

Hornby Island Local Trust Committee Regular Meeting Agenda

Date: January 29, 2021
Time: 10:00 am
Location: Electronic Meeting

Pages

1. CALL TO ORDER 10:00 AM - 10:10 AM

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

2. APPROVAL OF AGENDA

2.1. Resolution to Continue to Hold Electronic Meetings

That in order to meet the principles of openness, transparency, and accessibility, meetings of the Hornby Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

3. RISE AND REPORT - IN CAMERA MEETING OF NOVEMBER 6, 2020

4. COMMUNITY INFORMATION MEETING 10:10 AM - 10:25 AM

4.1. Rezoning - HO-RZ-2018.1 - Bylaw Nos. 164 and 165 - Planner Presentation

5. PUBLIC HEARING - Bylaw Nos. 164 and 165 - 10:25 AM

5.1. Recess for Public Hearing

5.2. Recall to Order

6. APPLICATIONS, REFERRALS AND BYLAWS

6.1. HO-RZ-2018.1 (Wiseman) - Bylaw Nos. 164 and 165 - Staff Report

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

DATE OF MEETING: January 29, 2021

TO: Hornby Island Local Trust Committee

FROM: Courtney Simpson, Planner
Northern Team

SUBJECT: Official Community Plan and Land Use Bylaw Amendments to Allow for a Two-Lot Subdivision
Applicant: David Wiseman
Location: 5020 Fowler Road (PID 028-737-245)

RECOMMENDATION

That the Hornby Island Local Trust Committee review the public hearing submissions and provide further direction. If the direction is to advance the proposed bylaws the following motions may be made:

- a) That Hornby Island Local Trust Committee Bylaw No. 164 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020”, be read a third time.**
- b) That Hornby Island Local Trust Committee Bylaw No. 165 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020”, be read a third time.**
- c) That Hornby Island Local Trust Committee Bylaw No.164 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.**
- d) That Hornby Island Local Trust Committee Bylaw No. 165 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.**
- e) That the Hornby Island Local Trust Committee forward Bylaw No. 164, cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020” to the Minister of Municipal Affairs and Housing for approval.**

REPORT SUMMARY

The proposed Bylaws amend the Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) and the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) to facilitate a two-lot subdivision at 5020 Fowler Road. The amendment

bylaws received second reading on September 11, 2020 and a public hearing was held on November 6, 2020. Due to an error in notification, second public hearing is scheduled for January 29, 2021.

This report provides a summary of submissions to the November 6, 2020 public hearing. After the close of the public hearing on January 29, 2021 and considering the submissions received at both public hearings, the Local Trust Committee (LTC) may give further readings to the bylaws.

BACKGROUND

If adopted, the proposed bylaw amendments will enable the following:

- increase the number of lots permitted from one to two;
- decrease the minimum lot size from 4.0 hectares to 1.9 hectares; and
- increase the number of permitted dwellings from one dwelling (with a secondary suite) to two dwellings (without secondary suites).

To accomplish the above, amendments to the OCP and LUB are proposed:

- Bylaw No. 164 amends the OCP by redesignating the subject property from **Rural Residential (RR)** to **Small Lot Residential (SR)**.
- Bylaw No. 165 amends the LUB by rezoning the subject property from **Residential 2 – Large Lot (R2)** to **Residential 1 – Small Lot (R1)** and increasing the **Subdivision Lot Area Requirements** of the subject lot from 1.0 hectare to 1.9 hectares with a site specific regulation text amendment. The descriptive title of the **Residential 1** zone “Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot” is deleted so that adding the subject property to this zone does not create an inconsistency with the title.

ANALYSIS

Issues and Opportunities:

There were 19 submissions received up to the close of the November 6, 2020 public hearing. Ten submissions were received from residents of the immediate neighbourhood and all were opposed. Nine additional submissions were in support and the addresses of those submitters is not stated or outside of the immediate neighbourhood. Issues and opportunities mentioned are discussed below:

Error in 2011 survey:

Some submissions say that a subdivision would have been allowed without amending the OCP and LUB except that an error was made in the survey for the previous subdivision. The Islands Trust does not have any information to support the claim that a survey error was made. Further, if any error had been made that resulted in the subject property being 3.98 hectares instead of 4.0 hectares it would have no bearing on the ability to subdivide as 8.0 hectares is required for subdivision in this zone.

In 2011 when two lots of 2.02 and 2.01 hectares respectively were created on Otsby Road from the same parent parcels subject of this application, the lot sizes below 4.0 hectares were allowed pursuant to LUB section 3.13.4 exempting lots from the minimum average lot size when the purpose of the subdivision is to adjust the boundary between lots and no additional lots are created and no lot is increased in area such that it may be further subdivided by the Land Use Bylaw (underline for emphasis). The 2011 subdivision re-drew the lot lines

between three lots at Otsby and Fowler Road to create a different three lots and this was permitted at the time only if it would not lead to additional subdivision in the future.

Adding needed housing on Hornby:

Some submissions say that allowing this subdivision will provide needed housing on Hornby Island. The 2018 *Housing Needs Assessment – Northern Region of the Islands Trust* identifies a need for between 65 and 97 affordable housing units. Because of the need for the new housing to be affordable, a fee-simple, non-subsidized rural lot is not expected to address the housing need on Hornby Island, but affordable rental housing instead has been identified as required. It should be noted that the subject property currently is permitted one dwelling and one secondary suite. If the proposed bylaw amendments are adopted, the subsequent two new lots will each be permitted a dwelling but without secondary suites.

Retention of large lots and not fitting with the neighbourhood

Submissions from residents of the neighbourhood oppose the bylaw amendment because allowing smaller lots is not fitting with the neighbourhood and is contrary to OCP policy supporting the retention of large lots citing OCP Objectives 6.3.3(1) “to promote retention of large parcels of land and existing densities”.

Covenant and enforcement

The applicant stated at the public hearing that he would register a covenant to restrict the amount of trees removed but has since determined he will not be able to find a conservation organization to hold the covenant to ensure monitoring and enforcement. The option of a covenant to protect the likely ephemeral marsh on the subject property was previously not recommended due to challenges with effective enforcement.

No public benefit

Some submissions state they see no public benefit to the proposal and it should be denied.

Policy / Regulatory:

Islands Trust Policy Statement

At their September 11, 2020 meeting the Hornby Island Local Trust Committee passed the following resolution:

“Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 164 cited as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020” and Bylaw No. 165 cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020” are not contrary to or at variance with the Islands Trust Policy Statement.”

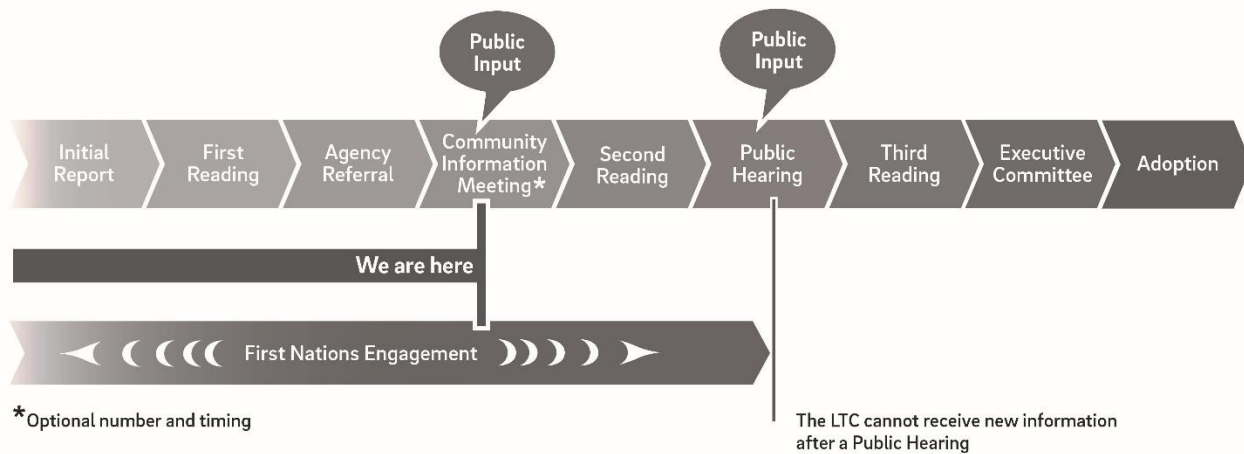
Consultation

Referrals

The Bylaws were referred to the Comox Valley Regional District, the Islands Trust Freshwater Specialist and School District 71. A response from the Islands Trust Freshwater Specialist is discussed in a previous report.

Timeline

A second public hearing is scheduled for January 29, 2020. After the public hearing the LTC may consider third reading.



ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implication of this alternative is a delay in processing the application. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

2. Deny the application

The LTC may deny the application. Staff advises that the result of this alternative is that the lot could not be subdivided under the current zoning.

NEXT STEPS

If the LTC passes the recommendations as listed, staff will schedule and hold the community information meeting and public hearing.

Submitted By:	Courtney Simpson, RPP, MCIP Contract Planner	January 5, 2021
Concurrence:	Heather Kauer, RPP, MPP, AICP Regional Planning Manager	January 18, 2021

ATTACHMENTS

1. Public Hearing Record
2. Public Hearing Submissions
3. Proposed Bylaw No. 164
4. Proposed Bylaw No. 165



Hornby Island Local Trust Committee Public Hearing Record

REGARDING PROPOSED BYLAW NOS. 164 AND 165

Date: November 6, 2020
Time: 1:30 pm
Location: Electronic Meeting via Zoom

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

Staff Present: Courtney Simpson, Contract Planner
Vicky Bockman, Recorder

Others Present: Approximately eighteen (18) members of the public

1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 1:33 pm. She welcomed the public, introduced Trustees, staff and recorder and acknowledged that this Public Hearing was being held in traditional territory of Coast Salish First Nations.

She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020" and proposed Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020".

2. PROPOSED BYLAW NOS. 164 and 165

Planner Simpson reported that a copy of the Public Hearing Notice was advertised in two consecutive editions of the Little Tribune and noted that all notification requirements have been completed. She advised that the Public Hearing binder is available for review during this Hearing on the Islands Trust website.

She explained that the purpose of proposed Bylaw No. 164, if adopted, is to amend the Hornby Island Official Community Plan (OCP) to change the land use designation from Rural Residential to Small Lot Residential and the purpose of proposed Bylaw No. 165, if adopted, is to amend the Hornby Island Land Use Bylaw (LUB) to change zoning from Residential 2 to Residential 1 – R1(c),

a site-specific zone that will apply only to the property at 5020 Fowler Road with a minimum lot size created by subdivision of 1.9 hectares.

She identified the referrals that were sent out for comment, noting that the only response received was from the Islands Trust Senior Freshwater Specialist that included a report on a site visit to the property. As of this meeting time there have been 19 submissions received regarding these bylaws.

3. PUBLIC COMMENTS

Chair Fast explained that this is the opportunity for the public to comment on the proposed bylaws.

- Christina Laffin opposed the proposed bylaw amendments, noting that there are references in the OCP that designate a primary objective to maintain large parcels of land and that subdivision does not provide benefit to the community; neighbours witnessed the devastation of the land with the prior subdivision and twenty neighbours are opposed to this potential subdivision and feel it would not be beneficial to those in the neighbourhood for ecological, agricultural and neighbourly reasons.
- David Wiseman, the applicant, expressed his intention to put covenants on the land that would restrict the amount of forest that could be taken down; and noted that the prospective buyers intend to only cut a reasonable number of trees for the house, driveway and a garden.
- Eleanora Laffin opposed the proposed bylaw amendments, commenting that the Islands Trust mandate to Preserve and Protect does not involve creating methods of helping landowners subdivide; covenants are impossible to enforce so this is not a solution; neighbours are opposed.
- Gregg Wiltshire noted that the applicant asserts that these bylaw amendments for subdivision are necessary due to a surveyor's error and he would like to confirm that there is evidence in the file that contains this information.
- David Wiseman, the applicant, clarified that he did speak to the surveyor when it was discovered that the survey only left 3.98 hectares; regulations do not allow for a lot line adjustment to make a property sub dividable; there is only a minimal shortfall of 0.1 hectares and other applications with ten acres have been able to subdivide into two-five acre lots; he is asking for fair and reasonable treatment.

4. ADJOURNMENT

Chair Fast thanked the public for their submissions. She asked three times for comments from the public and hearing none the Public Hearing was closed at 1:57 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

Vicky Bockman, Recorder

From: Joan Harris <joanonhornby@gmail.com>
Sent: Wednesday, October 21, 2020 6:50 PM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Re: Rezoning HO-RZ-2018.1

I support this rezoning.

From: Jan Bevan <msjanbevan@gmail.com>
Sent: Thursday, October 22, 2020 12:58 PM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Proposed Bylaws 164,165; rezoning file HO-RZ-2018.1

22 October 2020

Local Trust Committee, Hornby Island
Hello, Members of the LTC:

Concerning Proposed Bylaws 164 and 165; file HO-RZ-2018.1, Wiseman

This letter concerns the proposed rezoning of a lot owned by David Wiseman (Lot 1, Section 10, Plan VIP 89098) on Fowler and Ostby Roads.

I am a Hornby Island resident (since June 1968) and am a property-owner. I have known David Wiseman since 1979.

I understand that the proposed rezoning of Lot 1 is a way to resolve a long-standing problem which resulted from a minor error in a 2011 survey. Because of this error, Lot 1 was left at a size of 3.98 ha, a tiny fraction less than the required 4 ha which would allow subdivision into two 2-hectare lots. The problem has resulted in considerable expense and frustration to Dr. Wiseman.

I understand that the proposed Bylaws are site-specific, and are not intended to set a precedent in the neighbourhood, or on Hornby Island in general.

I am pleased that a potential way has been found to resolve this long-standing issue, and to allow Dr. Wiseman to proceed with the long-delayed subdivision of his Lot 1. The intended subdivision will create two residential lots of very close to 2 hectares each, in keeping with the lot size of the Ostby Road neighbourhood.

Therefore, please register that **I support the proposed rezoning, and I support the LTC to pass proposed Bylaws 164 and 165.**

Jan Bevan
4590 Northwind Trail, Hornby Island, V0R 1Z0
250-335-2570

From: Debbie mccann <debbieandpuppies@gmail.com>

Sent: Saturday, October 24, 2020 9:46 AM

To: northphsub <northphsub@islandstrust.bc.ca>

Subject: David Wisemans application to change the land use designation of his property.

I am familiar with this property and support Mr. Wisemans request.

Sincerely,

Deborah Mccann

From: lynn smith <dorothy8@telus.net>

Sent: Saturday, October 24, 2020 11:11 AM

To: northphsub <northphsub@islandstrust.bc.ca>; davidwiseman <davidonhornby@gmail.com>

Subject: land rezoning

To whom it may concern I would like to support the ability of David Wiseman to finally right a wrong with a surveying mistake and get the zoning that should have been available to him.

Lynn Smith

From: placerdog@gmail.com <placerdog@gmail.com>
Sent: Sunday, October 25, 2020 8:55 AM
To: northphsub <northphsub@islandstrust.bc.ca>
Cc: 'davidwiseman' <davidonhornby@gmail.com>
Subject: rezoning of 5020 Fowler Road Hornby Island

I would like to support the change in the community plan and the application for rezoning for 5020 Fowler. I have reviewed some of the documentation about the rezoning and it appears it might add to the housing stock in Hornby some day. This would be a benefit to residents of Hornby Island which has ongoing housing challenges, both owned and rental. I found the challenges of either renting or buying on Hornby to be overwhelming while I lived there during 2018-2109 and I support any efforts to try to improve the housing situation there. I also think that flexibility in the zoning process would be of benefit to the community.

Ann Kelly
316 2300 Mansfield Dr
Courtenay BC
V9N3S3
604 710 9782
placerdog@gmail.com

From: David Cloud <davidcloud33@gmail.com>
Sent: Wednesday, October 28, 2020 1:25 PM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Rezoning-RZ-2018.1

Greetings Islands Trust, regarding the application to split a 3.98 hecter property in two. To quibble about 0.02 hectares I feel is very petty on the part of the authoritys. When all the other criteria have be met. I have lived on Hornby Is. for 49 years and believe that we have proven ourselves to be bigger than this! Regards,

David Cloud.

