on the property while conducting the occupation. Therefore such a policy can only be applied to the limited number of properties that contain two permitted dwellings with the owner occupying one as their home while operating the other as a rental.

For several years prior to the adoption of this Plan, the Local Trust Committee considered potential options for addressing vacation home rentals. The option of permitting vacation rentals on all lots through zoning regulations precludes the ability to address potential impacts of concern and it removes future choices by the community to limit the number of residential properties used for commercial visitor accommodation. The option of addressing all existing and future vacation rentals through issuing Temporary Use Permits or rezoning properties was initially viewed as bureaucratic and not appropriate especially for those vacation rentals carried out on a modest scale. In an effort to address vacation rentals, recent efforts have included the establishment of an interim enforcement policy, as a means of establishing some limits on vacation rentals until Plan policy is developed and as a means of focusing limited resources on those vacation rentals that create an impact upon neighbours or the environment or that contribute to a loss of residential character. An enforcement policy cannot replace land use regulation. This focus is now to provide guidance that responds to community needs, is effective in implementation and meets the overall objectives of this Plan.

Area:

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

Objectives:

The objectives of this subsection are:

- 1) to recognize that there has been a long history of short term vacation home rental on Hornby Island without authorization by land use bylaw;
- 2) to ensure that the residential use of property and its residential character is retained where it is the permitted and established use;
- 3) to enable some traditional practice of vacation home rentals;
- 4) to address potential impacts of vacation home rentals if such uses are authorized;

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- 5) to support future evaluation of vacation home rental policies, recognizing that such uses are a significant and challenging issue for the Hornby Island community.

Policies:

- 6.5.3.1 Additional policies may be considered as an amendment to this Plan to address the use of a residence as a vacation home rental. Such an amendment should be considered only if the proposals are consistent with the object of the Islands Trust and with the Trust Policy Statement and all of the objectives of this Plan are addressed with specific reference to minimizing impacts on the local neighbourhood; the retention of the residential character of that neighbourhood; noise and safety issues; water supply and sewage treatment capability; traffic management and guidelines for property management.
- 6.5.3.2 Implementation of any policy to permit vacation home rentals may be examined by:
- a) amendment of this Plan:
 - (i) to provide a new land use designation for vacation home rentals, and
 - (ii) development of development permit area guidelines to address form and character of commercial accommodation; protection of the natural environment, its ecosystems and biological diversity; promotion of energy conservation, water conservation and reduction of greenhouse gas emissions for vacation home rentals; and
 - b) consideration of a rezoning application and development permit area application to allow for such use; or
 - c) amendment of section 6.10 (Temporary Use Permits) of this Plan to allow for the vacation home rental use on a temporary basis and allow for future evaluation as to the impacts of the use. A temporary use permit should include conditions to address impacts that are identified in the review of the development proposal.
- 6.5.3.3 The rental of a residence for a term of one month or more should be considered a residential use of land while a rental of less than one month (vacation home rental) should not be a permitted use on property zoned for residential use.
- 6.5.3.4 The use of a residence for a vacation home rental should only be considered a residential use of a property where there is a second dwelling on the property occupied by the resident of the lot, in which case such a rental may be permitted as a home occupation.

6.5.4 Commercial/Residential General

Background

The Fords Cove area contains three properties that have historically been zoned for broad range of commercial uses, ranging from retail to resort use. The properties are not generally used for such commercial purposes at the present time and the zoning reflects a historical circumstance. The current owners have secured the properties with the commercial zoning, generally use their

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properties for residential purposes and may be reluctant to relinquish such commercial zoning unless it is done in a fair manner and is equitably applied to all affected landowners. The Local Trust Committee also faces the challenge of seeking to balance the needs of the larger community regarding commercial land use and that of the individual property owners and to also think of the needs of future generations.

Area

The areas identified on Schedule B (Map Designations) as CRG (Commercial/Residential General) are subject to the following objectives and policies.

Objectives

The objectives of this subsection are:

- (1) to recognize the historical commercial zoning of this area,
- (2) to encourage residential land use for this area with limited or no commercial use in consultation with all of the affected land owners.

Policies

6.5.4.1 Zoning regulations should allow for residential use and limited retail and personal service or visitor accommodation.

6.5.4.2 An increased density of residential development or rezoning to allow for a guest house or short term vacation rental may be considered if other commercial land uses currently permitted by zoning are removed from the list of permitted uses in the zone applicable to this area or from a particular property that is subject to the rezoning application.

6.5.5 Home Occupations

Background:

Home Occupations are allowed to various degrees in most designations that permit residential uses. A home occupation is a type of commercial activity involving limited services and the sale of products crafted in the home or upon a property. General retail sale of fabricated products produced off the Island is not considered a home occupation. The retail sales of materials used in a home occupation (such as lumber, fabric and potting clay) is considered part of the home occupation. Home occupations must be clearly secondary to residential use and the character of the property must remain residential in appearance. There has not been any distinction in the type of permitted home occupation based upon lot size in zoning regulations to date but policies have existed that provide guidance in the development of new home occupation regulations.

Another form of home occupation is provision of accommodation as a Bed and Breakfast home occupation or as a second dwelling vacation rental home occupation. There has been a tradition of offering Bed and Breakfast accommodation or the rental of one's home for short periods of time (a week or two). The Bed and Breakfast use and rental of a second dwelling on a property is addressed as a home occupation and short term vacation rental of a primary residence is addressed in section 6.5.3 (Vacation Home Rental).

In order to provide a range of possible activities that are compatible with the neighbourhood and environment home occupations can be regulated differently on different sizes of lots or in different areas if the island. Furthermore as opportunities for affordable housing develop, opportunities for home occupations that are unique to the needs of such housing might be considered.

Deleted: Some home occupations, such as workshops, repair shops and saw-milling, may involve noise and outside storage, and therefore, these uses are restricted by regulations to larger sized properties with regulations to deal with impacts.

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Deleted: there are two types of home occupation land use categories: Home Occupations and Extended Home Occupations.

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Area

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

Objectives:

The objectives of this subsection are:

- (1) to encourage small businesses to enhance the economy and self reliance of the Island community,
- (2) to allow opportunities for residents to carry out limited businesses on the property of their principal residence;
- (3) to ensure that there is no degradation of the environment or depletion of natural resources, and
- (4) to retain a rural and/or residential character in all neighbourhoods.

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Policies:

6.5.5.1 Home Occupation means an occupation or profession conducted for gain by a full-time or part-time resident of the lot on which the dwelling is located. Home Occupation use should be clearly incidental to the use of the dwelling or parcel for residential purposes. The types of home occupation uses are:

Deleted: Policies 2.2.1 and 2.2.2 apply to all sections of this plan.¶

Policies in subsection 6.1 apply to this subsection.

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a) Limited Home Occupations which should be allowed on all properties less than 0.1 hectares designated on Schedule B for residential use and shall be conducted entirely within the permitted dwelling.

b) Basic Home Occupations which should be allowed on all properties 0.1 hectare or larger and less than 2.0 hectares designated on Schedule B for residential use and should be conducted within the dwelling, a permitted accessory building or outdoors on the property if the use is screened, and

c) Extended Home Occupations which should be allowed on all properties 2.0 hectares or larger designated on Schedule B for residential use and should be conducted within the dwelling, a permitted accessory building or outdoors on the property if the use is screened.

6.5.5.2 Home Occupations should be permitted as a secondary use to a permitted residential use and should be regulated by land use bylaw.

6.5.5.3 Any occupation involving significant use or production of toxic, odour causing or flammable materials and/or conducted at a scale or in a manner that may cause public or environmental health risks should not be permitted as a Home Occupation use.

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6.5.5.4 Home Occupations should be regulated according to the nature of the enterprise and the potential impacts to the environment and surrounding properties such as water supply, waste disposal, noise, odours and visual impact.

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6.5.5.5. Basic and Extended Home Occupation regulations should be designed as follows:

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- a) to protect groundwater catchment areas from pollutants,
- b) to require screening that ensures that wide buffers of native vegetation are left along roads and property lines,
- c) to ensure that no activity involving emission of toxic or irritant material shall be permitted that does not conform to the Provincial regulations and guidelines,
- d) to require that occupations that generate on-going noise (such as machine shops and woodworking shops) are conducted in fully enclosed and insulated buildings with sufficient setbacks from adjacent properties,

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- e) to require that operations that create significant noise (such as stationary saw-milling) are restricted to larger lots with appropriate setbacks and/or buffering,
- f) to address the size of buildings used for Home Occupations,
- g) to ensure signage and lighting are compatible with the rural landscape, and
- h) to exclude certain activities that may require a significant water supply, generate waste disposal, odour or noise or involve other potential environmental impacts.

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6.5.5.6 Bed and Breakfasts operated within a dwelling should be permitted as a home occupation use and should be operated in accordance with land use bylaw regulations.

6.5.5.7 The rental of a second permitted residential dwelling unit for the temporary accommodation of paying guests while the first dwelling unit is occupied by the resident of the property should be permitted as an extended home occupation.

6.5.5.8 Coaching and teaching facilities with minimal environmental impact may be allowed as extended home occupations and should be operated in accordance with land use bylaw regulations.

Deleted: 6.5.3.7 . The rental of an individual dwelling unit in order to provide temporary accommodation for paying guests shall be permitted as a home occupation. The home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community.¶

6.5.5.9 Excluded activities may be considered following an application for a Temporary Use Permit which would carry certain conditions to address potential impacts.

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6.5.5.10 Home occupations may be established on a site specific basis on lots zoned for community housing.

6.6 Recreational

6.6.1 Outdoor Recreation

Background:

Most of the outdoor recreation opportunity is provided by the natural features of Hornby: the coastal waters, shoreline areas and the forested interior accessed through a long-established system of traditional trails. The Island is endowed with a rich variety of recreation options—from kayaking, sailing or scuba diving off shore, hiking, biking or riding on Mount Geoffrey, strolling along the trails of Helliwell, to relaxing on Tribune Bay's beaches. In addition to the Provincial and Regional Parks and properties under [Ministry of Transportation and Infrastructure](#) jurisdiction noted in subsection 3.3.12, the Community School playing field and the Joe King Park (Hornby Island Athletic Association) also provide opportunities for outdoor recreation.

Following amendments to the *Occupier's Liability Act* in 1998, there is now very minimal liability with respect to people using trails on private land. People entering a property for recreation purposes are "deemed to have willingly assumed all risks".

Area

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

Objectives:

The objectives of this subsection are:

- (1) to retain the traditional accesses to shoreline, beach areas, Crown land, and viewpoints, and
- (2) to ensure that outdoor activities are compatible with the natural environment and with the rural ambience of a small island.

Policies:

6.6.1.1 Present public accesses to the waterfront and Crown land, as shown on the Schedule C, should be continued and maintained in a safe condition and additional accesses should be obtained, where possible, at time of subdivision, or rezoning.

6.6.1.2 No activities that would restrict public access to or across the beaches should be permitted.

6.6.1.3 Overnight parking or camping on public land or beaches should be discouraged for health and fire protection reasons.

6.6.1.4 Viewpoints and access to them should be protected in any way possible.

6.6.1.5 Outdoor recreation activities that pose a threat to the environment or to public enjoyment of public amenities should not be permitted.