From: joshua james <brotherjoshuajames@yahoo.ca>
Sent: Wednesday, October 28, 2020 10:14 AM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: In Support of David Wiseman and Subdivide

Hello,

My name is Joshua Roberts and have been a resident of Hornby Island for 13 years. It has pained me too see how David has been treated after a simple mistake of a miss measurement and the ongoing stress and hoops this good citizen has had to jump through. He has done everything he can to prove that his land is very much ok to subdivide and with the housing crisis on Hornby, please have compassion and give leeway to someone who deserves respect and support amidst helping our island grow.

This has been going on for years now and David has spent thousands of dollars trying to meet the requirements.

Off islanders who dont live here, have been in power of this situation and if they were residents their tones would have changed a long time ago.

We work together as a community and David has been a doctor here for 20 plus years serving the communities most important needs.

Please grant our elders the respect they need and honor our housing crisis.

Sincerely,

Joshua Roberts
Tennis Coach for Hornby Island Tennis Association & Hornby Recreation

From: Marcel Poulin <dreambuilder@uniserve.com>
Sent: Thursday, October 29, 2020 6:34 PM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Rezoning-HO_RZ-2018.1

I am in favour of this re-zoning proposal.

Marcel Poulin

From: Joanne Wyvill <jjwyvill@gmail.com>
Sent: Sunday, November 1, 2020 6:35 PM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Rezoning-HO-RZ-2018.1

I support this rezoning of the land.
Joanne Wyvill. Hornby Island resident.

October 30, 2020

Hornby Island Local Trust Committee

Re: Rezoning HO-RZ-2018.1

Dear Hornby Island Local Trustees,

We write in response to the public hearing notice for rezoning HO-RZ-2018.1. We have read and discussed the 356 pages of current application documents (staff reports, proposed bylaws, and community consultation) provided on the Islands Trust website related to the Wiseman application and considered the impact and benefits of this application.

Having familiarized ourselves with the history of this application from April 28, 2018 to present and read the proposed by-law changes, we write to oppose this rezoning and by-law changes.

We understand that the applicant may not have carried out a correct survey of the land before he proposed the first subdivision and we sympathize with this error. We are not, however, in favour of amending by-laws and re-designating this lot as a subdivision alongside "Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot" simply to enable the division of this site into two lots.

We direct the Trustees to consider section 6.3.3 of the Official Community Plan (OCP) which states, "Retention of large parcels is now considered a primary objective." We believe that providing an exception for this site and rewriting by-laws to do so would set a dangerous precedent at odds with the OCP.

The Staff Report for the April 27, 2018 meeting notes, "This proposal would increase density within the RR land use designation, which is contrary to OCP objectives. The OCP indicates there is no need for further residential density by way of subdivision at this time. Furthermore, this proposal does not offer a demonstrable community benefit."

Following two and a half years of meetings, the Islands Trust is now proposing a work-around which would re-designate this site from "Rural Residential" to "Small Lot Residential"; increase the normally 1.0 hectare requirement under "Small Lot Residential" to 1.9 hectares for this site; and change the subdivision designation to include this lot. We are not in favour of this approach in terms of the re-designation, the one-off text and map amendment for a 1.9 hectare minimum, or the rewriting of the subdivision by-laws. In short, we oppose the current by-law changes and ask Trustees to consider the wishes of neighbours opposed to this subdivision.

An amendment to by-laws in order to accommodate subdivision of this single site seems unwise and a poor precedent to set. Moreover, we are not eager to see sites on

Ostby Road and Fowler Road be designated as “Small Lot Residential” and categorized alongside subdivisions with smaller lot minimums just to address a surveying error.

We urge you to consider the fact that the parent parcels are mapped as containing wetland and mature forest system and have already been subdivided twice since 2008, to the detriment of the wetland and forest, as documented in Islands Trust reports.

The Staff Report for the March 20, 2020 meeting states:

“It is worth noting that the lots located immediately to the south on Ostby Road are also shown in the OCP mapping as being partially covered by wetland. **After subdivision, the lots were partially logged...and the wetland area was potentially impacted.**”

The Staff Report of the June 26, 2020 meeting notes the need for protecting environmentally sensitive areas as well as a lack of specific environmental reports.

The Field Visit Memorandum from the September 11, 2020 recognizes the characteristics of the sites and indicates the ecological impact from the previous subdivisions of the parent parcels:

“The south-east area of the property appears to hold characteristics of a perennial marsh, while the other mapped wetland areas showed little resemblance to a sensitive wetland ecosystem. Generally the property is inhabited by mature second growth Douglas Fir forest. The southeast portion of the property within the mapped wetland sensitive ecosystem likely can provide habitat for flora and fauna. **The clearcutting of the adjacent property likely has impacted the overall health of the ecosystem** [by providing] more light into the area and increasing evaporation in the drier parts of the year.”

In addition to ecological impact from past subdivisions by the same applicant, we are concerned about the text and map amendment which might cap this subdivision at 1.9 hectares for the time being, but could later be contested, since “Small Lot Residential” normally requires a minimum of only one hectare. This could eventually result in the creation of three lots instead of two.

In the Staff Report of the September 13, 2019 meeting, the Islands Trust issued a recommendation to deny this application. Yet over the ensuing two and a half years Trustees have arrived at the current proposal to change two by-laws and re-designate this site as “Small Lot Residential” simply to enable this subdivision.

The report of the June 26, 2020 meeting noted various alternatives: requesting further information; denying the application; requesting environmental reports; or passing without a restrictive covenant. We urge you to consider the original 2018 finding based on the OCP which states “there is no need for further residential density by way of subdivision at this time. Furthermore, this proposal does not offer a demonstrable community benefit.” We respectfully request that you embrace the second possible alternative noted above and choose to deny this application.

We are grateful for the opportunity to provide a response in accordance with the requirement for consultation with persons, organizations, and authorities. And we hope this request representing the wishes of six neighbours on Ostby Road will be taken well into consideration.

Many thanks.

Sincerely,

Heinz Laffin

Eleanora Laffin

Parker McKenzie

Bethany McKenzie

Christina Laffin

Julian Laffin

Gailan Ngan
Goya Ngan
1410 Ostby Road
Hornby Island, BC, V0R 1Z0
604-764-8465

November 2, 2020

To Islands Trust Committee,

Re: Rezoning-HO-RZ-2018.1

We are not in favour of a change in zoning to Small Lot Residential. We see this as setting a precedent for other owners in the neighbourhood to potentially subdivide into smaller lots than currently allowed.

Sincerely,
Gailan Ngan
Goya Ngan

From: Susanna Morse <morsedesignstudio@gmail.com>
Sent: Tuesday, November 3, 2020 5:14 PM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Fwd: Wiseman application Rezoning HO-RZ-2018

Dear Hornby Island Local Trustees

We are the owners of the property at 1435 Ostby Road and one of the closest neighbours to the property under consideration for rezoning.

We have read all the documents provided on the Islands Trust website. We respect Dr. Wiseman and have a friendly relationship with him. We are also aware that Dr. Wiseman has already subdivided and sold 2 properties of his original parcel in the past recent years. These lots were substantially clearcut and have impacted the overall ecosystem. To expect that this won't happen to the new lots is to rely on hope alone.

We would like to remind the Trustees of section 6.3.3 of the Official Community Plan (OCP) which states, "Retention of large parcels is now considered a primary objective."

We believe that providing an exception for this site and rewriting by-laws to do so would set a dangerous precedent at odds with the OCP.

As well, the Staff Report for the April 27, 2018 meeting notes, "This proposal would increase density within the RR land use designation, which is contrary to OCP objectives. The OCP indicates there is no need for further residential density by way of subdivision at this time. Furthermore, this proposal does not offer a demonstrable community benefit."

It is unfortunate that this original Staff Report and the Staff Report of September 13, 2019 with recommendations to deny this application were not followed. It has put neighbours in the unfortunate position of opposing their neighbour. However we hope that you will take into consideration the concerns of the neighbours.

,

Best, Susanna and Lewis Morse

From: Ona Connon <onamuzim@yahoo.ca>
Sent: Wednesday, November 4, 2020 9:36 PM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Possible Ostby & Fowler rezoning, division, & development of land

To whom it may concern:

As a resident of Ostby Road, I am writing to express my concern regarding the possible division & development of land at the corner of Ostby & Fowler, and the rezoning needed, in my understanding, for that development to proceed.

I live on Hornby Island as a very conscious choice to live a slower quieter lifestyle, closer to nature. I already deal with a high volume of Sea Breeze Lodge traffic, both cars & large delivery trucks, & am often woken up at all hours of the night during the peak season. The thought of more traffic on Ostby Road is not a welcome one.

Also, I find the clear cuts on what I understand to be previous divisions of Wiseman land, at 1760 Ostby & 1860 Ostby, still to be disturbing, jarring & unpleasant additions to the neighbourhood.

I strongly urge that the current application for division of land at Ostby & Fowler be rejected, that the property remain intact, & that the neighbourhood be kept as rural, quiet, and natural as possible.

Sincerely,
Fiona "Ona" Connon

From: Gregg Wiltshire <greggonhornby@gmail.com>
Sent: Thursday, November 5, 2020 11:13 AM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Wiseman proposed subdivision letter for Nov 6 public meeting

October 30, 2020

Hornby Island Local Trust Committee,

Re: Proposed Wiseman Subdivision

There has been mention that Dr. Wiseman is a deserving applicant due to his tenacity, perseverance and strong will.

Although highly admirable virtues of which I am extremely respectful, they are NOT a basis on which to provide an indeterminate precedent in the creation of smaller lots amidst thriving ALR properties. (OCP 6.3.3)

I urge the Islands Trust to decline this application and respectfully reimburse Dr. Wiseman the costs incurred in pursuance of this subdivision.

Regards,
Barbara Woodley
1760 Ostby Road

From: David Henderson <davidmhenderson@shaw.ca>
Sent: Thursday, November 5, 2020 10:22 AM
To: northphsub <northphsub@islandstrust.bc.ca>
Cc: Jin-me Yoon <jyoon@sfu.ca>
Subject: Hornby Island LTC Public Hearing Notice Rezoning-HO-RZ-2018.1

To the Hornby Island Local Trust Committee:

Attached is our letter providing our input to the Wiseman re-zoning application and associated Bylaw proposals. We appreciate the opportunity to have provided our perspective on this matter. We would be grateful to receive confirmation that our letter has been received and will be included in the public hearing.

Sincerely,

David Henderson, Jin-me Yoon
778-996-4720
5150 Fowler Rd
(512 N Penticton St Vancouver)

Nov 4, 2020

To The Islands Trust
Hornby Island Local Trust Committee
Rezoning-HO-RZ-2018.1
Wiseman property

We are writing to provide our input and perspective on the proposed subdivision of applicant David Wiseman's property at 5020 Fowler Road into two 1.9 hectare lots as facilitated by proposed Bylaws 164 and 165. As owners of a 10 acre ALR lot immediately to the east of Dr. Wiseman's property, we have been directly impacted by the subdivision of a 10 acre parcel previously owned by Dr. Wiseman and would be even more impacted by the further subdivision of his present property into 2 further lots.

We appreciate being given the opportunity to provide our perspective on this issue (we received a notification of the upcoming public hearing and request for submissions in the mail) as to the best of our knowledge and recall we have never previously been notified about developments involving Dr. Wiseman's adjacent properties, not by the Hornby Island LTC nor by Dr Wiseman himself. This may reflect the lack of a legal/statutory obligation for our notification of prior developments concerning Dr. Wiseman's properties, including the prior boundary adjustment and subsequent subdivision of a 10 acre lot along our western property line. We only learned of that development when we came upon the scene of the first clear cut of the subdivided land some years ago. It was quite a shock. So we welcome the opportunity to provide our input now. In doing so we are providing our perspective which is in keeping with the consultative process reviewing Dr. Wiseman's application. For us not to provide our perspective and state our interests would be a significant omission to the balanced evaluation of Dr. Wiseman's application to further subdivide his land.

We purchased our property, Lot 3, Section 10 (5150 Fowler Road), a 10 acre long rectangular ALR property in 2002. At the date of purchase, there was another 10 acre lot to our east (and still is) and Dr. Wiseman's two adjacent 10 acre lots to our west. Please refer to the attached drawing of the original layout of the 4 properties, all lengthy 10 acre parcels in parallel with each other running north south. Our understanding at that time was that these properties would remain intact as large lot, rural residential parcels. We of course chose to purchase our 10 acre ALR property precisely to own a rural property located in a low density, large lot area of Hornby surrounded by the beauty and rural aesthetic of forests, farmland and a natural environment. We believed that having purchased a property with 2 identical 10 acre properties running the length of our eastern and western property lines that we would always have a single property (and household) to the east and west of us. Even if one of these lots was to be subdivided into 2 equal 5 acre parcels (divided east/west) we would at the most have 2 immediate neighbouring properties along our eastern and western borders.

So it was disturbing to come upon that scene of destruction of the forest adjacent to our own and learn that Dr. Wiseman had reconfigured his 2 ten acre parcels and had subdivided one of the newly formed 10 acre squares into two 5 acre lots. We went from having a single neighbour (Dr. Wiseman) to having three neighbours along our western property line. We were further taken

aback when the second of the 2 newly formed lots was then sold and also subsequently clear cut. It should be noted that both clear cuts abut up against our property of mature, second growth forest.

We are now only learning of Dr. Wiseman's current application to further subdivide his remaining 10 acre parcel despite years of his effort to do so through applications to the LTC. We have reviewed the prior LTC staff reports regarding this long running application and note that he was previously denied (2016, 2018) approval to have his remaining land further subdivided.

If Dr. Wiseman's application is approved, and assuming that the subsequent division of his current property will be bisected along an east west axis (as per the attached 2016 drawing), this would create four ~5 acre parcels of land along Ostby Rd from his original two 10 acre lots, so we will have yet another property bordering our western property line (for a total of 4 properties from the single 10 acre lot that was adjacent to our western property line when we purchased the property). This is a significant, fourfold change in density.

The proposed new lot for sale and development (the 1.9 hectare lot representing the southern half of his planned bisected property) is much closer to the part of our ten acre lot where we have our residence and actively use the property (our orchard, camping area, sauna etc). There is already a small clearing on the proposed new lot and I would anticipate that a house would be situated in this clearing. This could significantly affect our property with noise, views and privacy being impacted. Having a new house built so close to our own is not what we anticipated when we purchased our 10 acre property in a large lot, rural residential setting.

We are also concerned about the impact of the proposed subdivision and sale of the newly created 5 acre parcel on the existing forest on that land. As we have noted (and as the LTC is aware) the 2 previous subdivided lands were immediately clear cut once sold. What's to prevent the same happening to this land? We are raising this issue both as an interested party (our land now resides along 2 clear cuts with the prospect of a third) as well as members of the local community. We are aware of many community members who were deeply unhappy with how those properties were developed. We understand that a covenant might be considered so as to attempt to prohibit the clearcutting of the newly formed property but we are skeptical that this would be enforceable for subsequent owners of the property.

We are in agreement with the letter submitted by Christina Laffin. We believe the further subdivision of the remaining Wiseman property would be at odds with the OCP objective of retaining large land parcels. We agree that the proposed bylaws (No 164 and 165) constitute an end run around the OCP to accommodate a single landowner and subdivision and would establish an unwelcome precedent. We also share the concerns raised regarding the further ecological degradation of the mature forest and wetland systems as outlined in staff reports on this property. We are very concerned that the rezoning of the Wiseman property to small lot residential status could constitute a slippery slope both for the neighbourhood and the Island at large. It seems unreasonable to propose two bylaw changes to accommodate the subdivision of a single property which does not meet the subdivision criteria as currently zoned.