Advocacy Policies

6.6.1.6 The [Ministry of Transportation and Infrastructure](#) is requested to:

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Other small-scale home occupations not covered by Policy 6.5.3.5 may be considered for larger properties upon application to the Local Trust Committee for a Temporary Use Permit which will include specific conditions addressing environmental protection, waste disposal, water supply, monitoring, setbacks, screening and noise buffering requirements. .
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Deleted: Policies 2.2.1 and 2.2.2 apply to all sections of this plan. .
¶ Policies in subsection 6.1 apply to this subsection. .

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- a) maintain and sign public accesses,
- b) ensure that they are not used for camping, overnight parking or obstructed by adjacent land owners,
- c) where required and formally requested by the community, construct and maintain safe steps made from natural materials such as stone and wood to access public beach areas, at Sandpiper and other beach accesses,
- d) prevent unauthorized encroachment upon or disturbance of these areas (such as structures, tree cutting, garbage dumping or obstruction of access),
- e) support local stewardship arrangements for the water accesses and allowances not in use for roads.

6.6.1.7 Motorized outdoor recreation activities on the land, on the water adjacent to the shoreline and in the air above or adjacent to the Island are not considered appropriate and should be discouraged or restricted by bylaw where such restrictions can be enacted.

6.6.1.8 Organizers of outdoor recreation activities or events should ensure that these do not unduly interfere with the public access and enjoyment of the land and should provide adequate toilet facilities that comply with Provincial regulations.

6.6.1.9 Activities that have little or no impact upon the environment are considered preferable forms of outdoor recreation.

6.6.1.10 Initiatives to educate the public to prevent damage of natural features should be developed and supported.

6.6.2 Recreation Facilities

Background:

Because of the Island's distance from the nearest town, some residents of Hornby Island wish to have a range of recreational facilities of an appropriate scale provided on the Island. Residents are not able to use regional facilities without the additional cost of transportation and sometimes overnight accommodation off-Island. It is anticipated that if the year-round population grows, and as more people move to Hornby from urban areas, there will be an increased focus in the community upon providing additional recreational facilities. In particular, there has been continuing interest in establishing a public swimming pool. An increase in summer residents and visitors may generate requests for the provision of commercial recreational activities.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to encourage appropriate use of natural recreational opportunities rather than develop significant artificial infrastructure,
- (2) to minimize the impact of recreation facilities on the natural environment,
- (3) to ensure that any recreational facility is of a scale appropriate to the rural nature and size of the Island,
- (4) to ensure that any new facilities are broadly supported and do not place a heavy burden upon taxpayers, and

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- (5) to ensure that facilities, if located on Crown land or publicly funded, be accessible to all of the community.

Policies:

6.6.2.1 All recreation facilities should be so located and of such scale that they do not stress the fragile ecology and limited water resource.

Deleted: Policies 2.2.1 and 2.2.2 apply to all sections of this plan. ¶ Policies in subsection 6.1 apply to this subsection.

6.6.2.2 All public facilities should be within the ability of the taxpayers to pay for such services and subject to public involvement in planning and implementation.

6.6.2.3 Planning for recreational facilities should ensure that they do not alienate existing public uses nor involve significant removal of natural vegetation and should allow for re-habilitation or re-establishment of native vegetation where this has been disturbed.

6.6.2.4 Public recreational facilities should be located in the area designated for community service use near the Community Hall and any exceptions should be subject to a rezoning.

6.6.2.5 Commercial recreational facilities should only be established through re-designation and rezoning. Any applications for such facilities shall be carefully evaluated to ensure that they do not:

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- a) require an excessive supply of water,
- b) generate a clientele that is likely to put additional stress upon transportation systems, Island resources and local infrastructure,
- c) have adverse impacts upon the ecosystem, groundwater recharge areas and riparian areas (for example through the use of pesticides and fertilizers), and
- d) have an adverse impact upon the neighbourhood and adjacent properties (including public areas) or upon Island character.

6.6.2.6 Activities that are noisy, potentially dangerous, polluting, or incompatible with the natural landscape such as amusement parks, shooting ranges, water slides or go-cart tracks should not be permitted.

6.6.2.7 Destination gaming facilities such as casinos and commercial bingo halls should be prohibited.

Advocacy Policy

6.6.2.8 Efforts to provide information that will encourage knowledgeable and minimal impact use of natural areas should be supported.

6.7 Marine

6.7.1 Foreshore

Background:

The foreshore zone is defined as the land located between the highest tide line and the lowest tide line. This is public land managed by Integrated Land Management Bureau. Although the Crown is not bound by local bylaws, any occupiers must comply with the bylaws. From time to time commercial operators acquire leases for part of the foreshore for the cultivation of shellfish such as oysters. Where the harvest is for naturally occurring resources such as clams, the operators are not subject to local bylaws and there is evidence that they are cropped to the point of endangering the continuation of the resource. It is recognized that commercial oyster operators do not rely on naturally occurring stocks and by reserving areas between leases for use of the public, the commercial operators actually contribute to maintenance of the naturally occurring resource.

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Area

The areas identified on Schedule B (Map Designations) 1000 metres below the natural boundary of the sea of Hornby Island, except where another Local Trust Committee jurisdiction applies, including areas designated MA (Mariculture) and MT (Marine Transport) and MC (Marine Conservation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure any use of the foreshore does not result in damage to the natural systems,
- (2) to minimize the impact of uses and users on upland owners,
- (3) to ensure owners of property on the shoreline do not pollute the foreshore areas,
- (4) to ensure public opportunity to use the foreshore areas, and
- (5) to protect the scenic values of the foreshore areas.
- (6) to prohibit further alienation of the foreshore for private or commercial use.

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Policies:

6.7.1.1 Foreshore zoning should be designed to protect against disruption of natural beach systems and pollution of the foreshore zone.

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¶ Policies in subsection 6.1 apply to this subsection. .

6.7.1.2 Any marine industrial operation that would alter or damage the foreshore such as boat ways or log dumps should be prohibited by regulation.

6.7.1.3 The use of structures, pens, cages, or other apparatus on the foreshore for mariculture or aquaculture operations should be regulated through zoning.

6.7.1.4 Private and commercial wharves, docks and/or breakwaters should be prohibited by regulation except as permitted at Shingle Spit.

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Advocacy Policies

6.7.1.5 The Ministry of Environment and Integrated Land Management Bureau are requested to:

- a) ensure commercial leases fronting on residential areas are located to permit public access to the water at regular intervals, and to ensure public right-of-way along all beaches is preserved,
- b) designate community beaches to permit community cultivation of oysters and clams for recreational harvesting only, and
- c) encourage and protect marine life by opposing any filling or excavation of sand, gravel or any natural deposit on the foreshore.

6.7.1.6 The Integrated Land Management Bureau is requested to refer any new shellfish lease applications or proposals for expansions of shellfish lease sites to the Local Trust Committee for consideration.

Deleted: Ministry of Agriculture, Foods and Fisheries

6.7.1.7 The Integrated Land Management Bureau and the Ministry of Agriculture and Lands are requested to ensure that foreshore areas between leases and containing naturally occurring oyster populations be kept accessible for harvest by the general public.

6.7.2 Marine Conservation

Background:

The Hornby Local Trust Area extends out 1000 metres from the shoreline of Hornby except where it overlaps another jurisdiction such as Denman Island, when the boundary becomes a line mid-channel. In coastal waters the Local Trust Committee only has planning authority with respect to the surface of the water. The Federal Government has jurisdiction over the column of water (including fisheries and marine transportation) and the Province of British Columbia has jurisdiction over the bed of the Strait of Georgia.

Area

The areas identified on Schedule B (Map Designations) 1000 metres below the natural boundary of the sea of Hornby Island, except where another Local Trust Committee jurisdiction applies, including areas designated MA (Mariculture) and MT (Marine Transport) and MC (Marine Conservation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure that coastal uses are compatible with protecting the environment and amenities,
- (2) to protect the right of the public to access over waterways.

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Policies:

Policies in subsections 3.8 (Hazard Lands) and 4.3 (Mariculture) apply to this subsection.

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6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

6.7.2.2 Permanent anchoring of floating camps or houseboats and the residential use of any vessel moored or beached should not be permitted.

6.7.2.3 Temporary residential use of vessels should be permitted by regulation at the Ford Cove Marina provided there are adequate toilet facilities in place.

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6.7.2.4 The Local Trust Committee should assist the Coastguard in assessing effects of developments on rights protected by the *Navigable Waters Protection Act*.

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6.8 Climate Change Adaptation and Mitigation

Background:

Although it is recognized climate change can occur as a result of naturally occurring phenomena, in the context of this Plan climate change refers to the impact of increasing concentrations of heat-trapping greenhouse gases in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change states that between 1970 and 2004, greenhouse gas emissions have increased by 70%. According to this report, this dramatic rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe.

In response to concerns about human-induced climate change, the provincial government gave Royal Assent to Bill 27 [*Local Government (Green Communities) Statutes Amendment Act, 2008*] on May 29, 2008. Bill 27 amends the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 requires that all local governments include greenhouse gas emission reduction targets—and policies and actions to achieve those targets—in their Official Community Plans.

The following targets, objectives, policies and actions are the first step to ensuring that the reduction of greenhouse gas emissions specifically and the impact of climate change in general become part of the planning process for Hornby Island.

This part of the Plan contains objectives and policies relating to the reduction of greenhouse gas emissions and the broader topic of climate change adaptation and mitigation.

This Plan sets the following interim target:

- *Target: to reduce greenhouse gas emissions by 25% by 2020 and 80% by 2050 based on 2007 levels. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.*

Area

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

Objectives:

The objectives of this subsection are:

- (1) to give consideration to the impacts of climate change in all land use decisions,
- (2) to support actions in land use, site planning, and construction that will result in the reduction of greenhouse gas emissions,
- (3) to focus on those actions that can be taken locally to mitigate and adapt to global changes,
- (4) to protect the natural landscape and minimize the carbon footprint of residents and guests on Hornby Island.

Policies:

- 6.8.1 The Local Trust Committee should work with the community to develop revised greenhouse gas emission targets (to replace the interim targets stated in this Plan) that are locally based and that have a capacity for being monitored.
- 6.8.2 The Local Trust Committee should consider the development of new criteria for assessing official community plan or zoning amendment applications from the perspective of climate change adaptation and mitigation.
- 6.8.3 This Plan strongly encourages the retention of forest cover except for the clearing of land for farming in the Agricultural Land Reserve. Trees on private property should be maintained where possible to sequester carbon and provide habitat, although it is understood that some clearing is necessary for growing food to guard against forest fires and to create protected house sites.
- 6.8.4 The Local Trust Committee should consider any proposals for new development potential in the context of the overall development potential of the Island, and the global dynamics of climate change.
- 6.8.5 This Plan supports limitations on the size of buildings and opportunities for attached dwelling units and visitor accommodation units.
- 6.8.6 This Plan strongly encourages the incorporation of green building techniques and alternative energy systems (solar, wind, geothermal, or water based) into residential housing, whether it is new construction or renovations.
- 6.8.7 This Plan encourages the development and maintenance of safe multi use trails and bike lanes to facilitate non-motorized forms of travel.
- 6.8.8 The Local Trust Committee should consider supporting the local provision of services that residents presently travel off-island to access.