In sum we want to make it clear that the proposed development will directly impact our property

by resulting in yet another property being created along our western property line which represents a fourfold increase in density from when we purchased our land. We purchased our property with the understanding that our lot would be bordered by adjacent large lot rural properties. The redesignation of the Wiseman property to small lot status is in direct conflict with this understanding. We are in agreement with the many others who are concerned about this development for all the reasons stated. We feel that the original reasons for the denial of Dr. Wiseman's application (2018) remain pertinent. To quote from that decision:

"The proposal is not compatible with the OCP statements that encourage retention of large lots and existing densities; would increase residential density near agricultural land; and lacks a demonstrable public benefit."

A change in zoning and land use designation would appear to be an ad hoc work around this original decision and in our view would be in contravention with the OCP and community interests (including our own specific interests as land owners adjacent to the Wiseman property).

In submitting this letter we wish no animosity against Dr. Wiseman who has been a good neighbour. We do feel however that it is the purpose of a public hearing to gather input from all involved and in particular those who may be directly impacted by the rezoning application and subsequent subdivision and development of the property and it is in this spirit that we are submitting our concerns. We do hope that our perspective and input will be duly considered by the LTC as the committee considers the proposed Bylaws.

Sincerely,



David Henderson
Jin-me Yoon
5150 Fowler Rd Hornby Island

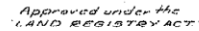
PLAN 30844

Scale: 1 Inch = 200 Feet

Bearings from Plon 1424 R/W

- QIP - denotes old iron pin found.
- IP - denotes standard iron pin act.

ASST. DEPUTY Registrar



Ly Menes
Approving Officer
Ministry of Highways
and Public Works.
JUNE 30, 1977.

'This plan lies within the Regional District of Comox Strathcona'

Owner:

Sea Breeze Lodge, Inc.

[Handwritten signature]
Dikant

Mortgage:

Wm H Fowler
William Hope Fowler

E. N. Fowler
Evelyn Varzie Fowler

Witness as to both signatures.

Address: L. L. H. Stagnant
Lawman B.C.

Occupation: Student

1, Gordon G.H. Wagner of Courtenay, B.C., British Columbia Land Surveyor, make oath and say that I was present at and did personally superintend the survey represented by this plan and that the survey and plan are correct. The said survey was completed on the 23rd day of December, 1976.

G. G. H. Wagner D.C.L.S.

Sworn before me at Courtenay, B.C. this 23rd day
of December, 1976.

A Commissioner for taking Affidavits in and for
the Province of British Columbia

Gordon G. H. Wagner
G. Keith Wegner
B.C. Land Surveyors & Notary Public
Suite D, 545 England Ave.
Box 3118, Courtenay, B.C.
File: 1060-75

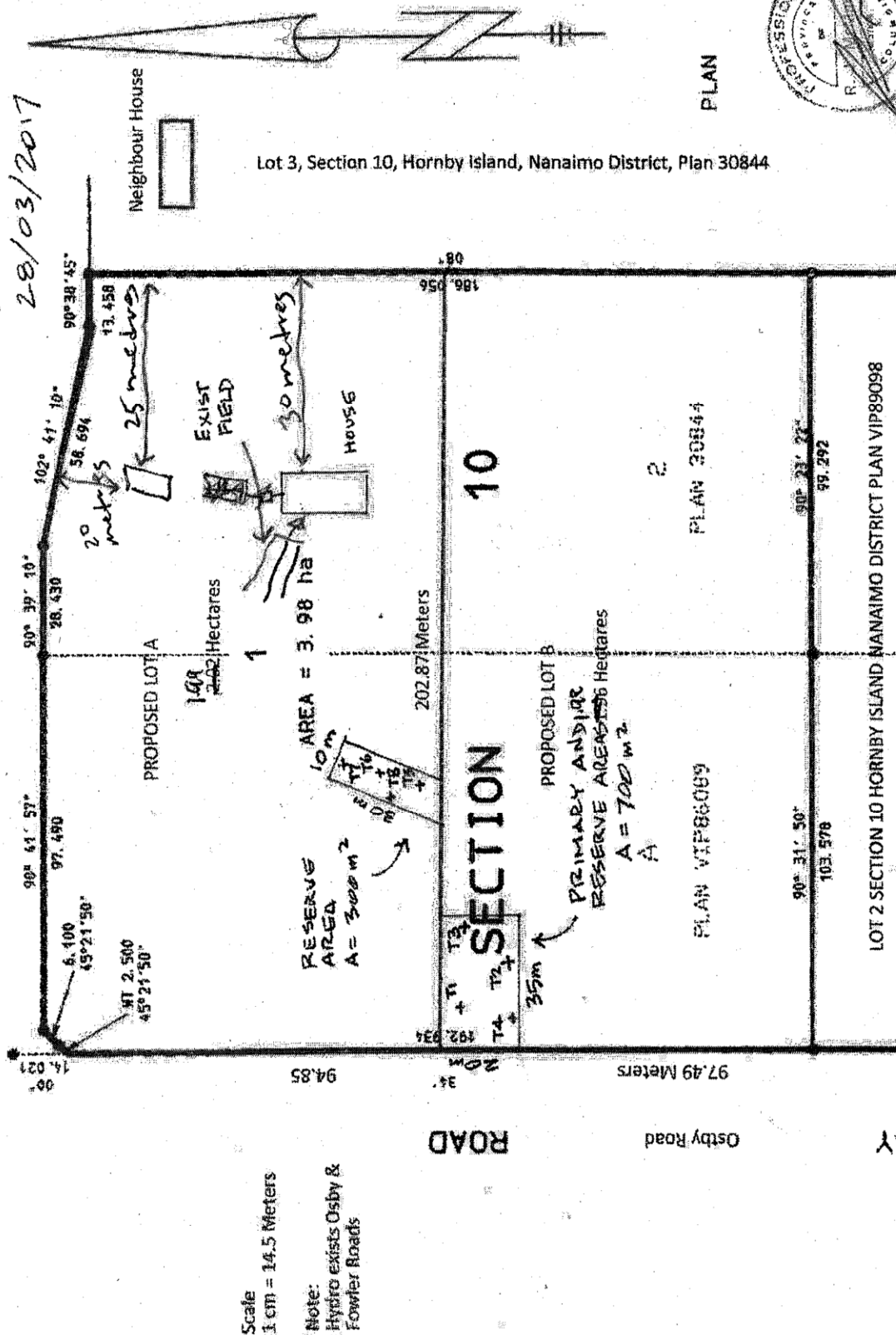
Proposed subdivision of Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098
by David Paul Wiseman

Drawn: March 3, 2016

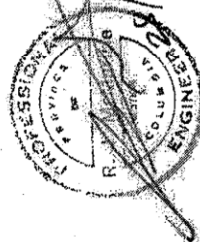
PROPOSED DISPERSAL
AREAS FOR SEPTIC.

22. 2

28/03/2017



PLAN



From: Gregg Wiltshire <greggonhornby@gmail.com>
Sent: Thursday, November 5, 2020 11:16 AM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: David Wiseman proposed subdivision letter

Hornby Island Local Trust Committee,

October 30, 2020

Re: Proposed subdivision of PID 028-737-245 Lot 1, Sec 10, VIP 89098

My wife and I own Lot 32, the lot immediately adjacent to the south of the proposed subdivision. A significant selling feature of Lot 32 was the fact that the adjacent lot could not be subdivided as it was 'undersized'. Our realtor, in her due diligence regarding the sale of lot 32, informed us that the remaining lot was indeed undersized and as such could not be subdivided. We confirmed this understanding with other realtors and land surveyors and were ensured that the remaining lot was indeed too small to be subdivided.

It is our understanding that the proposed subdivision, if allowed to proceed, would not only set a criterion for the ongoing development of 'undersized' lots, it would also diminish the Trust's primary objective, "to enforce the retention of large parcels of land" (OCP 6.3.3).

We have learned much about many of the Land Use reasons as to why subdividing this lot does not make sense; increased density in proximity to agricultural land, protecting wetlands, environmental sensitivities, retention of large parcels, and attention to ground water quantity. Many of these reasons reflect the core elements that the Island's Trust was formed and entrusted to protect.

One of the more contentious of the issues is that the 'wetland/environmentally sensitive' areas of the lot severely limit the number of potential building sites. The Local Planning Services Technician makes a clear argument in his report that the proposed subdivision must consider that building sites may be in direct conflict with 'wetlands' and would also increase density in proximity to agricultural land, which is in opposition to the Hornby Island OCP. Based on the technician's professional report we ask that the proposed subdivision be denied.

Furthermore, we have been in contact with the office of the original surveyor of the applicant's property and they are unaware of any error in surveying the applicant's 3 lots. We understand an "error in surveying" has been given as the reason as to why this proposed amendment is having to be considered. I remain curious about how and why the applicant could not have known at the time of the original surveying that any 'mistake' had been made. Supporting documents for the sale of lot 31 and then of lot 32, clearly describe the respective surveyed areas of the lots with the lot plans for each of the 3 subdivisions showing their disparate dimensions.

Rewriting by-laws to allow the subdivision of this lot, and ultimately, any future undersized lot, is not in keeping with the OCP and this proposed subdivision, “does not offer demonstrable community benefit” (April 27, 2018 Staff Report, 3 [93]).

To be clear, my wife and I are not in support, at all, of the proposed amendment to the Hornby Island Official Community Plan. Most importantly we are not, at all, in support of seeing the subdivision of PID 028-737-245 Lot 1, Sec 10, VIP 89098 be allowed to proceed.

Sincerely,
Gregg Wiltshire
1760 Ostby Road Hornby Island BC V0R 1Z0

From: John Scott <jscott@pifinancialcorp.com>
Sent: Thursday, November 5, 2020 11:47 AM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Re: Rezoning HO-RZ-2018.1

Hornby Island Local Trust Committee
Re: Rezoning HO-RZ-2018.1

We are writing to voice our opposition to the possible change in zoning of David Wiseman's property on Hornby Island. Our family has owned the (very near by) property at 2020 Ostby for over 70 years. I am concerned about the impact of rezoning the aforementioned property to a potential subdivision which would contradict the guiding philosophy of ***maintaining large parcels of land*** on Hornby.

The original Wiseman property has already been subdivided (twice) with significant monetary gain to Dr. Wiseman. It seems that continued subdivision goes against Island principles. Why is there special consideration being given to this situation? The only beneficiary is the owner who has already subdivided twice for large personal gain. We believe that most, if not all our neighbors, feel the same way.

We are opposed to this proposal.

Sincerely,

John Scott
Lorie Stevenson
Owners 2020 Ostby Rd., Hornby Island

From: Ryan May <ryan@livingland.org>
Sent: Thursday, November 5, 2020 12:58 PM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Rezoning -- HO-RZ-2018.1

Dear Island's Trustees,

As direct neighbours to the subject property, this letter is to voice our position on the rezoning application — HO-RZ-2018.1.

Development projects here which encourage new houses and increased human presence in undeveloped tracts of land on Hornby is not in accordance with a sustainable vision or comprehensive and long-range planning.

First and foremost Hornby Island must address the use, maintenance, and revitalization of its existing infrastructure and already-developed landscapes. There is much good work to do here to address people's housing, economic, and recreational needs without adding additional residential density or creating new infrastructure. This is especially true on undeveloped and ecologically sensitive land, such as the subject property.

With this in mind, we do not support the current proposal to increase residential density in this neighbourhood. Instead, we support a comprehensive, sensitive, intelligent, and highly local planning process that takes an extremely long-view for Hornby's future, and acknowledges that seemingly simple actions taken today have highly complex ramifications.

Thank you,

The Mays
4555 Fowler Road

From: Jennifer Fletcher <jennatwinflower@yahoo.ca>
Sent: Thursday, November 5, 2020 4:19 PM
To: northphsub <northphsub@islandstrust.bc.ca>
Subject: Wiseman Subdivision file number HO-RZ-2018.1

alan@afconstruction.com

TO
Hornby Island Local Trust Committee

Dear Trustees,

This letter is in response to the rezoning application HO-RZ-2018.1 . For the following reasons we are not in support of the application.

1.We are currently operating an active farm on both of our ALR parcels directly across to the west of the subject property. Our farming activities include Hereford beef cattle. Romney sheep, chickens, both laying birds and meat birds. We are finding it increasingly difficult to keep nearby summer neighbours supportive of our activities due to noise, smells and general farming activities.

2.We cannot support a change in zoning to accommodate smaller lot sizes anywhere on Hornby let alone next to our property as it sets a precedent for others to follow in the same vein.

3.We, across the road from this application, are in the opposite process, trying to make two larger parcels by combining three parcels into two. Hornby island, as many other gulf islands, has a limited capacity of further development, not sure why the trustees and planners are even considering such a proposal.

Alan and Jennifer Fletcher

From: Laffin, Christina <Christina.Laffin@ubc.ca>
Sent: Friday, November 6, 2020 2:53 PM
To: northphsub
Subject: follow-up on public comment re: HO-RZ-2018.1 (by-laws 164, 165)

As someone who submitted a public comment in response to rezoning proposal HO-RZ-2018.1 and related by-laws 164 and 165 I write to ask for clarification as to why this public hearing took place if there was seemingly no need for Trustees to consider the correspondence submitted by the 28 people included in the Public Hearing Binder.

At the outset of the hearing it was noted by Hornby Island Trustee Alex Allen that he had not had time to fully read the correspondence.

At the close of the hearing, Hornby Island Trustee Grant Scott proposed that the second hearing of the proposed by-law amendments take place immediately, without consideration for comments submitted. At no point did he indicate he had read any of the letters and emails provided by 28 people nor did he seem to take any of the comments by speakers into account. As one speaker noted, the same Trustee had indicated "end of discussion" when asked about the process, with seemingly no desire to consider the perspectives of the 19 neighbours and 9 others who took the time to write.

I was relieved that Trustee Allen indicated there was a need to wait, but I ask why the Islands Trust invites comment if there is no requirement by Trustees to read or consider these. Having spent many hours reading the documentation surrounding this proposal and writing a response, I was disappointed that the public comments seemed to have no place in deliberations.

I look forward to your reply.

Christina Laffin
Christina.Laffin@ubc.ca

From: Kihan Yoon-Henderson <kihanyh@gmail.com>
Sent: Sunday, November 8, 2020 6:31 PM
To: northphsub
Subject: Provided incorrect webinar ID for Nov 6 public hearing

Dear Hornby Island LTC,

I am writing to let you know that the webinar ID on the letter which we received via mail to access the Nov 6 public hearing regarding HO-RZ-2018.1 was incorrect.

My family are the neighbours directly to the east of Dr. Wiseman. As I was the only family member available at the time of hearing I tried to call in with the number provided, but when I input the webinar ID I was told the ID did not exist. This caused significant stress trying to access the hearing, and I did not manage to gain access until the very end. This was only because I eventually looked up the ID provided on the Islands Trust website, which was completely different from the ID provided on the letter (see attachments). The number was also different.

As this matter means a great deal to me and my family I was discouraged and disappointed to not be able to access the hearing and listen to what was being said. And as others may have encountered this problem I thought that the LTC should be advised of this issue. Thankfully we also submitted a letter.

I would appreciate confirmation that this note has been received.

Thank you,
Kihan Yoon-Henderson

Enquiries?

Contact the Islands Trust Northern Office, by email: northinfo@isl

Written submissions?

Send by 4:30 p.m., November 5, 2020 to: Islands Trust, 700 North

Email: northphsub@islandstrust.bc.ca

To listen and/or view the meeting or participate in the Public Committee 2020, the public may join the meeting by:

- Calling: 855.703.8985 (Toll Free) or Logging into: <https://islandstrust.ca>
- The Webinar ID number is: 622 7837 8779

Written submissions made in response to this notice will be available for review. NO WRITTEN OR ORAL REPRESENTATIONS WILL BE RECEIVED BY THE COMMITTEE, OR ITS MEMBERS, AFTER THE CONCLUSION OF THE MEETING.



Hornby Island Local Trust Committee Latest News

November 6, 2020 | Electronic LTC Regular Business Meeting, 10:00am.

Meeting Agenda: [Click here](#) and choose November 6 (available 1 week before the meeting).

To join Electronically: [Click here](#)

To Call into the meeting: [833 955 1088](#) (Toll Free) or [833 958 1164](#) (Toll Free)

Webinar ID: [629 2403 5200](#)

(Note: if calling in to the meeting use *9 to raise your hand during townhall and *6 to unmute)

Live Stream: [Click Here](#) to watch

This meeting will be recorded and posted on the Islands Trust website. For those who are unable to join or watch the live webinar, a link to the recorded live stream will be available on the Islands Trust website a few days after the meeting.

From: Gregg Wiltshire <greggonhornby@gmail.com>
Sent: Monday, November 9, 2020 7:51 PM
To: northphsub
Subject: David Wiseman Hornby Island Proposed Subdivision HO-RZ-2018.1 (by-laws 164, 165)

To Trustees,

I recall Chair Fast stating we, those who invested time and thought in formulating comments on this file, would have no further opportunity, following the close of the Public Hearing, to share opinions and/or points of view. That said, hopefully the comments that follow will make for more respectfully run "comments & correspondence" sections of future Public Hearings.

I clicked out of that November 6th Hearing asking myself why we even wrote letters. It was clear to me that few Trustees, if any at all, had even read the letters offered by neighbours and others. Trustee Scott asked for a second reading at the close of the Hearing commenting that this file, "has dragged on long enough"; so much for the time invested in trying to be heard. The sliver of hope I hang on to is Trustee Allen saying that he could not be part of a second reading at the close of the Hearing as "new information has come to light"; I appreciate the respect.

As for the Zoom Public Hearing itself, I feel it is a totally ineffectual way to hold such an important Hearing. A 'normal' Public Hearing, with all interested parties in the same place at the same time would have certainly kept comments in check. I have to say the applicant used this insulated opportunity to make comments that supported his case and clouded the truth. Not being comfortable with the technology, I was unable to challenge the applicant on his comments; an opportunity I would not have missed in-person

I understand we are in a pandemic. I also understand the challenges inherent in trying to orchestrate a fair Zoom meeting. Clearly an in-person Hearing would have allowed participants to share immediate responses and achieve greater clarity than what I experienced November 6th. This and the idea that some Trustees were willing to carry on, irregardless of the writings of very concerned neighbours, has left me deeply disappointed with your process.

Thank you for your time. I look forward to your comments at your earliest convenience.

Gregg Wiltshire
1760 Ostby Road
Hornby Island, BC

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 164

A BYLAW TO AMEND HORNBY ISLAND OFFICIAL COMMUNITY PLAN, 2014

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

1. Citation

This bylaw may be cited for all purposes as “Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020.”

2. Schedule “A” of the Hornby Island Local Trust Committee Bylaw No. 149, cited as “Hornby Island Official Community Plan, 2014,” is amended as follows:

Section 6.3 Residential, Subsection 6.3.2 Residential, Background is amended as follows:

- i adding the word “Some” before “lots” in the first sentence of the first paragraph.

3. Schedule “B” - Land Use Designations Map is amended by changing the land use designation of LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP89098 (PID 028-737-245) from Rural Residential to Small Lot Residential as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 149 as are required to effect this change.

PROPOSED

READ A FIRST TIME THIS 26TH DAY OF JUNE , 2020

READ A SECOND TIME THIS 11TH DAY OF SEPTEMBER , 2020

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202X

READ A THIRD TIME THIS _____ DAY OF _____ , 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

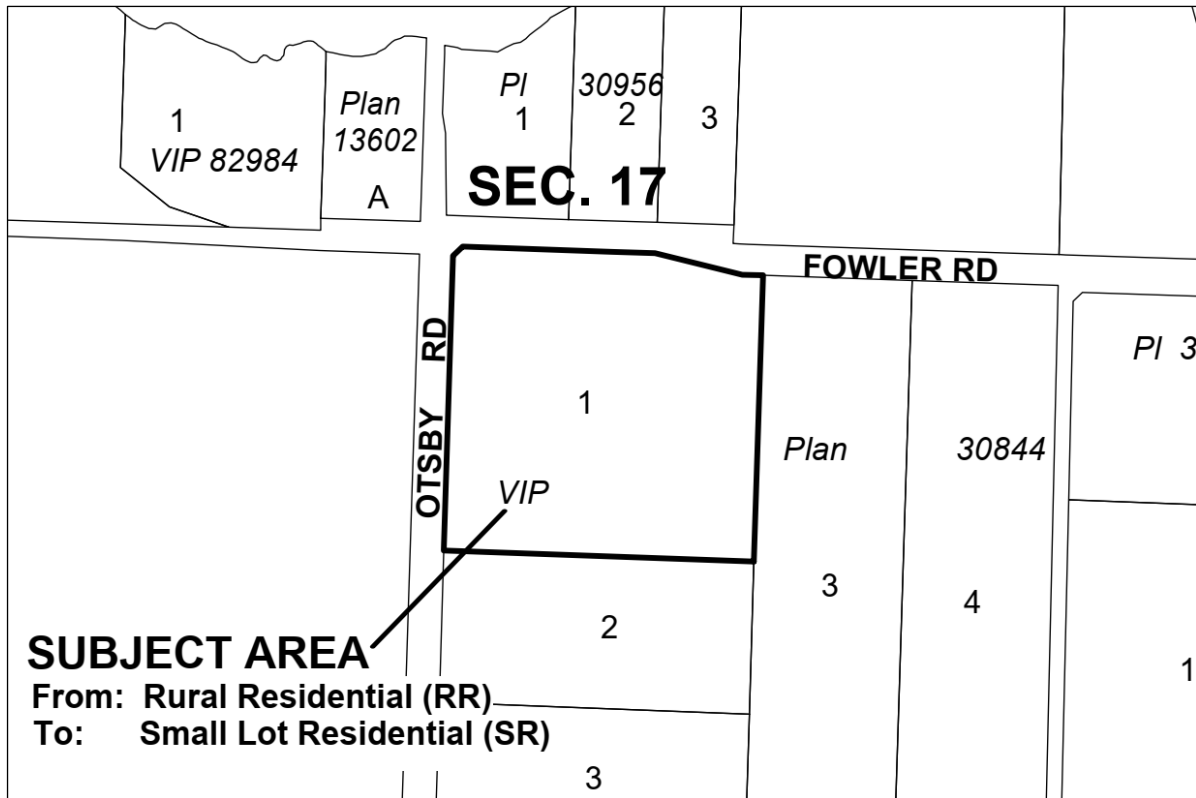
Chair

Secretary

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 164

Plan No. 1



PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 165

A BYLAW TO AMEND HORNBY ISLAND LAND USE BYLAW, 2014

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

1. Citation

This bylaw may be cited for all purposes as “Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020.”

2. Schedule “A” of the Hornby Island Local Trust Committee Bylaw No. 150, cited as “Hornby Island Land Use Bylaw, 2014,” is amended as follows:

2.1 **PART 8 - ZONE REGULATIONS**, Section **8.1 Residential 1 – Small Lot (R1) Zone** (*Galleon Beach, Shingle Spit, Sandpiper, Whaling Station Bay/Anderson Drive and portion of Klaver Lot*), is amended to read **Residential 1 – Small Lot (R1) Zone**

2.2 **PART 8 - ZONE REGULATIONS**, Section **8.1 Residential 1 – Small Lot (R1) Zone** Subsection 8.1(8) **Site Specific Regulations** is amended by inserting the following new site specific zone:

R1(c)	Lot 1, Section 10, Hornby Island, Nanaimo District, Plan VIP89098 (PID 028-737-245)	Despite 8.1(7) of this Bylaw, no lot may be created by subdivision that has a lot area of less than 1.9 hectares.
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3. Schedule “B” - Land Use Zoning Map, is amended by changing the zoning classification of LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN VIP89098 (PID 028-737-245) from Residential 2 – R2 to Residential 1 – R1(c) as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 150 as are required to effect this change.

PROPOSED

READ A FIRST TIME THIS 26TH DAY OF JUNE , 2020

READ A SECOND TIME THIS 11TH DAY OF SEPTEMBER , 2020

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202X

READ A THIRD TIME THIS _____ DAY OF _____ , 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

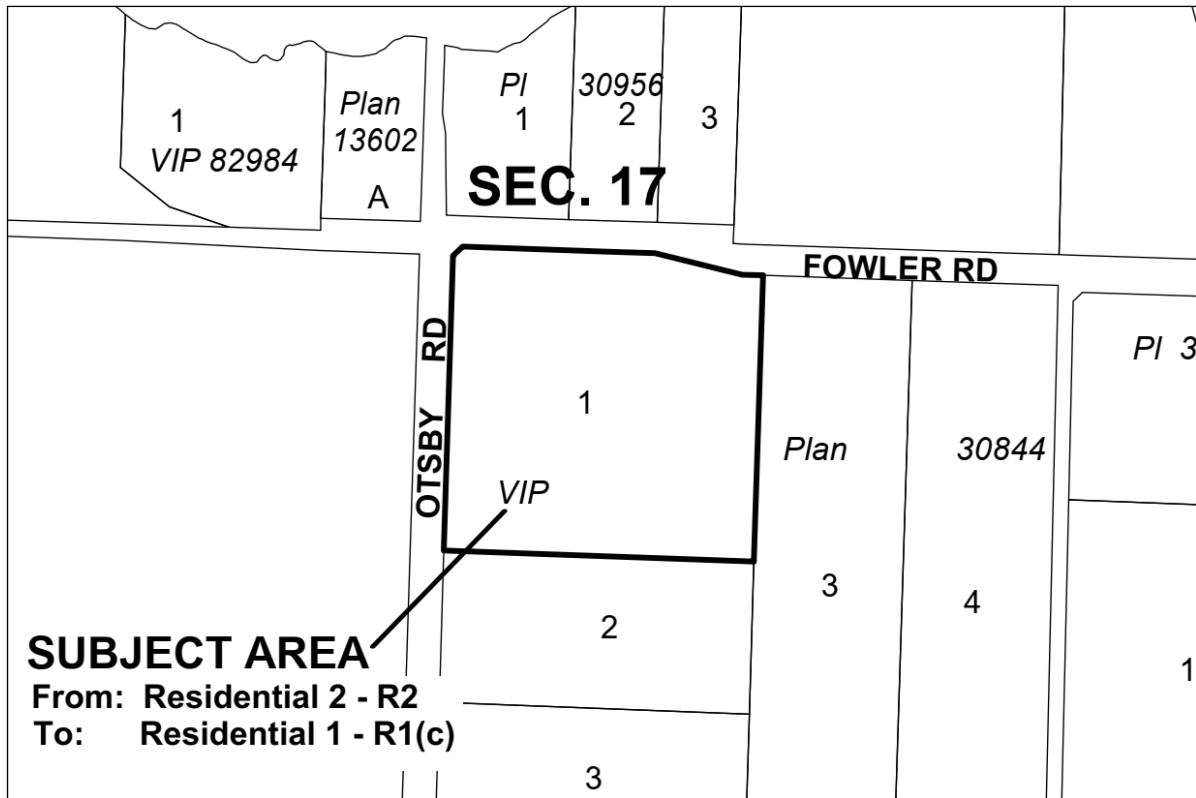
Chair

Secretary

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 165

Plan No. 1





Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: November 6, 2020
Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
Jaime Dubyna, Planner 2
Bronwyn Sawyer, Planner 2
Ian Cox, Planner 1
Courtney Simpson, Contract Planner
William Shulba, Islands Trust Senior Freshwater Specialist
Vicky Bockman, Recorder

Others Present: Approximately eighteen (18) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:04 am. She welcomed the public, introduced Trustees, staff and recorder; and acknowledged that the meeting was being held electronically in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Move item 17 to follow 15.2
- Move item 16 to follow 17
- Add 13.2 Tree Cutting
- Add 13.3 Ferry Terminal Signage

By general consent the agenda was adopted as amended.

2.1 Electronic Meetings Resolution

HO-2020-072

It was MOVED and SECONDED,

that in order to meet the principles of openness, transparency, and accessibility, meetings of the Hornby Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at Trust body meetings; and that such meetings be live streamed, and the public invited to

participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

3. REPORTS

3.1 Trustee Reports

Trustee Scott reported on his actions to follow-up on archaeological and First Nations referral questions relating to the Hornby Island Resort redevelopment project.

Trustee Allen reported that he attended the Comox Valley Regional District (CVRD) liaison meeting as well as other electronic meetings; and observed that there are many visitors still on Hornby Island at this time.

3.2 Chair's Report

Chair Fast reported on her attendance at the following:

- Trust Council; the next electronic Trust Council meeting on December 1 will schedule Delegations and Town Hall in evenings to make these sessions more accessible to the public;
- Union of BC Municipalities Convention;
- Islands Trust Conservancy meeting;
- Financial Planning Committee meeting;
- Bowen Island Municipal Council meetings;
- Denman Island and Gambier Island Local Trust Committee (LTC) meetings;
- CVRD Liaison meeting.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Members of the public commented with the following noted:

- The LTC was urged to resolve the contradictions in the minimum average lot area regulations that have caused inconsistencies in treatment of subdivision applications and is impacting the ability of some residents to move forward with plans;
- Objection was made that community consultation for the Thatch redevelopment project last occurred in 2011 and not again with this Development Permit (DP) application; there should be a mechanism to engage the community again on large developments after such a long time to allow discussion of factors that may have changed;
- The LTC was encouraged to recognize the relationship with First Nations with an addition to the Official Community Plan (OCP) that might be accomplished in a timely manner.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated September 11, 2020 - for adoption

HO-2020-073

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the minutes dated September 11, 2020 as presented.

CARRIED

6.2 Section 26 Resolutions-without-meeting - none

6.3 Advisory Planning Commission Minutes dated October 2, 2020 - for receipt

Received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Report dated October 28, 2020

Received.

7.2 Proactive Enforcement of Year-Around Unlawful Housing-Memorandum-for information

Regional Planning Manager Kauer presented the Memorandum that responds to the LTC's request for information regarding not enforcing on year-around, occupied unlawful dwellings.

In response to discussion, staff comments included the following:

- Legal advice has been received that advises against adopting resolutions that prohibit staff from enforcing existing bylaws altogether; however a Standing Resolution may be adopted that constrains the conditions under which Bylaw Enforcement staff pursue enforcement;
- The LTC may consider adding a bylaw amendment to the Projects list if a particular aspect of a bylaw is not to be enforced at all;
- The LTC does not currently have a Top Priority housing project that would justify deferment of enforcement until the project is completed;
- Non-compliant property owners may apply for rezoning to resolve issues and have been informed that they might apply jointly to reduce cost.

Trustees recognized that this is an issue that is of concern to many residents and proposed taking action to address this need at this time.

HO-2020-074

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the following Standing Resolution:

That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2021.

CARRIED

8. APPLICATIONS, REFERRALS AND BYLAWS

8.1 Bylaw No. 163

Trustees observed that this agenda item proposes the adoption of a Land Use Bylaw (LUB) amendment to rezone the property at 5040 Central Road from Residential 3 – Community Housing (R3) Zone (Elder Housing) to Residential 3A – Community Housing (R3A) Zone (ISLA).

HO-2020-075

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 163 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2020", be adopted.

CARRIED

By general consent the meeting recessed at 11:11 am and reconvened at 11:16 am.

8.2 Hydrology Report needed for DPA 2 - Memorandum - for information

Regional Planning Manager Kauer presented the Memorandum that provides some background on Guideline (4) of Development Permit Area (DPA) 2 and its applicability to three development permit applications to be considered by the LTC, with the following points noted:

- The Community Service Use DPA 2 is located within a groundwater recharge area which is upslope from residential neighbourhoods, and developments in the DPA area could have a potential impact on the water resources;
- Staff consider that the new school, medical clinic addition, and art centre developments will create significant alterations of the ground, surface drainage or use of groundwater; and interpret DPA 2 Guideline (4) to mean that a hydrology study is to be required in order to assess how the groundwater is affected by the developments;
- If the LTC decides to not require a hydrology study on one or more of the proposed developments, the LTC was requested to provide rationale for why they believe the proposals are not significant alterations of land to guide staff's interpretation of this guideline with respect to future development proposals.