Advocacy Policies

- 6.8.9 This Plan encourages residents to participate in ride sharing and car pooling as simple but effective ways to reduce greenhouse gas emissions.
- 6.8.10 A number of Climate Change adaptation and mitigation actions are identified that can only be achieved through cooperation and initiatives resulting from individuals and the community, the actions of other levels of government, technological changes, and changes to land use policies and regulations. In order to foster such actions the Local Trust Committee should:
 - a. develop improved methods of determining and assessing the energy efficiency and climate change impacts of proposed development when it is processing land use applications. Application checklists should be revised to include climate change mitigation and adaptation criteria, such as energy efficiency, renewable energy and carbon sequestration impacts.
 - b. support opportunities for incentives to encourage "climate wise" actions, including water conservation, storm water retention, the use of alternative energy sources for home use, and the use of alternative transportation methods;

- c. review land use regulations to provide for community gardens and community food processing and storage facilities in appropriate locations and encourage residents to pursue the establishment of such gardens and facilities;
- d. encourage local food production and explore with the community options for creating a Farm Plan;
- e. encourage residents, community groups, businesses and other entities to pursue alternative transportation options, such as a bus service or green bicycle program;
- f. encourage the Province to reduce the maximum speed limit on Hornby Island to 50 kph and to consider measures that will enable and support the use of alternatively-powered vehicles;
- g. Encourage the Insurance Corporation of British Columbia to link insurance rates to the mileage actually driven in the previous year by means of a tamper proof odometer. This would also offer valuable information for the calculation of greenhouse gas emissions across British Columbia;
- h. Encourage BC Ferries and the Province to consider pricing strategies and services that will support car-pooling, the use of small energy-efficient vehicles and passenger travel on ferries;
- i. Encourage School District 71 to allow for the use of the school bus by residents of Hornby Island for traveling to and from the Island, should extra space be available on the bus;
- j. Encourage the Province to amend policies and legislation and allow rainwater collection as a source of potable water, and to require that all new development include systems for water catchment and treatment; and,
- k. Work with Trust Council to develop a web based carbon neutral calculator to assist residents in calculating their personal and household greenhouse gas emissions."

6.9 Development Permit Areas

Background:

Section 920 of the *Local Government Act* provides that in areas designated as Development Permit Areas in an official community plan, land shall not be subdivided and construction of, addition to or alteration of a building or structure shall not be commenced unless the owner first obtains a Development Permit.

Development Permits may be issued by resolution of the Hornby Island Trust Committee for land in designated Development Permit Areas. Each designation must include a description of the special conditions or objectives that justify the designation and must specify guidelines on how the objectives will be fulfilled.

Development Permits should be monitored by the Local Trust Committee on annual review basis as resources and priorities allow.

6.9.1 Development Permits to Define the Form and Character of Commercial Development

The Commercial Development Permit Areas are designated to identify and apply objectives and guidelines for the form and character of the commercial development allowed in these areas. Development Permits for this purpose may vary or supplement bylaw regulations, include requirements and conditions or set standards and impose conditions respecting the sequence and timing of construction in accordance with the adopted guidelines contained in this Plan or the land use bylaw that is applicable on Hornby Island.

Areas: Commercial Centres (Retail and Visitor Accommodations)

Commercial Development Permit Areas are as follows: Coop Store, Ford Cove, Shingle Spit, Sea Breeze, Cardboard House Bakery, Tribune Bay Campground, Bradsdadsland and a portion of property north of Shields Road and Central Road as shown on Schedule E.

Justification:

Existing commercial centres were developed under the Development Permits permitted in legislation prior to 1985. These permits have authority over all aspects of the developments and have attempted to ensure that the form and character have been compatible with the rural atmosphere of the community.

To encourage continuation of that trend and to maintain the Island's rural atmosphere, all new and existing commercial development should be designated a Development Permit Area. Commercial resorts and campgrounds are permitted on the Island subject to rezoning. The intent is to provide only small scale operations that meet health, safety and Trust objectives. To ensure the quiet rural lifestyle of the Island is maintained, the form and character of development should comply with the following guidelines:

Guidelines:

Development Permits issued in these areas shall be in accordance with the following guidelines:

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Development Permits to Define the Form and Character of Commercial Development ¶

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Comment: Guidelines can be moved into the Land Use Bylaw and retain only designation and justification in OCP. Exemptions can be developed to identify situations where a DP might not be required.

1. The character of each development (including campgrounds) should be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.
2. The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services to ensure public health is maintained.
3. Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.
4. In order to minimize light pollution to neighbouring properties, lighting should be softer and lower than supplied by mercury vapour lighting towers, and alternatives that do not light up adjacent private properties should be required.
5. Off-street automobile parking must be provided as required by bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating places.
6. Adequate convenient toilet and washroom facilities should be provided for the number of customers anticipated.
7. Clustering of businesses in order to share in the provision of parking, services, and public facilities and open space is encouraged.
8. Natural landscaping is encouraged.
9. Neon or internally lit signs should not be permitted.
10. All buildings should be finished in natural products such as wood or brick.
11. On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes shall be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.

6.9.2 Development Permits for the Protection of the Natural Environment, its Ecosystems and Biological Diversity and for Promotion of Water Conservation

The following development permit areas are designated to identify and apply objectives and guidelines for the protection of the natural environment, its ecosystems and biological diversity and objectives to promote water conservation for any development in these areas. Development Permits for this purpose may vary or supplement bylaw regulations, include requirements and conditions or set standards and impose conditions respecting the sequence and timing of construction in accordance with the adopted guidelines contained in this Plan or the land use bylaw that is applicable on Hornby Island

6.9.2.1 Water Supply Protection Development Permit Area

Area: Environmental Protection Development Permit Area One as shown on Schedule E.

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Area: Environmental Protection Development Permit Area as shown on Schedule E.¶

Justification:¶
Lot is adjacent to a water collection system that provides water to property owners in the Whaling Station Bay area.¶

Guidelines:¶
Development Permits issued in these areas shall be in accordance with the land use bylaw regulations and guidelines.¶

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Comment: Legal is not correct – It is rem Lot 10, Plan 25736 and Lot A Plan VIP83800.

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Justification:

The objective of this subsection is to ensure that any development and land uses do not negatively impact the water resource in a heavily-developed, highly-vulnerable aquifer or any nearby community water supply sources.

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Guidelines:

Development Permits issued in this area should be in accordance with the following guidelines:

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1. Before any residential development is permitted on a new lot created by subdivision there must be approval of a permitted sewage and used water system and provisions for water catchment and storage in the development plans;
2. All development that takes place within this Development Permit Area should be done in a way that minimizes the degradation of water quality in surrounding wells;
3. If vegetation is to be removed in a way that exposes more than 280 square metres (3014 sq.ft.) of bare soil, then a plan should be implemented to control storm water drainage and avoid the deterioration of groundwater quality;
4. Non-residential structures should not be built in this area if they are to be used for the storage or handling of materials in quantities sufficient to pollute groundwater supplies; and
5. If a proposed land subdivision is to create additional new lots within this Development Permit Area, then any new lots, roads, building sites, septic fields and driveways should be located and constructed in a way that protects the quality of drinking water supplied from surrounding wells.
6. If any development or alteration of land is proposed for Lot 11, Plan 25736, a site drainage plan should be developed, to ensure that surface water is directed away from the wells on Lot A, Plan 19879 and Lot 19, Plan 23650. This would require a ditch of sufficient capacity to carry the runoff and that it not pass within 30 metres of the community well seepage trench as defined in the study prepared by Piteau Associates Engineering Ltd. dated October 25, 2002. This system should also ensure that the area around the well on Lot 19, Plan 23650 is not flooded by any such development.
7. Any restrictive covenants registered on title to these properties should be upheld as requirements of any development of the properties.

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6.9.2.3 Community Service Use Development Permit Area

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Area: Environmental Protection Development Permit Area Two as shown on Schedule E.

Justification:

The community service use area lies within a groundwater recharge area (identified in the *Groundwater Geochemistry Study on Hornby Island, B.C. – Allen and Matsuo, SFU, 2001*), which is upslope from one of the Island's main residential neighbourhoods. Developments within the community service use area could involve institutional or community buildings and activities that could have a potential impact upon the water resource. Guidelines for issuing Development Permits can ensure that such potential impacts are addressed.

Guidelines:

Development Permits issued in this area should be in accordance with the following guidelines:

1. Before any new development is permitted, there must be approval of a permitted sewage and used water system.

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2. A significant portion of the water required by a new development must be provided by a rainwater catchment and storage system.
3. Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) must (a) include a containment system to ensure that no contaminant enters the ground and (b) comply with any applicable Provincial environmental standards and guidelines
4. A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures will be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.

Exemptions:

A Development Permit will not be required for additions to existing buildings or for accessory buildings or other structures where these do not involve significant alteration of the ground, removal of vegetation or additional activities and levels of use that will require additional water use or additional sewage and used water disposal capacity.

6.9.2.4 Water Resource Protection Development Permit Area

Area:

Environmental Protection Development Permit Area Three as shown on Schedule E.

Justification:

This designation is consistent with OCP Policy 2.2.2 as this area has been identified as a being within an IIA Aquifer (moderately developed – high vulnerability) and within a potential groundwater recharge zone.

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Guidelines:

Development Permits issued in this area shall be in accordance with the following guidelines:

1. If any vegetation is to be removed in a way that exposes more than 280 square metres (3014 sq.ft.) of bare soil, then a plan should be implemented to control storm water drainage from the exposed area so as to prevent the deterioration of surface water and groundwater quality on the subject land and adjacent lands.
2. Any new roads, building sites, driveways and septic fields should be located and constructed in a way that will minimize interference with the hydrological regime (including the natural flow of water on or below the surface of the land) and will not cause the deterioration of surface water or groundwater quality on the subject land or adjacent lands.

Exemptions:

A development permit will not be required for: accessory buildings having a floor area of 46.45 square metres (500 square feet) or less; or subdivisions where all of the lots being created are greater than 4 hectares in area.

Comment: The only lot this area will still have application to is Lot 1, Sec 3 Plan VIP75339 as remaining area is exempt as they are provincial lands.

6.9.2.5 Mt. Geoffrey Escarpment Development Permit Area

Area: Environmental Protection Development Permit Area Four as shown on Schedule E.

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Hornby Island

Official Community Plan: DRAFT REVISIONS FEBRUARY 2011

Justification:

The Mt. Geoffrey escarpment area contains watershed, wetlands, areas of slumpage, areas of high visibility and high scenic values. Any development could affect the water catchment capabilities and other natural values. The removal of tree cover could adversely affect all values.

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Guidelines:

Development Permits issued in these areas shall be in accordance with the following guidelines:

1. No permanent buildings or structures shall be permitted in the area subject to flooding or sloughing.
2. No septic tank or deposit field shall be constructed in the portion of the site that drains into the wetlands.
3. Alteration of the natural drainage of areas within the permit areas shall be minimized and scrutinized for impact and prohibited if such alteration would have a negative impact on the area being protected.
4. Where the Ministry of Environment has requested it, vegetation shall be retained or planted to control erosion or protect banks.
5. Areas of land located above the natural boundary of the sea shall remain free of development except in accordance with any conditions contained in the Permit.
6. Areas of 30% slope or greater shall remain free of development except in accordance with any conditions contained in the Permit.

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6.10 Temporary Use Permits

Background:

Section 921 of the *Local Government Act* provides that temporary uses may be permitted in areas designated in Official Community Plan. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term up to three years and may be renewed one time only.

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Objectives:

The objectives of this subsection are:

- (1) to consider allowing a temporary event as per policy 6.5.1.11,
- (2) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning as per policy 6.5.1.11,
- (3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per policy 6.5.1.11,
- (4) to consider allowing transport of ground water off a lot where the water is extracted as per policy 5.1.4.
- (5) to consider allowing temporary seasonal or emergency accommodations as per policies 6.3.5.17 and 6.3.5.18.
- (6) to consider allowing a temporary secondary suite or detached housing for a relative or caregiver of occupants of the residence as per policy 6.3.5.13 in association with a

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- (7) housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver.
- (8) 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.
- (8) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations as per policy 6.5.5.9.

Guidelines:

6.10.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, as shown on Schedule B, with the following exclusions:

- a) properties less than one quarter of a hectare (0.63 acre),
- b) land designated as PR1 and PR2 (park) and LR/WSPA (Large Lot Residential/ Water Supply Protection Area), as shown on Schedule B, and
- c) land identified as an ecologically sensitive area, as shown on Sensitive Ecosystem Mapping or Schedule D2.

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6.10.2 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 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 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.

6.10.4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.

6.10.5 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) should be screened from adjacent residential uses,
- d) industrial uses should be screened from adjacent properties and roads,
- e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties,
- f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations,
- g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials,
- h) water supply should be addressed so as to not create negative impacts upon existing common water sources,
- i) other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate,

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- 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

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- k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.

6.10.6 Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.

6.10.7 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.

6.10.8 The Local Trust Committee should consider the climate change impacts of any significant change in reviewing temporary use permit applications.

SECTION VII—ADMINISTRATION

7.1 Interpretation

The final interpretation as to the precise location of boundaries on any map schedule shall be defined by:

- a) Where boundaries coincide with lot lines, the boundaries are the lot lines.
- b) Where a boundary is shown as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream the centerline of that feature is the boundary.
- c) Where land based and water based boundaries coincide, the common boundary shall be the surveyed lot line as shown on a plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the common boundary.
- d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.

7.2 Implementation

7.2.1 Section 884 of the *Local Government Act* specifies that:

"An official community plan does not commit or authorize a municipality, regional district (includes a Local Trust Committee pursuant to Section 27 of the *Islands Trust Act*) or improvement district to proceed with any project that is specified in the plan."

and

"All bylaws enacted or works undertaken by a council, board or greater board (includes a Local Trust Committee pursuant to Section 27 of the *Islands Trust Act*), or by the trustees of an improvement district, after the adoption of an official community plan must be consistent with the relevant plan."

- 7.2.2 The Hornby Island Local Trust Committee may use available regulatory tools as defined in the *Local Government Act* to implement this Plan.
- 7.2.3 The following instruments may be used to implement this plan: Development Permits, the Land Use Bylaw, Siting and Use Permits, Temporary Use Permits and covenants.
- 7.2.4 The Local Trust Committee should formally communicate with the Comox Valley Regional District, Ministries of the Provincial government, departments of the Federal government and any other agencies mentioned in this Plan to advocate the policies of this Plan.

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7.2 Islands Trust Authority¶

¶
districts, improvementPerson
Responsible

This Bylaw shall be administered by the Secretary and enforced by the Bylaw Investigation Officer of the Islands Trust or other employee of the Islands Trust appointed by resolution of the Hornby Island Trust Committee.

¶

7.2.5 The Local Trust Committee should use every opportunity to work co-operatively with other governments and non-government organizations, or through the Islands Trust Council, to support policies of this plan.

7.2.6 The Local Trust Committee should actively promote the policies of this plan to residents, businesses, community organizations, non-resident property owners and visitors.

7.2.7 To promote compliance with the instruments used to implement this plan, the Local Trust Committee should:

- a) make information available on policies, regulations and permit requirements to property owners and residents,
- b) encourage real estate agents to inform prospective buyers about policies, regulations and permit requirements,
- c) encourage building contractors to ensure that appropriate permits are in place before undertaking work on a property,
- d) encourage voluntary compliance with regulations and support neighbourhood resolution of problems,
- e) make property owners and residents aware of the bylaw investigation and enforcement process, including procedures for initiating investigation,
- f) encourage applicants for a Development Variance Permit to include with their applications details of measures proposed to mitigate any impacts of the proposed variance upon the environment or upon the visual or other amenity of neighbouring private or public lands, and
- g) consider adopting Bylaw Enforcement policies to establish priorities for enforcement resources.

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Deleted: d) require site inspections by staff to ensure that significant new developments are in compliance with regulations,¶

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Deleted: g) support maintaining a policy of strict confidentiality with respect to complaints originating in the immediate neighbourhood, and complaints dealing with issues of health, safety, environment or impacts to public land,¶
h) support prompt investigation of all complaints,¶
i) adopt a Municipal Ticketing Information Bylaw to assist in bringing about compliance only after ensuring that the community is fully informed about this option and determining that there is general support for it,¶
j) support the use of immediate injunctive proceedings to halt continuing unpermitted construction or any activities that threaten health, safety or the environment and when no action is taken to correct a violation,¶
k) support the use of alternate dispute resolution processes where these may assist in bringing about compliance, and¶

7.3 Development Approval Information

7.3.1 The area subject to this bylaw is designated as an area under which development approval information may be required for the purpose of obtaining consistent and comprehensive information on the impacts of proposed development.

7.3.2 Trust Council may consider adoption of a development approval information bylaw pursuant to s. 920.1 of the Local Government Act.

Deleted: 7.2.8 The Local Trust Committee may appoint Special Projects Advisory Planning Committees to assist the Local Trust Committee in reviewing particular issues or sections of the Official Community Plan and consulting with the community.¶

7.4 Amendment Procedure

This Bylaw may be amended by the Hornby Island Trust Committee at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Trust Committee.

Where an application for amendment of this bylaw has been refused, no application for the same amendment shall be considered within twelve months of the date of refusal, unless the Hornby Island Trust Committee waives this requirement.

Comment: Suggest the Plan area be designated as a Development Approval Information area (DAI). This does not trigger any obligations but allows the LTC to request Trust Council to adopt a DAI bylaw if it chooses.

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7.5 Update and Revision

The Local Trustees, in consultation with the Advisory Planning Commission and the community, may initiate review of the Community Plan at any time. The bylaw should be updated on a periodic basis and changes in legislation or other issues arise and should be reviewed in its entirety at least every ten years from the adoption date.

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All amendments of the Community Plan shall comply with the mandate and policies of the Islands Trust, as well as with procedures specified in the *Local Government Act*, and be accompanied by public review and discussion.

Whenever the Policy Statement is amended by Islands Trust Council, the relevant sections of the community plan shall be reviewed and if necessary amended to ensure compliance.

7.6 Public Facilities

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Any designation or policy for proposed public facilities on private lands including but not restricted to roads, parks, trails, parking facilities, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation and that are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility, shall be deemed to be a community goal of this Bylaw.

Schedule G
List of Community References

1. Amending Agreement to the Letter of Agreement between the Ministry of Transportation and Highways and the Islands Trust. Subject: Road Standards, Classification and the Consultative Process in the Islands Trust Area Dec, 1996
2. An Ecosystem Approach to Groundwater Management in the Gulf Island—Henderson, 1997 stated that "there is a need for management of the groundwater resources to ensure a sustainable supply for the present and future on the islands."
3. Bedrock Aquifers on Hornby Island—Ministry of Water, Land and Air Protection, 2001 provides a classification of the aquifers on Hornby Island using a provincial classification system. The four aquifers on Hornby Island are all classified as having "high vulnerability" (the highest of three categories). The aquifer in the Whaling Station Bay peninsula east of Tribune Bay is classified as "highly developed" (the highest of three categories) while aquifers in the central and western part of the island are classified as "moderately developed". The aquifer in the southern part of the island (south of the Mount Geoffrey escarpment) is classified as "lightly developed" (the lowest category).
4. Coastal Douglas Fir Ecosystems, Flynn—BC Ministry of Environment, Lands and Parks, 1999 notes that only one half of one percent of the original Coastal Douglas Fir forest remains in a relatively undisturbed state. It suggests that "even if efforts to protect all remaining old growth stands are successful, additional areas of older second-growth forest will have to be protected and allowed to recover to an old-growth state in order to ensure adequate representation of these forest types in future."
5. Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006. Ministry of Environment
6. "Ecological Inventory of Proposed Woodlot #0032" (1998) – Environmental Consultants
7. Garry Oak Ecosystems, Erickson—BC Ministry of Environment, Lands and Parks, 1993 states that Garry oak ecosystems "have been identified as a hot spot of biological diversity" and reports that Garry oak vegetation types are being rated provincially as "endangered" or "threatened".
8. Groundwater Conditions on Hornby Island, B.C. (Chwojka), 1989 reported that groundwater demands in three areas of the Island were approaching 71 to 83 per cent of the annual replenishment.
9. The Heart of Hornby Island—A Forest, a Watershed (2000) Hornby Island Residents and Ratepayers Association
10. Hornby Island Community Profile, March 2010
11. Hornby Island Domestic Well Monitoring Study, September 2010 Ministry of Environment, Water Stewardship Division, Vancouver Island Regional Operations Branch
12. The Hornby Island Groundwater Pilot Project—Final Report, 1994 noted that heavily developed neighbourhoods on the Island "experience limited availability of groundwater" and that there are "significant water quality concerns". It recommended that management of groundwater must "ensure that the rate and use of the groundwater resource does not exceed the rate of replenishment" and "ensure that human activity does not degrade the quality of the groundwater resource".
13. Hornby Island Vacant Crown Land Profile, July, 2004

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14. Hornby Island Water Stewardship Project Report, 1996-1999 reported that 20% of sampled wells tested positive for fecal coliform at a level that does not meet the standard for safe drinking water.
15. Housing Needs on Hornby and Denman Island prepared by Eberle Planning and Research, 2008
16. Letter of Agreement between the Ministry of Transportation and Highways (Moth) and the Islands Trust (It). Subject: Road Standards, Classification and Moth/It Consultative Process In The Islands Trust Area Dec 1992
17. Nature Conservancy of Canada Inventory of the Trust Area, November 1975 designed "to select area priorities for an anticipated program of preservation and protection by the Islands Trust who administered the Inventory and by the Nature Conservancy of Canada who funded the Inventory"
18. A Preliminary Groundwater Assessment of a Crown Parcel on Hornby Island—BC Environment, 1994 concluded that "the upland recharge area including the subject Crown land is likely vulnerable to groundwater contamination" and provided examples of land use activities that should be restricted to sustain groundwater quantity and quality".
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The Sensitive Ecosystems identified in the SEI inventory for Hornby Island (shown in Schedule D1) as follows:

- a) ~~Coastal Bluff:~~
 - i) ~~bluffs north east of Tribune Bay, and~~ii) ~~Toby Islet;~~
- b) ~~Terrestrial Herbaceous:~~
 - i) ~~meadow areas in Helliwell Park and extending west of Helliwell Park,~~
 - ii) ~~meadows north east of Helliwell Park,~~
 - iii) ~~Flora Islet,~~
 - iv) ~~Downes Point,~~
 - v) ~~Grassy Point,~~
 - vi) ~~"The Bench", near the top of Mount Road,~~
 - vii) ~~"The Bench", above Ford Cove, and~~
 - viii) ~~small meadow north of the Recycling Depot;~~
- c) ~~Woodland (Garry Oak/arbutus/Douglas-Fir):~~
 - i) ~~"Thousand Oaks" west of Helliwell Park,~~
 - ii) ~~within Helliwell Park,~~
 - iii) ~~along bluffs north of Tribune Bay,~~
 - iv) ~~west of Norman Point,~~
 - v) ~~slopes of Ford Cove Hill,~~
 - vi) ~~near Phipps Point, and~~
 - vii) ~~south of Collishaw Point;~~
- d) ~~Sparsely Vegetated:~~
 - i) ~~Shingle Spit,~~
 - ii) ~~cliff tops along "The Bench", and~~
 - iii) ~~cliff tops along Mount Geoffrey escarpment;~~
- e) ~~Older Forest (average age 100 years+):~~
 - i) ~~in Helliwell Park,~~
 - ii) ~~north of Helliwell Park,~~
 - iii) ~~north of Sandpiper subdivision,~~
 - iv) ~~north of Norman Point,~~
 - v) ~~below and west of the Mount Geoffrey escarpment ("rainforest" area, including spruce trees),~~
 - vi) ~~Crown land north of the gravel pit in Strachan Valley,~~

~~Crown land south west of the gravel pit in Strachan Valley,~~
~~Crown and private land south west of the upper portion of Slade Road,~~
~~Crown land and private land north west of the end of Slade Road, and~~
~~Crown and private land to the south east of the end of Lea Smith Road;~~
- f) ~~Wetlands:~~
 - i) ~~in Helliwell Park,~~
 - ii) ~~north of Helliwell Park,~~
 - iii) ~~on "The Bench",~~
 - iv) ~~in Strachan Valley, and~~
 - v) ~~near Ford Cove.~~

Other ecosystems with high biodiversity and habitat values are as follows:

- ~~g) — Older Second Growth Forest (average age 60-100 years):~~
 - ~~i) — Crown land, north east of the gravel pit in Strachan Valley,~~
 - ~~ii) — large area including part of Helliwell Park and most of private land between Helliwell and Tribune Bay Parks,~~
 - ~~large area including much of Tribune Bay Park and private land north of the park,~~
 - ~~private land north of park, private land between Saint John's Point Road and Sollans Road,~~
 - ~~private land south of Brigantine Road East,~~
 - ~~(v) — Crown and private land between the Galleon Beach subdivision and Central Road, and~~
 - ~~Crown land south of Central Road and private land east of this land.~~
- ~~h) — The area above, below and including "The Bench" on the south side of Mount Geoffrey is an extensive "coastal bluff ecosystem" incorporating a complex of fragile ecosystems and valuable habitat (J. Balke, 2001).~~

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3.4.8 A Management Plan shall be professionally prepared in consultation with the Local Trust Committee and community organizations and shall have the following primary objectives: to protect and enhance the groundwater recharge function of the area; to enable the continuing recovery, restoration and protection of the forest so that the natural structure, composition and bio-diversity characteristic of a Coastal Douglas-Fir forest ecosystem are re-established; and to protect the forest from major disturbance by fire. The Management Plan should be based upon available information on the groundwater resource and its protection, an ecological protection plan and the policies of this subsection. All developments and uses on the property shall be in accordance with this Plan.

3.4.9 The Management Plan shall designate significant ecosystem reserves where no extraction or other modification of the land or vegetation will take place in order to protect natural bio-diversity, to preserve important habitat areas and sites of ecological significance (including "older forest" areas identified in the Sensitive Ecosystem Inventory) and to establish control zones.

The Management Plan shall designate additional sites most suitable for the re-establishment of old growth values and prescribe a program for the achievement of this goal.

3.4.11 The Management Plan shall specify other measures to protect representative rare, threatened and endangered species and their habitat (including restoration of habitat where required).

3.4.12 The Management Plan shall identify key structural or compositional elements characteristic of a natural Coastal Douglas-Fir ecosystem that are under-represented and a management plan should prescribe a program to address these deficits.

3.4.13 The Management Plan shall establish significant riparian zones within which no extraction or other modification of the land or vegetation (except for control of exotic invasive species) will take place to provide an adequate buffer to protect all wetlands and water courses.

3.4.14 The Management Plan shall identify those areas where roads, trails and other alterations to the ground have modified the natural drainage and a Management Plan should prescribe a program to remedy these situations where possible, including de-activating roads and trails where erosion is severe and re-routing captured streams to their original beds.

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3.4.32 As an interim measure, prior to any appropriate long-term tenure being established and a Management Plan being prepared, any arrangements and measure based upon professional recommendations that allow the implementation of the objectives and policies of this community plan shall be supported.

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~~hazards.~~

~~3.4.9 The fire protection component of the Management Plan shall include recommendations for locating water sources, designating and creating adequate fire breaks and maintaining trails required for emergency access and hose-lay.~~

~~3.4.11 The essential forest cover should be maintained and openings should only be created where these are specifically prescribed in programs to meet primary objectives.~~

~~3.4.12 The area shall be gated to prevent access by vehicles other than emergency vehicles and those involved in carrying out work authorized through the Management Plan.~~

~~3.4.13 A recreation component of the Management Plan shall:
a) ensure that recreational activities are compatible with the primary goals,~~

- ~~b) designate trails/areas for particular activities as required to minimize erosion and conflicts between different uses,~~
- ~~c) provide for monitoring the impact of recreational activities, and~~
- ~~d) provide for development and maintenance of the trail system, with special emphasis on completing a basic network linking main destinations.~~

~~3.4.14 The Management Plan shall prohibit the introduction of non-native species to this area and should provide for programs to eradicate invasive non-native species (excluding land within the Agricultural Land Reserve).~~

~~3.4.15 The Management Plan may permit local, small-scale, sustainable extraction of wood and other forest products provided that:~~

- ~~a) the extraction is compatible with the primary objectives, or is a by-product of or subsidiary to programs in the Management Plan to achieve the primary objectives,~~
- ~~b) the extraction does not conflict with other policies in this sub-section,~~
- ~~c) any extraction is in accordance with a professionally developed program,~~
- ~~d) the program is carefully monitored with community involvement, and~~
- ~~e) the extraction does not unduly compromise existing aesthetic/visual and recreational values or activities.~~

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3.4.12 As an alternate tenure option, a Community Forest agreement or other community-based tenures that enable the objectives and policies of this community plan to be implemented would be supported if other appropriate tenures are not available.

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3.4.26 Transfer of all or part of this area to the Islands Trust Fund Board in order to meet conservation goals shall be supported.

3.4.27 Only tenures that are held by a publicly-accountable community-based organization or by a local or regional government agency shall be supported .

3.4.28 The Ministry of Water, Land and Air Protection shall be requested to maintain the present Notation of Interest with respect to the protection of the groundwater resource.

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In 2009 there were 322 parcels greater than two acres in size. Of these lots, 24%, or 79 lots, are listed in the assessment rolls as vacant. The Rural Residential designations are intended to promote the retention of large parcels of land, while still providing an opportunity for cooperative land sharing. These rural residential areas are intended to maintain rural aesthetic appeal while permitting home occupation and minimizing the impacts on surrounding land parcels. There are 16 new Rural Residential parcels that can be created, from two original parcels.

LLR

In the past, a number of residents were able to establish themselves on the Island by becoming land partners through the purchase of rural residential land and building two separate legal dwellings. These situations are in some cases becoming problematic as the landowners' circumstances change. The community generally supports the subdivision of properties in these historical situations, provided there is no increase in density or additional impacts upon the Island.

The Large Lot Residential designation has been created to achieve this. The parcel must have had two long-standing homes built and the owners must have been owners in common prior to 1991. The designation is intended to promote the retention of large parcels of land and to maintain the rural aesthetic appeal, while permitting home occupations with minimum impact upon surrounding parcels. All subdivision will be subject to provincial subdivision approval processes.

LLR/WRPA

The land in this designation has subdivision potential to create one additional lot. There is only one parcel (6.5 acres) within this designation which has been created to recognize a historical situation to address water supply. In 2002, the Hornby Island Local Trust Committee commissioned Piteau Associates Engineering Ltd. to prepare a Hydrogeologic Assessment of the community well and the study concluded that appropriate development of this property will not affect the well (Piteau Associates Engineering Ltd., 2002). Land in this designation is on an aquifer classified as 1A, heavily developed with high vulnerability.

The use of a housing agreements bylaw to address:

- (a) the form of tenure of the housing units;
- (b) the availability of the housing units to classes of persons identified in the agreement;
- (c) the administration and management of the housing units, including the manner in which the housing units will be made available to persons within a class referred to in paragraph (b);

(d) rents and lease, sale or share prices that may be charged, and the rates at which these may be increased over time, as specified in the agreement or as determined in accordance with a formula specified in the agreement is supported provided that adequate resources are available to administer such an agreement.

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Residential Tenancy Act are strongly encouraged for the rental of dwelling units for periods of more than thirty days

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6.5.1.4 Applicants for commercial zoning must provide a Development Plan and demonstrate that there is sufficient available water supply (including utilizing rainwater catchment and storage systems), effective sewage and used water treatment, and waste disposal capability, and adequate provision for parking to serve the business and clientele both at the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource.

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6.5.1.6 For any subdivision of property designated retail and personal service, a minimum parcel size of one hectare (2.5 acres) be permitted as designated on Schedule B.

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6.5.1.9 Clustering of compatible retail and personal service businesses will be encouraged by providing mixed zoning in designated areas.

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6.5.1.11 Petroleum product services must incorporate provisions for containment and treatment of all leaks or spills, utilizing innovative technologies and where appropriate utilizing effective available technologies.

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Hornby Island Community Profile, March 2010
Hornby Island Vacant Crown Land Profile, July, 2004
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Bedrock Aquifers on Hornby Island—Ministry of Water, Land and Air Protection, 2001 provides a classification of the aquifers on Hornby Island using a provincial classification system. The four aquifers on Hornby Island are all classified as having "high vulnerability" (the highest of three categories). The aquifer in the Whaling Station Bay peninsula east of Tribune Bay is classified as "highly developed" (the highest of three categories) while aquifers in the central and western part of the island are classified as "moderately developed". The aquifer in the southern part of the island (south of the Mount Geoffrey escarpment) is classified as "lightly developed" (the lowest category).

Through the Pilot Voluntary Groundwater Protection Project on Hornby Island (initiated by the Islands Trust and the Ministry of Water, Land and Air Protection), a community-based "Groundwater Protection Strategy" is being developed.

Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006. Ministry of Environment
Environmental Consultants entitled "*Ecological Inventory of Proposed Woodlot #0032*" (1998)

Hornby Island Residents and Ratepayers Association "*The Heart of Hornby Island—A Forest, a Watershed* (2000)"

Letter of Agreement between the Ministry of Transportation and Highways (Moth) and the Islands Trust (It). Subject: Road Standards, Classification and Moth/It Consultative Process In The Islands Trust Area Dec 1992

Amending Agreement to the Letter of Agreement between the Ministry of Transportation and Highways and the Islands Trust. Subject: Road Standards, Classification and the Consultative Process in the Islands Trust Area Dec, 1996

Housing Needs on Hornby and Denman Island prepared by Eberle Planning and Research, 2008

Nature Conservancy of Canada Inventory of the Trust Area, November 1975 designed "to select area priorities for an anticipated program of preservation and protection by the Islands Trust who administered the Inventory and by the Nature Conservancy of Canada who funded the Inventory"> "

Hornby Island Domestic Well Monitoring Study, September 2010 Ministry of Environment, Water Stewardship Division, Vancouver Island Regional Operations Branch



Preserving Island
communities, culture
and environment

Our Provincial Mandate

“to preserve and protect the
trust area and its unique
amenities and environment
for the benefit of the
residents of the trust area
and of British Columbia
generally, in cooperation with
municipalities, regional
districts, improvement
districts, other persons and
organizations and the
government of British
Columbia”

– Islands Trust Act



Islands Trust Council - Strategic Plan 2008-2011

Adopted: September, 2009 – Updated: Sept. 21, 2010

The Trust Area

The Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. This is a unique and special place composed of 13 major islands and more than 450 smaller islands covering approximately 5200 square kilometres.

The beauty, tranquility, and unique natural environment of the islands in the Strait of Georgia and Howe Sound have given the area national recognition.

The islands support strong communities characterized by a mix of lifestyles, livelihoods and individuals. Island residents bring unique skills, viewpoints and sense of place together to sustain a tradition of community involvement.

Our Council

The Islands Trust Council is made up of the 26 locally-elected officials of the Trust Area who are responsible for land use decisions in their island communities. Our Council has a unique mandate from the province to protect the unique environment and amenities of the islands. It meets quarterly to make decisions about overall policy, staff resources and budget. Our current Council was elected for a 3-year term during BC Local General Elections in November 2008. The current term will end in December 2011.

A Strategic Plan for our 2008-2011 term

Since December 2008, we have worked hard to identify the most important goals for the current term. By identifying these goals and developing a strategic plan to achieve them, we can focus finite resources and measure progress. Through adoption of a Strategic Plan, we have confirmed the following focus areas for our 2008-2011 term:

Goal 1 Ecosystem Preservation and Protection

We can create a legacy for the future by preserving and protecting the most significant parts of our natural environment:

- We will identify and protect our most significant riparian areas.
- We will improve the identification and protection of island biodiversity, as well as our most sensitive environments, and significant natural areas.
- We will work to reduce greenhouse gas emissions, both by managing our internal operations and by fostering energy-efficient communities in our land use decisions.

Goal 2 Stewardship of Island Resources

We will work to steward island resources, and to ensure that the scale, rate and type of development is compatible with the maintenance of island ecosystems.

- o We will use land use planning tools to address the sustainability and quality of freshwater resources.
- o We will support initiatives to achieve reliable, adequate and sustainable funding for the Trust Fund Board, our conservation land trust.
- o We will take steps to advance good management of coastal areas, by encouraging landowner stewardship and by considering new planning tools.

Goal 3: Sustain Island Character and Healthy Communities

We recognize that the health of our communities is improved if our islands are safe and secure, if there is strong public involvement in decision-making, and if we accommodate people of differing age groups and income levels.

- o We will work to support and restore socio-economic diversity with strategies for affordable, accessible and appropriate community housing.
- o We will work to understand and minimize the negative effects that climate change could have on island communities.
- o We will cultivate community engagement and participation in land use planning.

Goal 4 Organizational Effectiveness

Our island communities need effective and efficient government services:

- We will continue our work to provide services on an increasingly cost-effective basis.
- We will encourage recognition and support of the Islands Trust object by our communities and by other agencies and levels of government.

(Italics indicate significant changes since last Trust Council meeting; shaded text represents actions in past and future years)

*** See last page for key to abbreviations used in this document**

Goal 1: Ecosystem Preservation and Protection...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS Italics indicate status changes since last TC meeting
To identify and protect riparian areas	Implement Riparian Area Regulations throughout the Trust Area	FY 2010/11 & 2010/11 Develop bylaws re RAR requirements, subject to RAR mapping completion	LTCs/BIM*	Funded by 09/10 program budget	By whether all islands are RAR compliant through bylaw development	Two islands are RAR compliant RAR stream mapping complete for all southern islands Application processing procedures compliant with RAR for all islands
To improve the identification and protection of biodiversity, environmentally sensitive areas and significant natural sites, features and landforms	Protect sensitive and significant land through land use planning decisions	2008-2011 term Optimize opportunities to protect land	LTCs/BIM*	Funded by base budget	By the hectares of land that have been protected	Awaiting opportunity. (Denman bylaws adopted). Relevant OCP policies in development on several islands
To reduce greenhouse gas emissions	Amend OCPs to include emission reduction targets, policies and actions (TPAs)	Jan to May 2010 Establish targets, policies, and actions in OCPs by legislated deadline (May 31/10)	LTCs/BIM*	Funded by 09/10 and 10/11 program budgets. Additional funding may be available through grants	By whether all OCPs have been amended to include GHG emission reduction targets, policies and actions by May 31/10	Targets, policies and action included in seventeen OCPs submitted for ministerial approval. Two OCPs are delayed.
	Foster energy-efficient communities through land use planning decisions	FY 2010/11 Consider the inclusion of the information provided by the LPC into appropriate bylaws and processes	LTCs/BIM*	Funded by 10/11 program budget	By whether GHG emission reduction is achieved in LTC land use decisions	OCP/LUB reviews underway for several islands All future OCP reviews must address GHG emissions reduction

* Depends upon decisions of the Bowen Island Municipal Council

** Depends upon decisions of the Trust Fund Board

Goal 2: Stewardship of Island Resources...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To increase the sustainability and quality of freshwater resources	Include new policies and regulations as OCPs and LUBs are amended	FY 2009/10 OCP/LUB reviews underway on selected islands	LTCs	Funded by 09/10 program budget	By the number of LTCs/IM with new policies and regulations for protection of freshwater resources	Reviews continuing in 10/11
		FY 2010/11 & 2011/12 OCP/LUB reviews underway on selected islands	LTCs	Funded by 10/11 program budget		Reviews underway or planned to begin in 10/11
To advance the stewardship of coastal areas and marine shore lands	Develop and implement new land use planning tools for shoreline and marine protection	FY 2009/10 and 2010/11 Thetis Island LTC – consider the use of integrated shoreline & watershed protection into OCP review process	LTC	Funded by 09/10 & 10/11 program budget	By whether OCP has been amended to include new forms of protection	Background shoreline research almost complete OCP review underway
		FY 2010/11 Initiate Green Shores for Homes project: Extend integrated shoreline & watershed protection approach to Islands Trust Area	EC	Funded by base budget	By whether recommendations have been provided to TC.	RFD with recommendations to Trust Council in Sept 2010

Goal 3: Sustain Island Character and Healthy Communities...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To support socio-economic diversity of island communities	Support/restore socio-economic diversity through land use planning strategies about affordable/accessable/appropriate housing	FY 2010/11 Consider implementing land use planning decisions to advance affordable housing	LTCs	Funded by 10/11 programs budget	By the number of LTCs have implemented land use planning decisions regarding affordable housing.	Task Force will continue in 10/11 to provide assistance to LTCs regarding implementation
	Support local food security	FY 2010/2011 Support completion of a second area farm plan (Denman)	LTC	Funded by 10/11 programs budget	By whether a second area farm plan is started	Started. <i>Matching funding received</i>
		FY 2011/2012 Complete a second area farm plan (Denman)	LTC	Subject to funding (11/12 budget)	By whether a second area farm plan has been completed	Not started
	Include new policies and regulations about food security in OCPs and LUBs as they are reviewed	FY 2009/10 & 2010/11 Reviews underway on selected islands	LTC	Funded by 09/10 programs budget	By the number of LTCs/IMs with new policies and regulations related to food security	Food security toolkit in preparation OCP/LUB reviews started
To minimize the impact of climate change upon islands and communities	Integrate climate change adaptation into land use planning and regulatory decisions	FY 2012/2013 Continue implementation of adaptation planning framework	LTCs/BIM*	Subject to funding	TBD	Not started
To cultivate community engagement and participation in land use planning	Develop new tools and strategies to encourage community engagement in land use planning processes	FY 2010/11 Consider new tools and strategies to encourage community engagement in land use planning processes	LTCs	<i>Funded by base budget</i>	TBD	Developing public portal for IT mapping data Affordable housing webpage planned Food security toolkit under development

Goal 4: Organizational Effectiveness...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?*	IS FUNDING IN PLACE OR REQUIRED?	HOW WOULD WE MEASURE SUCCESS?	STATUS
To provide services on an increasingly effective basis	Develop cost effective bylaw enforcement tools	FY 2009/10 & 2010/11 Consider bylaw amendments to allow Bylaw Dispute Adjudication System	LTCs	Funded by base budget	By the number of islands where a Bylaw Dispute Adjudication System is in place	Bylaw drafting in progress
	Review of development application fee levels and cost recovery mechanisms	Adoption of amended fees bylaws	LTCs	Subject to budget (11/12 budget)	By whether all LTCs have adopted amended fees bylaws	Not started

Abbreviations:
 ADMIN – Administrative Services
 BIM – Bowen Island Municipality
 DEM – Digital Ecosystem Mapping
 EC – Executive Committee

FN – First Nations
FY – Fiscal Year
GHG – Green House Gases
ID -- Identification
IM – Island Municipality
IT – Islands Trust
LPC – Local Planning Committee
LPS – Local Planning Services
LTA – Local Trust Area
LTC – Local Trust Committee
LUB – Land Use Bylaw
MCRD – Ministry of Community & Rural Development
MGMT – Management Team
NA – Not Applicable
NAPTEP – Natural Area Protection Tax Exemption Program
OCP – Official Community Plan
PSSC – Policy Statement Sub Committee

PMFL – Private Managed Forest Land
RAR – Riparian Area Regulations
RCP – Regional Conservation Plan
RD – Regional District
RFD – Request for Decision document
RM – Records Management
SEM – Sensitive Ecosystem Mapping
SSI – Salt Spring Island
TAS – Trust Area Services
TEM – Terrestrial Elevation Mapping
TBD – To Be Determined
TC – Trust Council
TFB – Trust Fund Board
TPA – Targets, Policies and Actions (re GHG emission reduction)
TPC–Trust Programs Committee
UBC – University of British Columbia
UBCM – Union of BC Municipalities