Trustees commented on the Memorandum with the following noted:

- Water usage for these developments is expected to be less than in the past and parking will have little impact;
- Concern was expressed that the timing and requirement of hydrology reports will delay the projects.

8.3 HO-DVP-2020.2 (Hornby School) - Staff Report - for decision

Regional Planning Manager Kauer reported that the applicant has provided a new site plan including changes to the siting of the power shed that is close to a water course. She advised that the amended site plan does not reflect the variances indicated in the notification that was sent out, and recommended a new notification process be initiated to inform citizens and provide them an opportunity to comment.

Chair Fast invited the agent for the applicant, Brad Shuya, to comment and the following was noted:

- The change in the siting of the power shed was caused by BC Hydro's alternate plan of bringing in the power from a source close to the road;

- When asked, he noted that if the renotification process is required, it will not delay the construction or timing of the ability of children to attend the school as anticipated.

HO-2020-076

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee defer consideration of application HO-DVP-2020.2 until the next regularly scheduled Local Trust Committee meeting; and

that the Hornby Island Local Trust Committee direct staff to amend draft Development Variance Permit HO-DVP-2020.2 to reflect the new location of the proposed power shed, and circulate notifications to neighbouring property owners and residents.

CARRIED**8.4 HO-DP-2020.1 (Hornby School) - Staff Report - for decision**

This item was deferred due to the decision to renotify HO-DVP-2020.2.

8.5 HO-DP-2020.2 (Hornby Island Residents & Ratepayers Association) - Staff Report - for decision

Planner Cox summarized the Staff Report for the construction of a two storey emergency room addition to the Hornby Island Clinic within DPA 2. He noted that staff consider the development to be significant as it relates to the DPA 2 Guidelines (in particular 4) requiring that a hydrology report be submitted.

Trustees acknowledged that the subject of the requirement of a hydrology report had been discussed in general at agenda item 8.2.

HO-2020-077

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee finds the application HO-DP-2020.2 to be consistent with Development Permit Area 2 Guidelines and approves issuance of the permit as drafted.

Discussion on the motion followed:

- Staff cautioned that this resolution will set a precedent and give staff guidance on what is considered significant as it relates to DPA 2 Guidelines (4);
- A Trustee commented that Trustees bring local knowledge to the decision making process;
- Trustees requested guidance on what value a hydrology report would provide compared to what the Province already requires: Islands Trust Senior Freshwater Specialist Shulba advised that the Province requires a groundwater license for a non-domestic development well which may or may not include a technical assessment, and would not consider impervious or gravel pervious surfaces, or the effects of the build-out of the lot. A DPA-required hydrology report would inform consideration of how development will impact the environment, the groundwater resource of the area, and shallow wells downstream.

The question on the motion was then called.

CARRIED**Chair Fast Opposed**

By general consent the meeting was recessed at 12:35 pm and reconvened at 12:55 pm.

8.6 HO-DP-2017.2 (Hornby Arts Centre) - Staff Report - for decision

Planner Dubyna summarized the Staff Report for the construction of a new Arts Centre building within DPA 2. She noted that staff consider the development to be significant as it relates to the DPA 2 Guideline (4) and requiring that a hydrology report be submitted.

Trustees acknowledged that the subject of the requirement of a hydrology report had been discussed in general at agenda items 8.2 and 8.5.

Chair Fast invited the applicants to speak with the following noted:

- Andrew Mark, Executive Director of the Hornby Island Arts Council (HIAC), advised that this DP represents the final step in delivery of a community art centre and explained the funding timelines and concerns. He noted that the project has widespread community support, consultations have occurred, it represents a venue to strengthen relations with First Nations, and he cautioned that more delays will place the project in jeopardy.
- Tor Nawrot, project manager, spoke to the ground alteration aspect of the project, noting that the land that used to house the Teen trailer, Hope Kitchen trailer and HIAC trailer is now bare, and most of that land will be reforested and revegetated; the building has been sited to cause as little impact as possible; the use of water will not change the aquifer or use of well water, the overflow from the water collection system will flow into natural vegetation and the aquifer; and as many of the fir trees on the site are being preserved as possible.

HO-2020-078

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of HO-DP-2017.2 as drafted.

Discussion on the motion followed:

- Staff cautioned that this resolution will result in staff concluding that going forward, a development in DPA 2 that is 13,000 square feet or less will not be considered significant for the purpose of requiring a hydrology report;
- Chair Fast remarked that the issue of significance as it relates to DPA 2 Guideline (4) is not about the community value of the project, which is understood; the issue is relevant to the precedent this resolution sets and not knowing if the development will impact wetlands, trees, or shallow wells downslope, while a hydrology report would ensure no harm would be done.

CARRIED

Chair Fast Opposed

By general consent agenda item 8.7 was moved to follow 10.2.

9. COMMUNITY INFORMATION MEETING

Rezoning - HO-RZ-2018.1 - Bylaw Nos. 164 and 165 - Planner Presentation

Planner Simpson explained that this Community Information Meeting (CIM) is being held for the public to learn about and to ask questions about the amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) to allow a two-lot subdivision for the property at 5020

Fowler Road. She reported that submissions have been received and the Public Hearing that follows will be the final opportunity to provide input on these bylaws.

The floor was opened for questions with the following questions and answers:

- Will this rezoning allow the applicant or new owners to apply to subdivide into more than two lots?
 - No, it allows the property to be subdivided into two lots and no more.
- Will this set a precedent for subdivision consideration in any zone?
 - No rezoning would formally create a precedent because the LTC makes decisions based on the merits in front of them for consideration.
- Can you provide information on the submissions received from the public?
 - There have been 19 written submissions received that include a variety of opinion with both perspectives. A Trustee observed that all the submissions received opposing the rezoning were from neighbours.

Chair Fast asked if there were further questions from the public, and hearing none, the CIM was concluded.

10. PUBLIC HEARING - Bylaw Nos. 164 and 165 1:30 PM

10.1 Recess for Public Hearing

By general consent the meeting was recessed for a Public Hearing at 1:33 pm.

10.2 Recall to Order

By general consent the meeting reconvened at 1:57 pm.

8.7 HO-DP-2019.5 (Hornby Island Resort) - Staff Report - for decision

Planner Dubyna outlined the Staff Report that asks the LTC to consider the DP application to authorize the demolition of existing buildings and the construction of new buildings including a pub/restaurant, accessory residential dwelling unit, and fifteen visitor accommodation units, located within the Commercial Centres DPA.

She provided updates including the following:

- Since the LTC's consideration of the DP at the September 11, 2020 LTC meeting the proposed development height and setback variances have been revised to meet regulations;
- In response to the LTC requests, the applicant has provided a copy of the Existing Use Groundwater License application, a water management plan, and a copy of the Alteration Permit granted by the BC Archaeology Branch;
- With the revisions that now bring the plan into compliance and the receipt of the requested additional information, staff consider the application to be consistent with the Commercial Centres DPA guidelines.

Trustees considered the proposed DP with the following noted:

- Process regarding any possible archaeological finds was considered;
- The water emergency plan and the provincial jurisdiction of monitoring of the well were clarified.

Chair Fast invited the applicant to speak and Jack Hornstein's comments included the following points:

- First Nations and K'ómoks First Nation have been consulted, and the regulations concerning archaeological finds will be respected with appropriate actions taken if necessary;
- The approval of this DP will enable the project's opening by next summer and will bring employment opportunities to Hornby Islanders;
- The loading bay for the restaurant was described in response to a Trustee's question.

HO-2020-079

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee approve issuance of HO-DP-2019.5 (Hornby Island Resort).

In speaking to the motion, Trustees acknowledged that the applicant has complied with all necessary guidelines and regulations for development within the Commercial Centres DPA that were created prior to their terms as Trustees.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS - none

12. CORRESPONDENCE - none

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

By general consent the meeting recessed at 2:24 pm and reconvened at 2:30 pm.

13. NEW BUSINESS

13.1 2021 Local Trust Committee Meeting Schedule - Memorandum for decision

Regional Planning Manager Kauer presented the recommended 2021 LTC meeting dates for consideration. Trustees proposed that the summer meeting be held electronically.

HO-2020-080

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2021: January 29, March 26, May 21, July 16 (electronically), October 8, and December 10.

CARRIED

13.2 Tree Cutting – for discussion

Trustee Allen requested information on possible options to regulate tree cutting on Hornby Island.

Discussion with staff indicated that a DPA is currently the only tool that could be used to identify sensitive ecosystems that need protection and could regulate tree cutting; and that community education might be considered as an option.

13.3 Ferry Terminal Signage – for discussion

Trustee Allen commented that replacement of the signage at the ferry terminal is needed.

Trustees discussed the matter with the following noted:

- Chair Fast advised that Trust Area Services is currently working on an Islands Trust-wide signage project; and that she will bring the topic to the Executive Committee's attention;
- This topic may be included for discussion at an upcoming First Nations meeting.

14. REPORTS

14.1 Trust Conservancy Report dated October 6, 2020

Chair Fast presented highlights from the report. She advised that in association with the Islands Trust Conservancy 2020 Forest Outreach Campaign, a map of Hornby Island's high quality forests and a brochure on The Natural Area Protection Tax Exemption Program (NAPTEP) were sent to relevant landowners to encourage conservation. Trustees asked that this information be added to the Hornby Island webpage "Resources" section.

14.2 Applications Report dated October 28, 2020

Received.

14.3 Trustee and Local Expense Report dated August, 2020

Chair Fast noted that LTC Meeting Expenses have been low and Trustees might consider bringing forward attendance at webinars or conferences for consideration if there is interest.

14.4 Adopted Policies and Standing Resolutions

HO-2020-081

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2021.

CARRIED

14.5 Local Trust Committee Webpage

During discussion the LTC requested that the new Hornby Island mapping associated with the Islands Trust Conservancy 2020 Forest Outreach Campaign be placed on the Hornby Island "Resources" page.

15. WORK PROGRAM

15.1 Top Priorities Report dated October 28, 2020

Trustees proposed adding "Official Community Plan Review" to the Top Priorities to support the prioritization of this project.

HO-2020-082

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add the item "Official Community Plan Review" to the Top Priorities Report as priority No. 1.

CARRIED

15.2 Projects List Report dated October 28, 2020

Received.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled in (2021)

Trustees confirmed the next regular LTC meeting date of January 29, 2021 with the time and location to be determined.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

HO-2020-083

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (a) and (d) for the purpose of considering Appointment of Advisory Planning Commission members and adoption of In-Camera Meeting minutes dated January 24, 2020 and that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order - none

16.3 Rise and Report - none

18. ADJOURNMENT

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

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Hornby Island Local Trust Committee Public Hearing Record

REGARDING PROPOSED BYLAW NOS. 164 AND 165

Date: November 6, 2020
Time: 1:30 pm
Location: Electronic Meeting via Zoom

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

Staff Present: Courtney Simpson, Contract Planner
Vicky Bockman, Recorder

Others Present: Approximately eighteen (18) members of the public

1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 1:33 pm. She welcomed the public, introduced Trustees, staff and recorder and acknowledged that this Public Hearing was being held in traditional territory of Coast Salish First Nations.

She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020" and proposed Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020".

2. PROPOSED BYLAW NOS. 164 and 165

Planner Simpson reported that a copy of the Public Hearing Notice was advertised in two consecutive editions of the Little Tribune and noted that all notification requirements have been completed. She advised that the Public Hearing binder is available for review during this Hearing on the Islands Trust website.

She explained that the purpose of proposed Bylaw No. 164, if adopted, is to amend the Hornby Island Official Community Plan (OCP) to change the land use designation from Rural Residential to Small Lot Residential and the purpose of proposed Bylaw No. 165, if adopted, is to amend the Hornby Island Land Use Bylaw (LUB) to change zoning from Residential 2 to Residential 1 – R1(c),

a site-specific zone that will apply only to the property at 5020 Fowler Road with a minimum lot size created by subdivision of 1.9 hectares.

She identified the referrals that were sent out for comment, noting that the only response received was from the Islands Trust Senior Freshwater Specialist that included a report on a site visit to the property. As of this meeting time there have been 19 submissions received regarding these bylaws.

3. PUBLIC COMMENTS

Chair Fast explained that this is the opportunity for the public to comment on the proposed bylaws.

- Christina Laffin opposed the proposed bylaw amendments, noting that there are references in the OCP that designate a primary objective to maintain large parcels of land and that subdivision does not provide benefit to the community; neighbours witnessed the devastation of the land with the prior subdivision and twenty neighbours are opposed to this potential subdivision and feel it would not be beneficial to those in the neighbourhood for ecological, agricultural and neighbourly reasons.
- David Wiseman, the applicant, expressed his intention to put covenants on the land that would restrict the amount of forest that could be taken down; and noted that the prospective buyers intend to only cut a reasonable number of trees for the house, driveway and a garden.
- Eleanora Laffin opposed the proposed bylaw amendments, commenting that the Islands Trust mandate to Preserve and Protect does not involve creating methods of helping landowners subdivide; covenants are impossible to enforce so this is not a solution; neighbours are opposed.
- Gregg Wiltshire noted that the applicant asserts that these bylaw amendments for subdivision are necessary due to a surveyor's error and he would like to confirm that there is evidence in the file that contains this information.
- David Wiseman, the applicant, clarified that he did speak to the surveyor when it was discovered that the survey only left 3.98 hectares; regulations do not allow for a lot line adjustment to make a property sub dividable; there is only a minimal shortfall of 0.1 hectares and other applications with ten acres have been able to subdivide into two-five acre lots; he is asking for fair and reasonable treatment.

4. ADJOURNMENT

Chair Fast thanked the public for their submissions. She asked three times for comments from the public and hearing none the Public Hearing was closed at 1:57 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

Vicky Bockman, Recorder



Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2020-012	Carried	25-Nov-2020
"That the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 164 cited as "Hornby Island Official Community Plan, 2014, Amendment No. 1, 2020" and Bylaw No. 165 cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 2, 2020", due to an error in notification"		

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Wednesday, November 4, 2020

Location: Hornby Island Community Hall
4305 Central Road, Hornby Island, BC

APC Members Present: Wendy Burton, Chair
Daniel Siegel, Vice-Chair
Joanne Ovitsland, Secretary
Christine Amabilino Hunt, Member by Zoom
Vicki Bale, Member
Rob McCreary, Member

Staff Present: Katherine Vogt, Recorder by Zoom

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:03 pm. She welcomed the group and acknowledged with gratitude that the meeting was being held on the unceded traditional territory of the Qualicum and K'omoks First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated October 2, 2020 for Adoption

The Advisory Planning Commission (APC) Members requested the following amendments to the October 2, 2020 minutes:

- Under 'APC Members Present', correct the spelling and title of Christine Ambalino Hunt to Christine Amabilino Hunt, Member.
- Under Item 4.1, first paragraph, replace all of the words 'elected' with the word 'acclaimed.'

By general consent, the minutes were adopted as amended.

APC members noted that the APC minutes of December 13, 2019 had been approved at the October 2, 2020 meeting.

4. BUSINESS ITEMS

4.1 Review of Minuted Details of Discussions

APC members discussed APC minutes protocols.

5. HISTORY OF BYLAW PENALTIES

It was noted that Bylaw Compliance & Enforcement Manager, Warren Dingman, could answer any questions that the APC, as a group, might have around bylaw penalties.