For more information, contact
Sheila Malcolmsen, Chair,
 Islands Trust Council
 email: smalcolmsen@islandstrust.bc.ca
 telephone 250.247.8078

Linda Adams, Chief Administrative Officer,
 Islands Trust
 email: ladams@islandstrust.bc.ca
 telephone 250.405.5151

Visit our website at
www.islandstrust.bc.ca

Colour Key for fourth column:

Colour	Potential committee/unit/body taking lead for strategy/activity
Local Planning (through Local Planning Committee, Local Planning Services staff, Local Trust Committees or Bowen Island Municipality)	
Trust Programs Committee or Trust Area Services staff	Financial Planning Committee/Administrative Services staff
Executive Committee/CAO's office	Management team
	Trust Fund Board or Islands Trust Fund staff

* Depends upon decisions of the Bowen Island Municipal Council

** Depends upon decisions of the Trust Fund Board



Islands Trust

Print Date: Feb-08-2011

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Official Community Plan and Land Use Bylaw Review	Targetted review and update of the OCP and LUB.	Sep-14-2009	Brodie Porter	Jan-31-2011	On Going
2	Short Term Vacation Rentals - Regulations Review	Staff to develop an enforcement policy and address STVRs in the OCP review	Sep-14-2009	Brodie Porter	Oct-29-2010	On Going



Islands Trust

Print Date: Feb-08-2011

Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Preparing information material on land use regulations for new property owners to Projects List as a new item		Mar-17-2008	On Going
2	Having a Siting and Use Permit review meeting coordinated with Denman Local Trust Committee and staff; and to use that as an opportunity to plan outreach material for our permits" as item # 8.		Sep-08-2006	On Going



Islands Trust

Print Date: Feb-08-2011

Applications w/ Status - Hornby Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2010.1	Downes Point Holdings Ltd.	Nov-02-2010	
Planner: Brodie Porter			

Planning Status

Status Date: Dec-15-2010

Application approved to forward to ALC with comments.

Rezoning

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2009.2	Hornby Island Resort Ltd.	Sep-10-2009	Pub, restaurant accommodation, office space, moorage - would like to rebuild after the summer operation of 2010.
Planner: Brodie Porter			

Planning Status

Status Date: Dec-15-2010

Report tabled on applicant's progress to comply with LTC requirements

Status Date: Aug-25-2010

Public hearing held and LTC established requirements for further consideration of bylaws

Status Date: Jun-03-2010

Draft bylaws were reviewed and staff requested to work with applicant to develop proposed amendments for July LTC meeting.

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.1	Helen Grond	Apr-08-2010	to create two parcels under Section 946 of the Local Government Act

Planner: Linda Prowse

Planning Status

Status Date: Dec-10-2010

Signed section 946 covenant sent to surveyor with instructions to send us the signed covenant and subdivision plan when registered at Ito

Status Date: Oct-04-2010

PLA received July 13, 2010 - Conditions include registration of Section 946 covenant.

Status Date: Jun-10-2010

Subdivision Review sent to MOTI

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

Planning Status

Status Date: May-24-2010

Planner recieved

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.6	Christian and Peter Wai and VanGelder	Aug-10-2010	create 2 parcels
Planner: Brodie Porter			

Planning Status

Status Date: Dec-23-2010

Application modified to allow easement access. Issue identified with depth/width ratio for lot A. Applicants advised of options

Status Date: Dec-23-2010

PLA issued requiring confirmation of compliance with Islands Trust.

Status Date: Dec-15-2010

10 percent frontage approved

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.8			
Planner:			

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2010.9	Peter Mason Planner: Brodie Porter	Sep-28-2010	To create 2 parcels
Planning Status			

Status Date: Jan-06-2011

Status Date: Jan-06-2011

Status Date: Jan-06-2011

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2011.1	Joan & David Harris/Wiseman Planner: Marnie Eggen	Dec-23-2011	Boundary Adjustment
Planning Status			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2010.10	Larry Pierce Planner: Brodie Porter	Jul-05-2010	Winery
Planning Status			

Status Date: Sep-29-2010

SUP issued

Status Date: Aug-16-2010

Applicant requested to provide some supplemental information

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2010.13	Genda and Ian Affleck Planner: Linda Prowse	Oct-19-2010	House trailer
Planning Status			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2010.14	Hornby Island New Horizons Society (Lessee)	Nov-23-2010	Single Storey Building (Archived)

Planner: Marnie Eggen

Planning Status

Status Date: Dec-17-2010

Requested further info from applicant

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.1	Stewart McGregor	Jan-04-2011	Build Storage Shed and Deck
Planner: Marnie Eggen			

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.2	Andrew & Catherine Thomson	Jan-14-2011	Residence
Planner: Marnie Eggen			

Planning Status

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.3	Charlotte Spencer	Jan-25-2011	Build a barn
Planner: Marnie Eggen			

Planning Status

From: Nancy Roggers
Sent: December-23-10 8:21 AM
To: Brodie Porter; Fred Hunt; Louise Bell; Tony Law; Becky McErlean
Cc: Craig Elder
Subject: Hornby expense report - Dec/10

		Budget	Spent	Balance
Invoices posted to December 22, 2010				
635 Hornby	65000 Trustee Expense	1,300.00	905.00	395.00
635 Hornby	65200 LTC Meetings	3,000.00	2,401.86	598.14
	65210 APC Meetings	600.00	710.00	(110.00)
	65220 Communications	500.00	376.11	123.89
	65230 Special Projects	500.00	935.00	(435.00)
	65240 Miscellaneous	-		-
	TOTAL LTC Local Expense	4,600.00	4,422.97	177.03
635 Hornby	72300 OCP/LUB Expense	9,800.00	2,423.90	7,376.10

Thanks!

Nancy Roggers
 Finance Officer

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

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

From: Nancy Roggers
Sent: January-20-11 3:24 PM
To: Brodie Porter; Fred Hunt; Louise Bell; Tony Law; Becky McErlean
Cc: Craig Elder
Subject: Hornby expense report - Jan/11

		Budget	Spent	Balance
Invoices posted to January 19, 2011				
635 Hornby	65000 Trustee Expense	1,300.00	1,031.80	268.20
635 Hornby	65200 LTC Meetings	3,000.00	2,629.02	370.98
	65210 APC Meetings	600.00	937.16	(337.16)
	65220 Communications	500.00	456.11	43.89
	65230 Special Projects	500.00	935.00	(435.00)
	65240 Miscellaneous	-		-
	TOTAL LTC Local Expense	4,600.00	4,957.29	(357.29)
635 Hornby	72300 OCP/LUB Expense	9,800.00	2,423.90	7,376.10

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
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 Victoria, B.C. V8R 1H8
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Memorandum

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Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date February 9, 2011 File Number HO/15 (First Nations)

To Hornby Island Local Trust Committee
For meeting of Feb 18, 2011

From Brodie Porter
Island Planner
Northern Team

Re Planning for Meeting with K'omoks First Nation

This memo is to augment the memorandum attached to the Feb 18, 2011 agenda that is addressed to the Denman Island Local Trust Committee and copied to Hornby Island Local Trust Committee. This memo provides additional timelines and budget consideration relative to the Hornby Island Local Trust Committee.

April 28, 2010 – Letter received from Chief Ernie Hardy indicating a desire to develop a protocol agreement between the KFN and the Hornby and Denman LTC's.

July 27, 2010 – Executive Committee discussed the KFN invitation to enter into a formal protocol with Hornby and Denman LTC.

August 25, 2010 – Local Trust Committee received letter dated August 3, 2010 from Chair Sheila Malcolmson, Islands Trust Council advising that Executive Committee had met on July 27, 2010 and had regretfully concluded that a government to government agreement could not be initiated at this time due to existing work priorities and limitations on staff capacity.

September 27, 2010 - Letter from Hornby LTC Chair to Chief Ernie Hardy indicating that the Executive Committee considered their request to develop a protocol but does not have the resources to begin the work at this time. The letter indicated that the LTC would still like to invite KFN Chief and Councilors to a meeting to "attempt to understand each other and agree on some common goals" and would consult with Denman LTC to arrange for suggested times and locations for a meeting.

Islands Planners for the Denman and Hornby LTC's have explored ideas for such a meeting following from the above actions and those of the Denman Island Local Trust Committee. The Island Planner for Denman Island LTC has outlined the key considerations for such a meeting and it is suggested that the Hornby Island Local Trust Committee examine those considerations and provide direction in accordance with the suggestions outlined at the end of the memo to the Denman Island LTC as noted under "Coordination with Hornby LTC" and "Next Steps".

Budget: While the memorandum to the Denman LTC is correct in stating that the Hornby LTC local expense account is running in a deficit, the Hornby LTC did resolve in December, 2010 to transfer \$1550.00 from the OCP/LUB expense account to the LTC expense account for purposes of funding a communications program associated with the STVR enforcement program. These funds are in the process of being transferred but if the funds are used as proposed, there still is n funding available from the Hornby LTC expense account.

pc Courtney Campbell, Island Planner
Chris Jackson, Regional Planning Manager



Memorandum

700 North Road Gabriola Island BC V0R 1X3

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Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date February 2, 2011 File Number DE/22 (First Nations)

To Denman Island Local Trust Committee

From Courtney Campbell
Island Planner
Northern Office

Re **Planning for Meeting with K'omoks First Nation**

The purpose of this memorandum is to provide information on budget, process and timing for a meeting with K'omoks First Nation (KFN). The Denman LTC has been considering ways of building a relationship with KFN for some time, as explained in the following timeline:

April 28, 2010 – Letter from Chief Ernie Hardy indicating a desire to develop a protocol agreement between the KFN and the Hornby and Denman LTC's.

May 26, 2010 - Letter from Denman LTC Chair to Chief Ernie Hardy to convey interest in working with them on a Protocol

June 29, 2010 – Staff presented a report at this LTC meeting on the process for a possible protocol agreement with KFN. It clarified that Trust Area Services (TAS) would hold the staff responsibility, and the the Executive Committee would have to pass a resolution authorizing TAS to begin this work.

September 21, 2010 – Letter from Denamn LTC Chair to Chief Ernie Hardy indicating that the Executive Committee considered their request to develop a protocol but does not have the resources to begin the work at this time. The letter indicated that the LTC would still like to invite KFN Chief and Councillors to a meeting to “attempt to understand each other and agree on some common goals”.

October 26, 2010 – At this LTC meeting, the LTC asked staff to provide advice on a location, budget and meeting format for such a meeting, and that it could be between February and April.

December 14, 2010 – At this meeting, the LTC passed the following resolution:

*It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct respective Island Planners to draft a meeting plan including budget requirements for accomplishing the requested meeting between the Hornby and Denman Island Local Trust Committees and the Komox First Nation.*

There are a number of options that the LTC should consider in planning for this meeting.

Location: The meeting could be held on Hornby or Denman Island. The LTC has discussed that it might better to have the meeting on Hornby Island considering that some Hornby lands are part of the Agreement in Principal for their treaty, but there are no lands on Denman. However, it may also be more convenient with less time spent on travel to have the meeting on Denman.

If on Denman Island, the meeting could be held at the Old School, but if lunch is served it may be easier to hold it somewhere with a kitchen. Staff looks to the local trustees for advice on this.

Format: The meeting could be chaired by the Denman LTC Chair, or co-chaired with the Hornby LTC or KFN Chief. Agenda items should be submitted by all three parties.

Meal: A meal could be provided, which would be a good gesture of hospitality and also a way to help build the relationship. Staff recommends a lunch meeting.

Gifts: The LTC has requested advice on first nations' etiquette for gift giving. Staff does not have any more information at this time but would ask advice of the KFN when arranging a meeting.

Budget: The main budget items would be a meal and gifts, if any were given. It is not anticipated that an expensive gift would be necessary or appropriate for this type of meeting. Perhaps even an item with the Islands Trust logo would be appropriate.

The costs of a meeting would have to be covered by the local expense account. There is approximately \$300 left in the Denman LTC's local expense account this fiscal year. This may be sufficient to cover the cost of a lunch. The Hornby LTC local expense account is running a deficit for this fiscal year.

Timing: Setting a date for the meeting will depend on staff availability, the LTC's schedule, and the availability of KFN Chief and Councillors. With upcoming public hearings in March and likely April, and work with the Denman Agriculture Plan Steering Committee on submitting a grant application for the Agriculture Plan in mid-May, staff will be busy. The best time for staff would be a May or June meeting, but earlier is also possible. Considering it may take some time to find a date that works for everyone, staff recommend looking in the months of April through June for a possible date. Trying to schedule a meeting for July or August is not recommended.

Coordination with Hornby LTC: In order to easily coordinate this meeting with two LTC's, the Chairs could either agree on a list of agenda items from the LTC during a meeting, or ask individual trustees to submit their ideas to their Island planners.

Next steps: There is currently a standing resolution from the Denman LTC for staff to arrange a meeting with the KFN. Staff is looking for confirmation of the location (Denman or Hornby) and confirmation that the meeting request will come jointly from the Denman and Hornby LTC's.

pc Hornby Island Local Trust Committee
 Brodie Porter, Island Planner
 Chris Jackson, Regional Planning Manager



Islands Trust

BYLAW REFERRAL FORM

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Ph: (250) 247-2063
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www.islandstrust.bc.ca

Island: Denman Island Trust Area **Bylaw No.:** 199 **Date:** February 7, 2011

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw may be held in April, 2011.

APPLICANTS NAME / ADDRESS:

Local Trust Committee initiated bylaw

PURPOSE OF BYLAW:

The proposed bylaw would amend several sections of the Official Community Plan, 2008.

GENERAL LOCATION:

Denman Island

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

Affects land in the
ALR

**OFFICIAL COMMUNITY PLAN
DESIGNATION:**

various

OTHER INFORMATION:

Proposed Bylaw 199 amends the current Official Community Plan, 2008. The following is a summary of amendments:

Section C.3 [The Marine Environment]

- Two new policies are added regarding structural modifications of the shoreline.
- An advocacy policy is added encouraging the Comox Valley Regional District to require sewage pump-out stations for marinas.

Section D.2 [Transportation and Utilities]

- A new advocacy policy is added regarding require public access to water at the time of subdivision.

Section E.1 [Housing]

- Policy 29 is amended to account for the unique situation on two properties.

Section E.3 [Conservation/Recreation]

- This section is substantially re-worded; objectives and policies are amended or added and background information is updated.

Appendix D [Density Banking]

- Policy 2 is amended to add a definition of affordable housing;
- A new guidelines is added to add a new requirement for applications for transfer of banked densities for affordable housing; and
- Twelve densities are added to the density bank.

Schedule C [Land Use Designations]

- The land use designation of Lot A, Section 7, Denman Island, Nanaimo District, Plan VIP80177 is changed from Sustainable Resources to Conservation/Recreation to reflect its recent establishment as a nature reserve.

Schedule E [Development Permit Areas]

- The area known as Danes Creek Headwaters is added to Development Permit Area No. 4 Streams, Lakes and Wetlands.

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected",

PLEASE TURN OVER ➔

no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: _____ Courtney Campbell

Title: _____ Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Fisheries and Oceans Canada

Regional Agencies

Comox Valley Regional District – Board
Vancouver Island Health Authority

Provincial Agencies

Agricultural Land Commission
Integrated Land Management Bureau
Ministry of Agriculture and Lands
Ministry of Environment
Ministry of Community, Sport and Cultural Development

Adjacent Local Trust Committees and Municipalities

Hornby Island Local Trust Committee Members

Non-Agency Referrals

Islands Trust Fund
Advisory Planning Commission

First Nations

Hamatla Treaty Society
K'omoks First Nation
Qualicum Indian Band
Slammon First Nation

BYLAW REFERRAL FORM

RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Denman Island

(Island)

Bylaw 199

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Denman Island Trust Area **Bylaw No.:** 200 **Date:** February 7, 2011

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw may be held in April, 2011.

APPLICANTS NAME / ADDRESS:

Local Trust Committee initiated bylaw

PURPOSE OF BYLAW:

The proposed bylaw would amend several sections of the Land Use Bylaw, 2008.

GENERAL LOCATION:

Denman Island

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

Affects land in the
ALR

**OFFICIAL COMMUNITY PLAN
DESIGNATION:**

various

OTHER INFORMATION:

Proposed Bylaw 200 amends the current Land Use Bylaw, 2008. The following is a summary of amendments:

Section 1.1 [Definitions]

- A definition of "lot line – edge" is added.

Section 2.2 [Subdivision Regulations]

- A cemetery is exempt from subdivision servicing requirements.

Section 3.3 [Residential Zoning Tables] and Section 3.4 [Resource Zoning Tables]

- Several site-specific zoning codes are added to change the zoning on nine properties in order to recognize densities (homes) that were built when permitted in the bylaw of the time, and are currently legally non-conforming. Two of the nine properties are an exception to this: one includes a density that is not built, but where evidence of intent to build and efforts to obtain approval in the past has been provided, and the other includes a density that was decommissioned and replaced recently due to sub-standard conditions of the structure.
- Setbacks in the Agriculture zone are reduced, and a new setback for an edge lot line is established.

Schedule B [Zoning Map]

- The zoning classifications are amended to reflect changes in the text of Sections 3.3 and 3.4 as described above.
- The zoning classification is changed n Lot A, Section 7, Denman Island, Nanaimo District, Plan VIP80177 is from Forestry and Agriculture to Conservation to reflect its recent establishment as a nature reserve.

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Courtney Campbell

Title: Island Planner

PLEASE TURN OVER ➔

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Federal Agencies

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Sliammon First Nation

BYLAW REFERRAL FORM

RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Denman Island

(Island)

Bylaw 200

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



Population:
Approximately 1,074

Size:
2,990 hectares (7,388 acres)

Location:
31 kilometres south-east of Courtenay on Vancouver Island.

- [Land Use Planning](#)
- [Related Planning Services](#)
- [Related Resources](#)
- [Trust Area Mapping](#)
- [Related Links](#)

Hornby Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Hornby Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

December 2010

- [Hornby Island Local Trust Committee Business Meeting Schedule - 2011](#)

October 2010

- [2007 Community Energy and Emission Inventory Reports \(CEEIs\) now available](#)
- [New Islands Trust GHG Emission Inventories webpage posted](#)

August 2010

- [Tax-Incentive to Conserve Land Arrives on Denman and Hornby](#)

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Hornby Island Local Trust Committee Projects

Island Information and Reports

- [Hornby Island Local Trust Committee Submission Regarding Water Act Modernization](#)
- [Hornby Island Community Profile](#)
- [Building on Hornby Island \(October 2009\)](#)
- [Living on Hornby Information Pamphlet \(October 2009\)](#)
- [Hornby Island DRAFT Build Out Map, December 2008](#)
- [Final Report - Results of the Groundwater Geochemistry Study on Hornby Island by D. Allen and M. Suchy April 2002](#)
- [Heart of the Island - A Report on Hornby Vacant Crown Land, 2000](#)

Climate Change Action

- [Staff Report - March 2010](#)
- [Preliminary Climate Change Initiative Report - October 2009](#)
- [Climate Wise Islands Program](#)
- [Newsletter - 2009](#)
- [Fact Sheets](#)
- [Minutes - November 2, 2010](#)
- [Community Information Meeting Notes - November 15, 2009](#)
- [Proposed Bylaw No. 139](#)

Ecosystem Mapping

- [Draft Hornby Island Local Trust Area ecosystem maps and feedback form](#)

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Applications

Committee Links

- [Committee Home](#)
- [Trustee Membership](#)
- [Contact Trustees](#)
- [Contact Planning Staff](#)
- [Planning Bylaws](#)
- [Administrative Bylaws](#)
- [Meetings Schedule](#)
- [Meeting Agendas](#)
- [Meeting Minutes](#)
- [Resolutions-Without-Meeting](#)
- [Associated Islands](#)
- [Land Use Application Forms](#)

HO-DVP-2009.1 and HO-DP-2010 (Fredbeck)

- [Staff Report dated September 17, 2010](#)
 - [Memorandum dated September 17, 2010 - Correspondence](#)

HO-RZ-2009.2 (Hornby Island Resort Ltd. - The Thatch)

- [Staff Report dated December 2, 2010](#)
- [Staff Report dated July 2010](#)
- [Staff Report dated June 2010](#)
- [Staff Report dated March 2010](#)
- [Staff Report dated November 2009](#)

Official Community Plan and Land Use Bylaw Review

- [OCP/LUB Project Terms of Reference - November 2009](#)
- [Staff Report - December 2010](#)
- [Staff Report - October 2010](#)
- [Staff Report - September 2010](#)
- [Staff Report - July 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report - February 2010](#)
- [Staff Report - September, 2009](#)

Short Term Vacation Rentals

- [Staff Report - December 15, 2010 STVR Enforcement Policy](#)
- [Staff Report - September 2010](#)
- [Staff Report - August 2010](#)
- [Staff Report - July 2010](#)
- [Draft Bylaws Permitting and Regulating Short Term Vacation Rentals on Hornby Island 2010](#)
- [Early Referral Letter to Agricultural Land Commission, April 2010](#)
- [Staff Report - March 2010](#)
- [Staff Report and Appendix - December 2009 \(HO-OCP-2009.2\)](#)
- [Staff Report - October 2009 \(HO-OCP-2009.2\)](#)
- [Staff Memo - September 2009](#)
- [Short-term Vacation Rental Staff Report - July 2009](#)
- [Short-term Vacation Rental Survey - Final Results](#)
- [For Discussion: A Proposal For Permitting and Regulating Vacation Rentals](#)
- [Short Term Vacation Rental Staff Report - July 2008](#)

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Hornby Island Local Trust Committee Workprogram

- [Top Priorities](#)

Housing

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)
- [Secondary Housing on Hornby Island - Staff Report June 2008](#)
- [Enabling Secondary Accommodation Units on Hornby Island](#)
- [Hornby Island Advisory Housing Committee Report - 2004](#)

K'omoks First Nation

- [K'omoks Treaty Process - Message from Trustees](#)
- [Hornby Island Local Trust Committee Submission to Negotiations Division Ministry of Aboriginal Relations and Reconciliation on Vacant Crown Land on Hornby Island in connection with the K'omoks First Nation Treaty Negotiation, September 2008](#)

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