6. REPORTS FROM SMALL GROUP REVIEW OF EXISTING BYLAWS AND PENALTIES

**6.1 A. Vicki Bale & Christine Amabilino Hunt
B. Wendy Burton & Daniel Siegel
C. Rob McCreary & Joanne Ovitsland**

Each group shared verbally, their review findings of certain portions of Schedule 'A' (Land Use Bylaw No. 150, 2014: Contraventions and Penalties). The following questions and observations were noted:

- Where does the money for fines go?
- The Issue of Grandfathering?
- How do fines compound?
- All infractions that have to do with pollution should be at the maximum.
- Regarding 8.21.9: A question about adding SPARK to?
- Regarding 8.20.2: What does 'permitted building' mean?
- Regarding 8.1 to 8.8: Why the difference in fine levels?
- Recommendation to reorganize the Schedule A material or simplify it.
- For land cooperatives, where did the different fine levels come from?
- Regarding 8.9(1) to 8.16(7): Some numbers are incorrect as a clerical issue.
- The Fine levels are acceptable: when \$500 goes to \$1000 these fines should go to \$1000.
- Question regarding the fine in 8.15(9) of 200\$, it may go to \$350 pending more information from the Bylaw Compliance & Enforcement Manager.
- Fines are sufficient especially if they are applied daily.
- Wish to retain flexibility in deciding to fine daily, weekly or monthly, etc.
- In commercial zones, how would new businesses such as Fossil Beach, Lerena, The Island Winery, and Bradsdadsland - the last of which is not a new business but is not mentioned specifically in the bylaws - be dealt with?
- Under commercial zones, is RIngside considered part of the Coop?

- Question about reorganizing the business section so that there are generic business points as well as specific ones for specific business operations.

7. FUTURE MEETING DATES

APC Members discussed further small and larger group review of existing bylaws and penalties.

A 45-minute Zoom meeting open to the public with Bylaw Compliance & Enforcement Manager, Warren Dingman, would be sought for Thursday, December 3, 2020 at 1:00 pm or, alternately, for the following Thursday, December 10, 2020 at 11:00 am, according to Warren Dingman's availability.

8. ADJOURNMENT

By general consent, the meeting was adjourned at 2:51 pm.

Wendy Burton, Chair

Certified Correct:

Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Thursday, January 7, 2021

Location: By Zoom

APC Members Present: Wendy Burton, Chair
Daniel Siegel, Deputy Chair
Joanne Ovitsland, Secretary
Christine Amabilino Hunt, Member
Vicki Bale, Member
Rob McCreary, Member
Kim Fagerlund, Member

Staff Present: Katherine Vogt, Recorder

1. CALL TO ORDER

Chair Burton called the meeting to order at 1:01 pm. She acknowledged that the meeting was being held on the K'omoks and Pentlatch traditional territory and expressed gratitude to be a guest on this land that has been held for so long and so well by the indigenous peoples.

2. APPROVAL OF AGENDA

Advisory Planning Commission (APC) members added discussion of the meaning of the term 'ticket' to Business Items.

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated December 3, 2020.

APC members requested the following amendments to the December 3, 2020 minutes:

- Under Item 1. Call to Order, after the last word of the last sentence: add the phrase 'and was being intermittently disconnected.'
- Under Item 7. Warren Dingman, Bullet point 7, end of sentence, replace the phrase 'considered to have worked' with the phrase 'considered to have been sufficient.'

By general consent, the minutes were adopted as amended.

4. BUSINESS ITEMS

4.1 Meaning of By-law Enforcement ‘Ticket’

APC members determined that the term ‘ticket’ referred to the later stage fining portion of the by-law enforcement process, rather than the entire process.

5. RESPONSES TO QUESTIONS ABOUT BY-LAWS

Chair Burton informed the group that Island Planner, Sonja Zupanec had not yet had the opportunity to clarify the by-law status of the two commercial-agricultural properties of interest, but that this information would be forthcoming.

6. ROUND-TABLE DISCUSSION TO SUMMARIZE OUR REVIEW OF THE BYLAWS AND PENALTIES

Chair Burton expressed that the principals of the 2014 Hornby Island Official Community Plan align with the foundational principal that every person who owns land holds it as a temporary tenant in trust for future generations and thus has a responsibility to uphold the long-term environmental integrity of the land: especially of trees, water and the marine environment. Any violation of these 3 areas should involve maximum fines.

APC members made the following points and observations:

- Property owners should be informed that Islands Trust staff are available to consult with individual property owners about bylaws.
- Existing federal laws concerning the harvesting of beach material and existing provincial water and septic laws should be acknowledged.
- Fines could be presented in terms of maximum fines and fractions of the maximum, rather than specific dollar amounts.
- all significant infractions that have no fines attached should be identified
- Island Planner, Sonja Zupanec, could help clarify the following:
 - generic rules and regulations for future businesses.
 - APC review of bylaw possibilities for future high-density developments.
 - bylaws that affect the Ringside Market
 - loopholes in existing bylaws.

Member McCreary noted the following clerical and other irregularities between bylaws and their corresponding fines:

1. There is a problem regarding Bylaw No. 150 3.2 T within a section titled “Uses Prohibited in All Zones;” where it states that ‘any use of a shipping container unless screened is prohibited;’ yet the infraction does not have a corresponding fine in the Schedule A.
2. A clerical correction needs to be made for 3.2 W not matching with the corresponding 3.2 W in Schedule A.
3. A clerical correction needs to be made for 3.3(9) in Schedule A, because it just repeats what 3.3(8) says, but it should reference Bylaw No. 150 item 3.3(9).

4. 3.3(6) regarding Pit Toilets; the fine could be increased from the present level of 350\$ to the maximum of 500\$, given the significant possible consequences to the groundwater of adjacent properties.
5. Bylaw No. 150 section 8.11, subsection (2) in reference to permitted and non-permitted uses in the Thatch commercial zone; does not technically allow for the new condo development which has already been approved. The bylaw needs to be made coherent with the approval because the bylaw allows for a single residence, not multiple ones. It speaks to a maximum of 15 visitor accommodation units; but temporary visitor units are not equivalent to full-time residential units.
6. Island Planner, Sonja Zupanec could be requested to clarify 8.11 (1) F where it states '...residential use of visitor accommodation units, provided the visitor accommodation unit constitutes only one dwelling unit.'

7. DISCUSSION OF NEXT STEPS

Chair Burton and Member Bale offered to create a working draft document of maximum and lesser bylaw infraction fines for the next APC meeting.

8. NEXT MEETING TIME AND ADJOURNMENT

The next meeting of the Hornby Island APC will be February 11, 2021 at 1:00 pm by Zoom. Island Planner, Sonja Zupanec is requested to attend the meeting.

By general consent, the meeting was adjourned at 2:27 pm.

Wendy Burton, Chair

Certified Correct:

Katherine Vogt, Recorder



Follow Up Action Report

Hornby Island

05-Apr-2019

Activity	Responsibility	Dates	Status
1 LTC endorsed the revised Watershed Protection and Groundwater Preservation Project Charter; staff to coordinate a follow-up workshop in spring 2019 and prepare communications materials for dissemination to the Hornby Island community.	William Shulba		In Progress

24-May-2019

Activity	Responsibility	Dates	Status
1 First Nations Relationship Building: ·Dec. 2016: LTC requested that staff develop an Event Plan with Hornby and Denman LTCs working together for an initial Komoks community and First Nation long-term, sustainable relationship building event; ·Dec. 2016: LTC requested that staff discuss environmental mapping (ecosystems, eel grass, forage fish) KFN staff as a step in relationship-building. ·Dec. 2017: LTC requested that staff organize two or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Hornby island community members, and to invite First Nations who have asserted rights and title on Hornby Island to participate. ·May 2019: LTC requested that staff design and develop a First Nations reconciliation workshop with the community.	Lisa Wilcox		In Progress



Follow Up Action Report

Hornby Island

08-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC directed staff add a review of DPA 6 - RAR to the OCP/LUB Amendment project and amend the project charter for review at the next LTC meeting.	Sonja Zupanec	Target: 24-Jan-2020	Completed

24-Jan-2020

Activity	Responsibility	Dates	Status
1 Staff to schedule and advertise planner hour availability prior to scheduled LTC meetings on Hornby Island. <i>Update: On Island Planner hours delayed per Provincial travel guidelines regarding COVID-19.</i>	Wil Cottingham		In Progress
2 Add to the Hornby webpage under "Resources" - Planner hours, Conservancy Profile, APC Resolution.	Sonja Zupanec		In Progress
3 Staff to bring forward the project charter for the OCP/LUB (Top Priority #1) amendment project for LTC review and discussion of recommendations for a revised project charter.	Heather Kauer		Completed

01-May-2020

Activity	Responsibility	Dates	Status
1 Staff to report back to LTC on the costs of advertising business meetings in the Hornby Weekly Tribune. <i>Cost for 1/4pg B&W ad is \$25.00 per issue.</i>	Heather Kauer Wil Cottingham	Target: 26-Jun-2020	Completed

Follow Up Action Report

Hornby Island

11-Sep-2020

Activity	Responsibility	Dates	Status
1 that the Hornby Island Local Trust Committee request staff to prepare a report and recommendation regarding not enforcing on year-around, occupied unlawful dwellings.	Heather Kauer	Target: 06-Nov-2020	Completed
2 that the Hornby Island Local Trust Committee place Minimum Average Lot Area as Top Priority No. 1 once "Consideration of a rezone of 5040 Central Road to R3A" is complete.	Heather Kauer		Completed
3 that the Hornby Island Local Trust Committee request staff to bring a staff report to the next Local Trust Committee meeting that outlines the possibilities for options for allowing permanent, year-around housing.	Heather Kauer		Completed



File No.: 3032

DATE OF MEETING: January 29, 2021
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Advertising LTC Meetings

PURPOSE

At their May 1, 2020 regular meeting, the Hornby Island Local Trust Committee passed the following resolution:

HO-2020-023

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

that the Hornby Island Local Trust Committee request that staff bring back a report on the cost of advertising Local Trust Committee meetings in the Hornby Weekly Tribune.

Staff report that the cost of advertising in the Hornby Weekly Tribune is \$25 per issue. If the LTC initiated regular advertising of their meetings, this budget would come out of their meeting expenses budget.

The LTC also passed the following resolution in 2020:

HO-2020-003

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

that the Hornby Island Local Trust Committee request staff to schedule and advertise Planner Office Hour availability prior to scheduled Local Trust Committee meetings on Hornby Island.

Planner office hours will be available when COVID emergency protocols allow for Planners to travel to the Islands and in-person LTC meetings resume.

NEXT STEPS

If the LTC wishes to have LTC meetings advertised from now on and Planner availability advertised when in-person meetings resume, staff recommend the following motion:

That the Hornby Islands Local Trust Committee request staff to advertise Local Trust Committee meetings in the Hornby Weekly Tribune starting with their March, 2021 meeting and Planner office hours when office hours can be resumed.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 18, 2021
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File No.: HO-DVP-2020.2
(x-ref HO-DP-2020.1 and
HO-SUP-2020.5)

DATE OF MEETING: January 29, 2021

TO: Hornby Island Local Trust Committee

FROM: Bronwyn Sawyer, Planner 2
Northern Team

COPY: Warren Dingman

SUBJECT: Development Variance Permit Application
Applicant: The Board of School Trustees of School District No. 71 (Comox Valley)
(Bradley Shuya – agent)
Location: 2100 Sollans Road, Hornby Island

RECOMMENDATION

1. That 2 a) and 2 e) of draft development variance permit HO-DVP-2020.2 be removed;
2. That 2 d) first bullet of draft development variance permit HO-DVP-2020.2 be removed;
3. That all references to new power shed and generator be removed from development variance permit HO-DVP-2020.2 schedules; and
4. That the Hornby Island Local Trust Committee approve issuance of development variance permit HO-DVP-2020.2.

REPORT SUMMARY

The purpose of this staff report is for the Hornby Island Local Trust Committee (LTC) to consider a variance to relax several regulations of the Hornby Island Land Use Bylaw No. 150, 2014 (LUB) as part of the proposal for a new community school. The request includes the following:

1. Reducing the minimum location of a building or structure from a lake, watercourse or the sea from 15.0 metres to 8.6 metres for a power shed;
2. Increasing the maximum permitted height of a building from 8.0 metres to 9.5 metres for a school;
3. Reducing the interior side yard setback from 8.0 metres for the following buildings and structures to:
 - 1.2 metres for a generator;
 - 7.2 metres for water tank #1;
 - 3.6 metres for water tank #2;
 - 7.9 metres for water tank #3
 - 3.8 metres for water tank #4;

- 4.9 metres for existing water storage;
 - 4.0 metres for new fire pump;
 - 3.6 metres for existing school building;
4. Reducing the exterior side yard setback from 8.0 metres to 3.5 metres for a power shed.
 5. Increasing the maximum height of a fence from 2.0 metres within the setback and 3.0 metres elsewhere to a maximum height of 3.3 metres.

The new school gymnasium will be built to the same height as the original gymnasium, the variance for the siting of the structures is minor and should not affect neighbouring properties, and the notification has not generated any concerns or objections to date. However, the power shed requires relaxation of two LUB regulations and rationale was not provided for this location near a watercourse and within exterior side yard setbacks. The proposed location of the generator 1.2 metres from the interior side lot line could result in negative impacts to the neighbouring property and no rationale was provided for this location. For these reasons, the above recommendation is supported by staff.

RATIONALE FOR VARIANCE

The rationale for the development variance permit (DVP) application to the height regulations has been provided by the agent. In it, the agent identified that the proposed school gymnasium will exceed the height permitted in the LUB and states that reducing the height to the permitted 8.0 metres will impact sports activities that can take place in the building. It is stated that the original gym had a height of 9.1 metres. Rationale for the location of other structures and buildings within setbacks was not provided with the original application.

BACKGROUND

The subject property is 1.76 hectares and is the site of the Hornby Island Community School. The main school building was damaged by fire in 2018 and the proposed school will be over the height allowable in the Public Use (PU) zone in LUB. In review of the drawings, it has also been determined that several other LUB regulations will not be met and this report will review all other setback encroachments proposed (Attachment 1).

In response to the requirement for a survey, as stated in the LUB, the agent had asked that an exception be made for this DVP application. The following resolution was carried during the LTC meeting on June 26, 2020:

HO-2020-047 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee waive requirement for a current plan signed by a B.C. Land Surveyor.

CARRIED

Chair Fast Opposed

A survey was submitted to planning staff shortly before the November 6, 2020 LTC meeting. Based on the survey, it was noted that the power shed was to be located in a different location than had been applied for. The new location would require new notifications be sent out to neighbouring property owners and residents. The following resolution (minutes of the meeting have not yet been adopted) was during the LTC meeting on November 6, 2020:

HO-2020-076

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee defer consideration of application HO-DVP-2020.2 until the next regularly scheduled Local Trust Committee meeting; and
that the Hornby Island Local Trust Committee direct staff to amend draft Development Variance Permit HO-DVP-2020.2 to reflect the new location of the proposed power shed, and circulate notifications to neighbouring property owners and residents.

CARRIED

The application will allow for the construction of a new school building, a power shed, a fence, and the installation of equipment related to power and fire protection infrastructure. Additional information in support of the application has been provided by the agent (see correspondence in HO-DP-2020.2).

A copy of the notice and the draft permit (HO-DVP-2020.2) are Attachments 2 and 3.

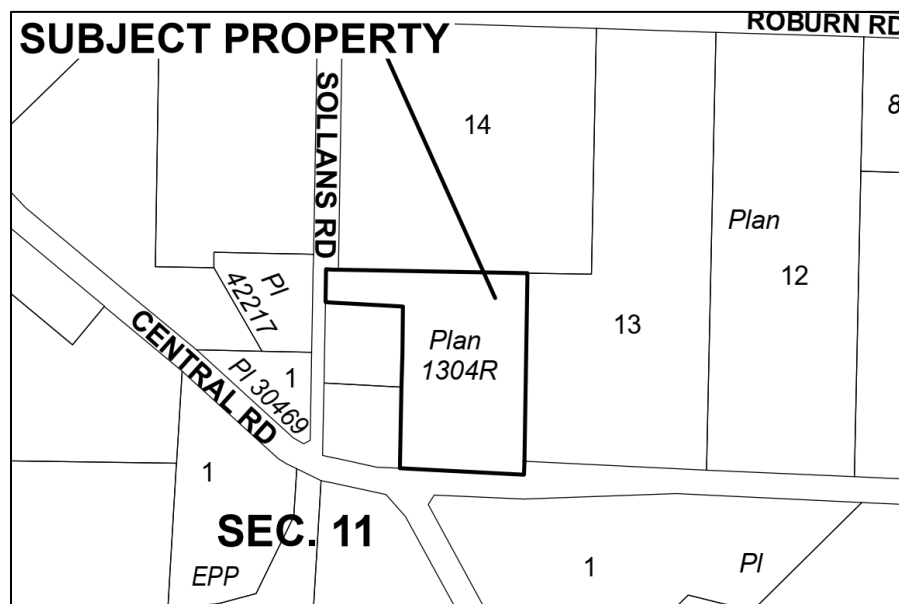


Figure 1: Subject Property



Figure 2: Subject Property (CVRD iMap 2016)

ANALYSIS

Official Community Plan:

The property is designated Community Service Use (COM) in the Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) and is located in two development permit areas (DPA): DPA 2 (Community Service Use) and DPA 6 (Riparian Areas). The development permit application HO-DP-2020.1 has been made for those structures within DPA 2. The new power shed proposed in DPA 6 is exempt from any requirement for a development permit as per 9.6.2(b) of the LUB.

Land Use Bylaw:

The property is in the Public Use (PU) zone. Other LUB regulations are outlined in the table below (Table 1).

Hornby Island Land Use Bylaw No.150	Relevant Regulations	Requirement LUB No. 150	Proposed
	Permitted Uses	- Public Use	- OK
	Density	- Lot coverage 10%	- Approx. 8.2% OK
	Size	Height - Maximum height of 8 metres Maximum floor area - Total combined floor area of accessory buildings must not exceed 100m ²	- 9.5 metres - OK

	Siting	Setbacks - 8.0 metres from a front lot line - 8.0 metres from a rear lot line - 8.0 metres from an interior side lot line - 8.0 metres from an exterior side lot line		- OK - OK - See draft development variance permit or report summary above
	General Siting and Setbacks	Fence Height - Within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fence is 3.0 metres. Siting and Setback Regulations - No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea.		- 3.3 metres - 8.6 metres
	Parking Spaces	Minimum number of parking spaces 1 per employee plus 10 for visitors (8 staff/employees + 10 visitor = 18 required)	Minimum number of parking spaces for disabled Greater of 1 or 1 per 50 parking spaces (1 space required)	- 20, 2 OK

Table 1: LUB Regulations

Analysis:

Issues and Opportunities

Buildings located within 15.0 metres of natural boundary of any watercourse

In the Islands Trust mapping, a watercourse, associated with the Beulah Creek watershed, is identified as beginning near the south property line and within the School House Trail right of way and following south along Central Road. The purpose of the watercourse setback regulation is to help prevent negative impact of development on watercourses. The agent has stated that a power shed is proposed 8.6 metres from the natural boundary of the watercourse. Although this building is exempt from the DPA 6 requirements, it will be closer to a watercourse than the LUB regulations allow. In the LUB, 3.3(2) states: no building or structure may be located within 15.0 metres of, nor less, than 1.5 metres above, the natural boundary of any lake, watercourse or the sea. Although the agent has stated that this location is cleared of vegetation, there has been no rationale provided with this request. As staff know little about this watercourse nor the potential impacts that constructing a power shed may have, staff are unable to support this part of the permit.

Height

The application to relax the height is not expected to have an impact on the neighbours. The maximum height that has been requested is similar to the maximum height of community buildings on other islands in the Islands Trust and, as stated by the agent, will allow a wider variety of activities to take place in the gym.

Fence

The applicant has proposed to erect a new fence to enclose the water tank farm and other fire protection infrastructure. As shown on the drawings, the fence will be constructed to a height of 3.3 metres. Within a setback, in this case interior side, the maximum height of a fence in the LUB is 2.0 metres. It appears that the fence is intended to screen the infrastructure from the view of people on the school site and not create a barrier with the neighbouring properties. It is not expected to impact the neighbouring property.

Interior side lot line

There are several structures proposed to be installed in the interior side lot line and will include a generator, three water tanks and a fire pump. At present, there is a water storage structure and an existing school building; both these existing buildings and structures are included in this permit. The water tanks will be 3.9 metres high and will be visible to the neighbouring property; however, there is an existing water storage for the fire department and similar infrastructure already located in this area of the school property. The permit will also relax the interior side yard setback for the existing classroom building as the applicants' intention is to keep this building in this location.

The generator is proposed to be located close to the interior side lot line and may have a negative impact on the neighbouring property. It is shown located 1.2 metres from the side lot line and will be 2.0 metres in height. Few details have been provided about the generator; however it is anticipated that it will produce odour/emissions and noise when in operation. No rationale has been provided and the location of the generator in the December plans shows the generator approximately 1 metre closer than in the September plans. In consideration of potential impacts to the neighbouring property and without rationale for this distance to the lot line, this location is not supported.

Exterior side lot line

This request is to address the proposed power shed and its location within the exterior side lot line setback. The request is to relax the regulation from 8.0 metres to 3.5 metres. Given that this proposed power shed is located within 15 metres of the natural boundary of a watercourse (see above section) and staff are concerned about the potential impact to the watercourse, staff recommend not issuing the permit for the exterior side lot line relaxation. Impact on Neighbouring Properties

The new school will be built to approximately the same height as the original school and the impact will be unchanged. The proposed power and fire protection infrastructure will be located, at the closest point, 1.2 metres to a neighbouring property that is located south and west of the subject property. While several new structures will be added to this area of property, an existing water storage for the fire department is located 4.9 metres from the property and it will remain and has been included in the draft permit. There will be visual impacts, particularly the water tanks for sprinklers, on the neighbouring property and there has been no rationale provided as to the locating of the infrastructure within the interior side yard setback. The selection of this location is likely associated with the existing well and existing fire department water storage. The applicant expects that the generator will only be used during power outages and for fire protection purposes; however its close location to the side lot line (1.2 metres) could negatively impact the future uses of the neighbouring property as the generator could be used

more often than proposed. The neighbouring undeveloped property that will be most affected by these structures is also zoned Public Use. In general, the visual impacts could be considered similar to what might be developed in the future on the neighbouring property. There has been no correspondence received on this application.

Potential impacts of granting the development variance permit

The granting of a variance can have the potential to create an expectation in the community with regard to future applications. Each application should be assessed on an individual basis.

Circulation

DVP notices were mailed to surrounding property owners and residents January 7, 2021. The notification period will end January 27 at 4:00 pm.

At the time of preparing the staff report, staff have received no submissions. Any submissions received prior to the LTC considering this application will be forwarded to the LTC.

Rationale for Recommendation

In general, the impacts to neighbouring properties are expected to be minimal and notification has not generated any responses. The DVP application is considering the relaxation of two sections of the LUB to accommodate a power shed and there has been limited rationale provided as to the location of this building and no discussion of alternative locations with agent. The DVP application is considering the relaxation of a section of the LUB to accommodate a generator 1.2 metres from the interior side lot line. No details regarding noise and odour/emissions have been provided for the generator nor any rationale for this location. The recommendation is that all parts of the permit be approved except for those pertaining to the proposed power shed and generator.

Submitted By:	Bronwyn Sawyer RPP, MCIP Planner 2	January 14, 2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 18, 2021

ATTACHMENTS

1. Site Context
2. Notice
3. Draft Development Variance Permit HO-DVP-2020.2

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R
PID	000-457-752
Civic Address	2100 Sollans Road, Hornby Island

LAND USE

Current Land Use	Community school
Surrounding Land Use	Rural residential, forested, other public uses

HISTORICAL ACTIVITY

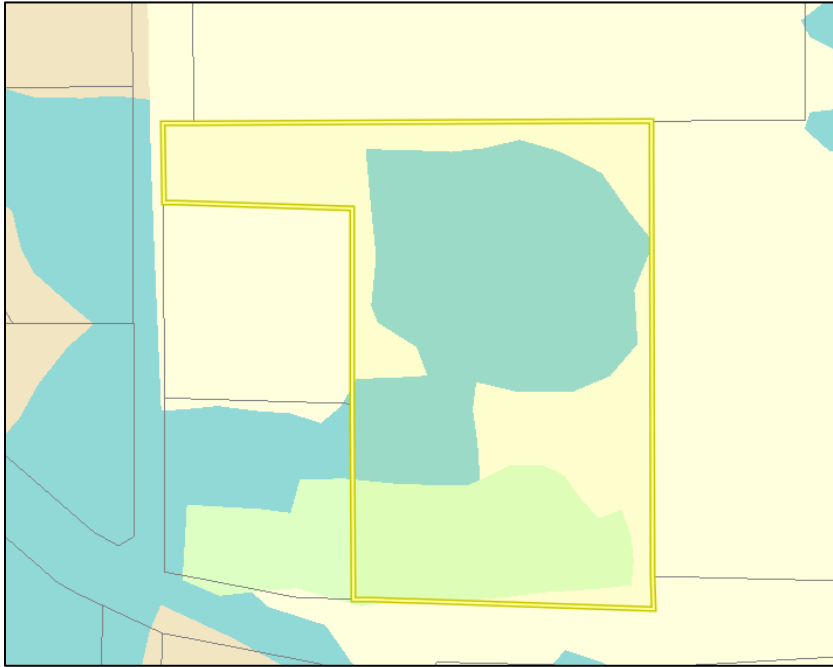
File No.	Purpose
HO-TUP-2004.1	To operate a summer theater
HO-LUB-2007.2	Unknown
HO-SUP-2019.1	For temporary portables (in abeyance)
HO-SUP-2020.5	For construction of permanent school
HO-DP-2020.1	For construction of permanent school

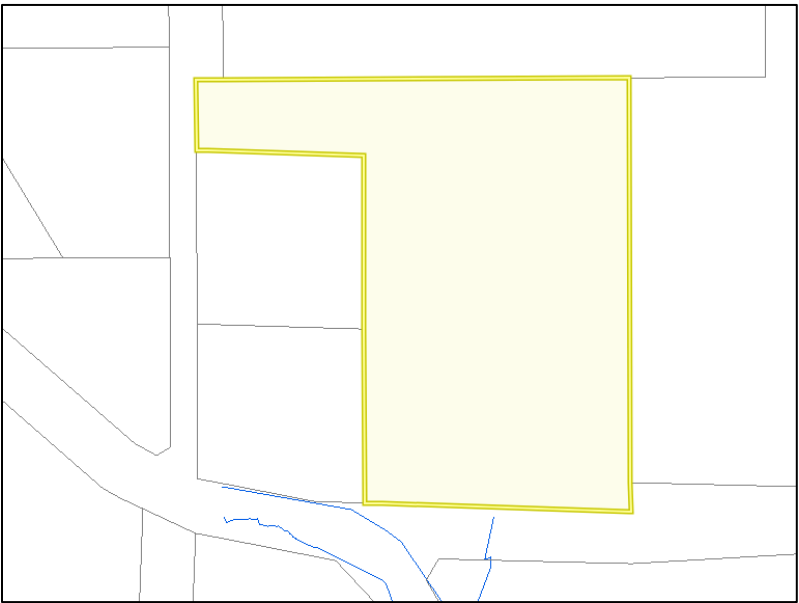
POLICY/REGULATORY

Official Community Plan Designations	Community Service Use (COM) DPA 2 (see HO-DP-2020.1 guidelines checklist) DPA 6 – exempt from DP
Hornby Island Land Use Bylaw 150, 2014	Public Use (PU) zone 8.0 metres from an interior side lot line 8.0 metres from an exterior side lot line General regulations, Siting and setback regulations (3.3(2)): No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any watercourse General regulations, Height Regulations (3.4(1)): Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres General regulations, Fences (3.9(1)): Within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fences is 3.0 metres
Other Regulations	n/a
Covenants	n/a

Bylaw Enforcement	HO-BE-2018.1
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SITE INFLUENCES

Islands Trust Fund	No referral required
Regional Conservation Strategy	See Riparian Ecosystems: http://www.islandstrustconservancy.ca/initiatives/mapping-our-ecosystems/types-of-sensitive-ecosystems/#ri How can we protect Riparian Ecosystems? • Create and maintain a vegetated buffer to protect against outside disturbance • Limit human and domestic animal access to reduce damage to riparian soils and vegetation • Retain features such as snags, logs and downed trees • Allow natural disturbances to occur, such as flooding and channel changes, and restrict human interferences such as hard bank reinforcements and infilling • Restrict pesticide, fertilizer or other chemical use nearby
Species at Risk	SAR Ecological Community: Douglas-fir / dull Oregon-grape SAR Critical Habitat (Public): Little Brown Myotis and Northern Myotis
Sensitive Ecosystems	ITEM: Rural (blue), young forest (yellow), riparian (shown in green) 

	 Watercourses
Hazard Areas	No steep slopes identified on mapping. Power shed is proposed to be located within 15.0 metres of the natural boundary of a watercourse.
Archaeological Sites	The applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The rainwater catchment system required in DPA2 could be considered a climate change adaptation. No climate change adaptations have been proposed as part of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	n/a

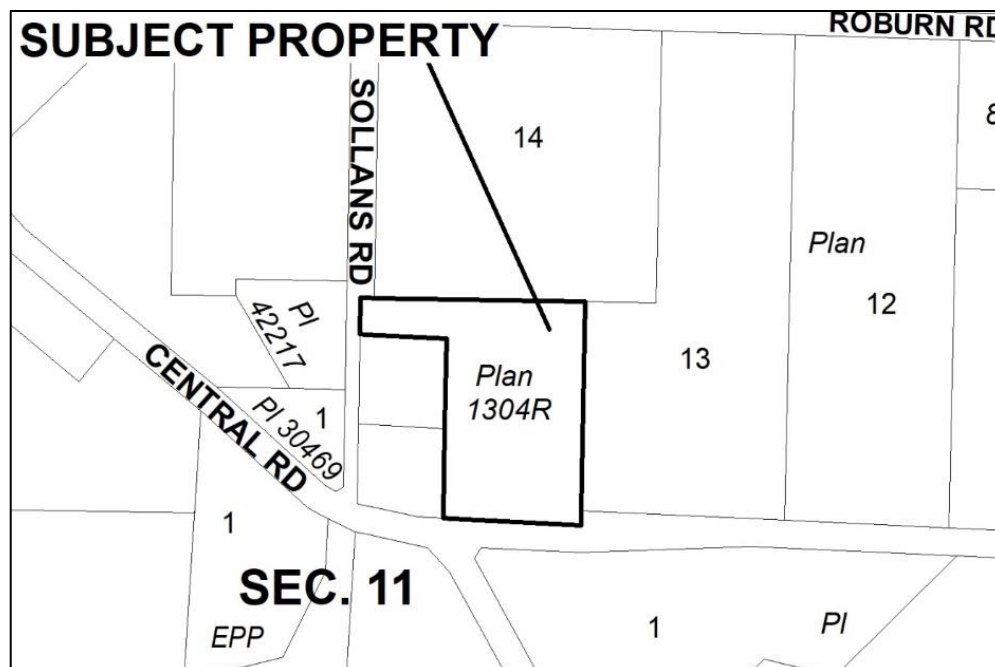
NOTICE
HO-DVP-2020.2
HORNBY ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Hornby Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Hornby Island Land Use Bylaw No. 150, 2014 by:

- Reducing the minimum location of a building or structure from a lake, watercourse or the sea from 15.0 metres to 8.6 metres for a power shed;
- Increasing the maximum permitted height of a building from 8.0 metres to 9.5 metres for a school;
- Reducing the interior side yard setback from 8.0 metres for the following buildings and structures to:
 - 1.2 metres for a generator;
 - 7.2 metres for water tank #1;
 - 3.6 metres for water tank #2;
 - 7.9 metres for water tank #3
 - 3.8 metres for water tank #4;
 - 4.9 metres for existing water storage;
 - 4.0 metres for fire pump;
 - 3.6 metres for existing school building;
- Reducing the exterior side yard setback from 8.0 metres to 3.5 metres for a power shed.
- Increasing the maximum height of a fence from 2.0 metres within the setback and 3.0 metres elsewhere to a maximum height of 3.3 metres.

The property is located at **2100 Sollans Road** and is legally described as THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R (PID: 000-457-752).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3, between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 15, 2021** and continuing up to and including **January 27, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at the Notice Board on Hornby Island.

Enquiries or comments should be directed to Bronwyn Sawyer, Planner 2, at (250) 247-2207 or for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC 1 (800) 663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **January 27, 2020**.

The Hornby Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the **Electronic Business Meeting** starting at **10:00 am, Friday, January 29, 2021**.

To listen and/ or view the meeting or participate in the Town Hall portion of the Hornby Island Local Trust Committee meeting, the public may join the meeting by:

- **Logging into:** <https://islandstrust.zoom.us/j/66234670760>
- **Webinar ID number is:** 662 3467 0760
- **Calling:** 833 958 1164 or 833 955 1088 (Toll Free)
Press *9 to raise our hand and *6 to unmute

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

Becky McErlean,
Deputy Secretary



Islands Trust

**HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
HO-DVP-2020.2**

To: The Board of School Trustees of School District No. 71 (Comox Valley)
c/o Bradley Shuya

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

THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R (PID: 000-457-752)

2. Hornby Island Land Use Bylaw 150, 2014 is varied as follows:

- a) Subsection 3.3(2) which states that no building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea is varied to allow a power shed to be located within 8.6 metres of the natural boundary of any lake, watercourse or the sea.
- b) Subsection 3.4(1) which states that buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres is varied to 9.5 metres; and
- c) Subsection 3.9(1) which states that, within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fences is 3.0 metres is varied to permit the construction of fence to a maximum height of 3.3 metres within the setbacks from any lot line and 3.3 metres elsewhere; and,
- d) Subsection 8.21(4)(c) which states that the minimum setback for any building or structure, except for a fence or pump/utility house shall be 8.0 metres from an interior side lot line is varied to permit the construction of:
 - A generator 1.2 metres from an interior side lot line
 - A water tank 7.2 metres from an interior side lot line
 - A water tank 3.6 metres from an interior side lot line
 - A water tank 7.9 metres from an interior side lot line
 - A water tank 3.8 metres from an interior side lot line
 - An existing water storage 4.9 metres from an interior side lot line
 - A fire pump 4.0 metres from an interior side lot line
 - An existing school building 3.6 metres from an interior side lot line; and
- e) Subsection 8.21(4)(d) which states that the minimum setback for any building or structure, except for a fence or pump/utility house shall be 8.0 metres from any exterior side lot line is varied to permit the construction of a power shed 3.5 metres from an exterior side yard line.

The development shall be consistent with Schedules 'A', 'B', 'C', 'D', 'E', 'F', and 'G' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Hornby Island Land Use Bylaw No. 150, 2014 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY LOCAL TRUST COMMITTEE THIS ____TH DAY OF _____, 2021.

Deputy Secretary, Islands Trust

Date of Issuance

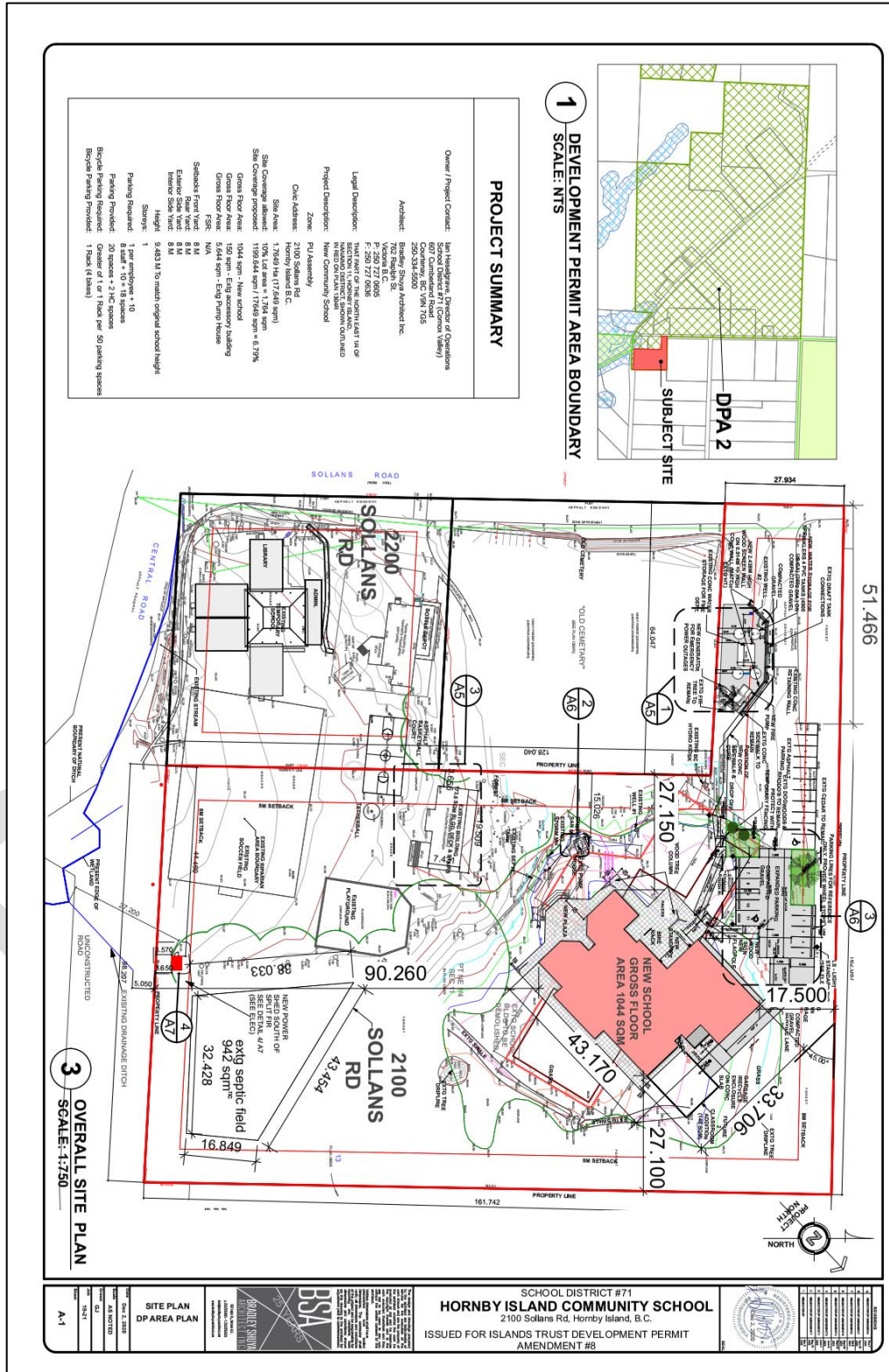
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____TH DAY OF [MONTH], 2023

DRAFT

HORNBY ISLAND LOCAL TRUST COMMITTEE

HO-DVP-2020.2

SCHEDULE 'A' Overall Site Plan



HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2020.2

SCHEDULE 'B' East and West Elevations



BSA BUILDING SERVICES ASSOCIATION 10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	NORTH SOUTH ELEVATIONS	SCHOOL DISTRICT #71 HORNBY ISLAND COMMUNITY SCHOOL 2100 Solara Rd., Hornby Island, B.C. ISSUED FOR ISLANDS TRUST DEVELOPMENT PERMIT AMENDMENT #8	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	
	DATE: 1.1.2020 DRAWN: J.D. CHECKED: J.D. SCALE: A2	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca
	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca
	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca	10000 100th Ave. S.E. Suite 100 Richmond, B.C. V6X 3E7 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@bsa.bc.ca Website: www.bsa.bc.ca

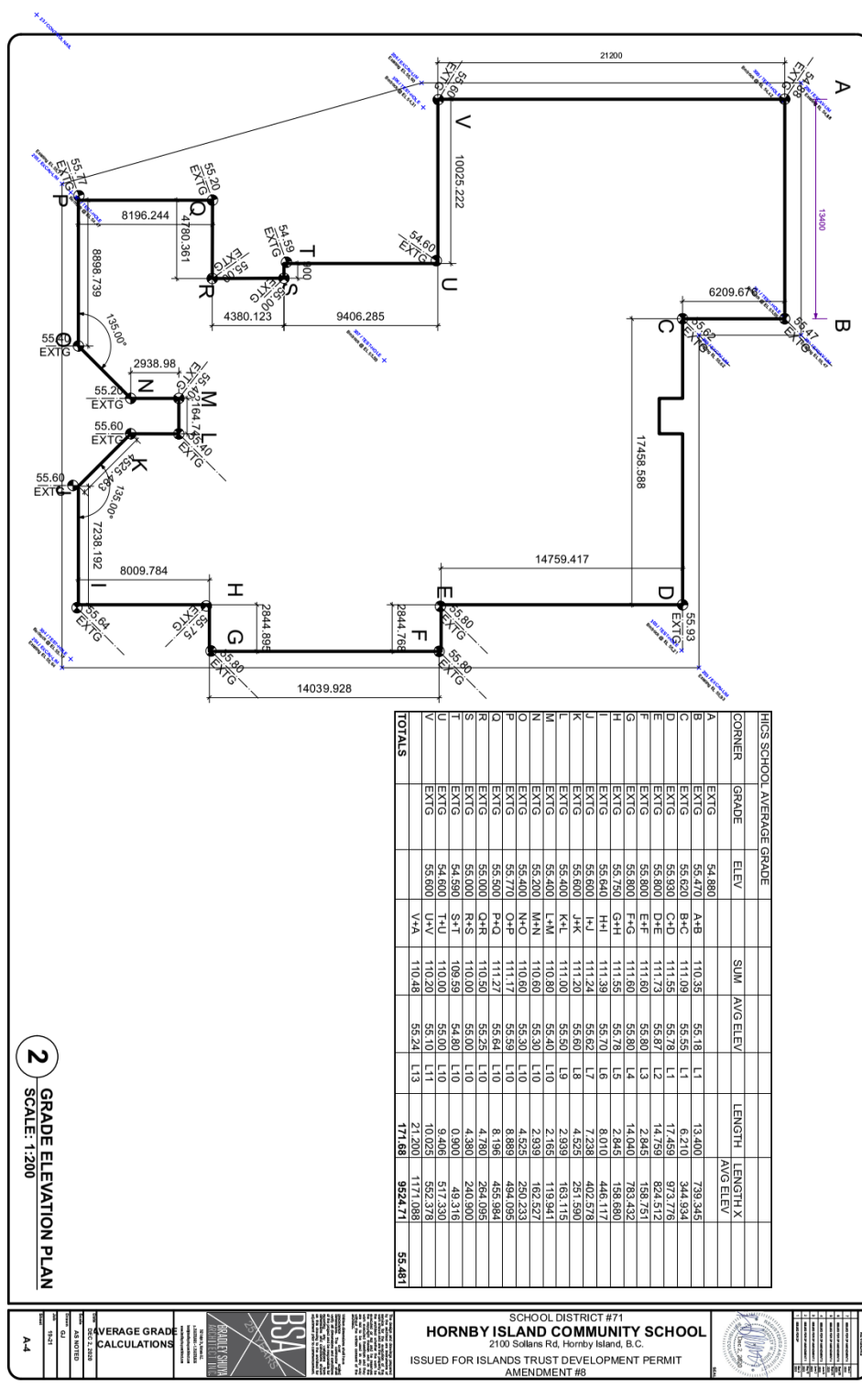
HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2020.2

SCHEDULE 'C' North and South Elevations



HO-DVP-2020.2

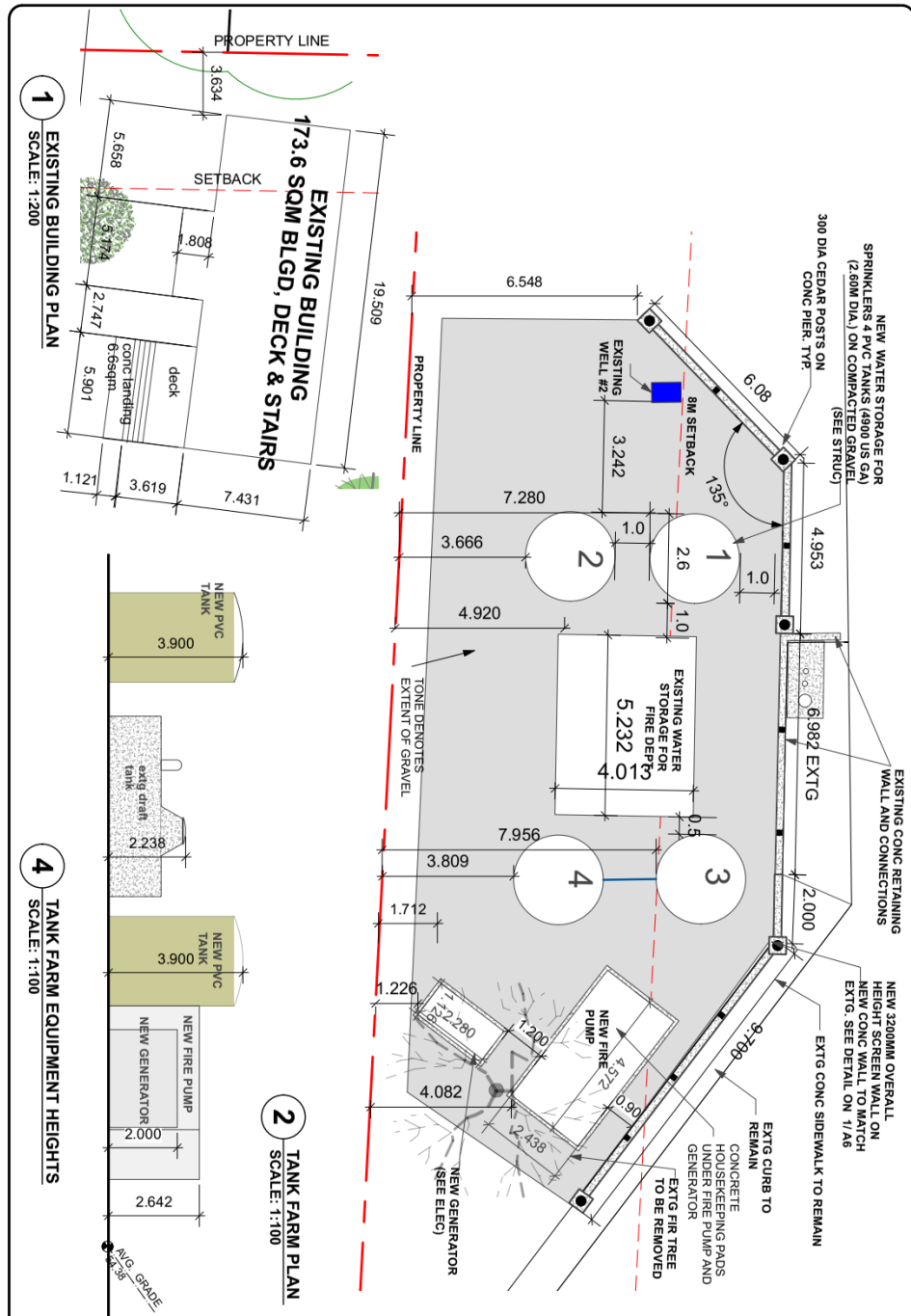
SCHEDULE 'D' Grade Elevation Plan



HORNBY ISLAND LOCAL TRUST COMMITTEE

HO-DVP-2020.2

SCHEDULE 'E' Tank Farm Plan



TANK FARM PLAN EQUIPMENT HEIGHTS

ITEM	HEIGHT
NEW PVC TANK	3.900
NEW FIRE PUMP	2.000
NEW GENERATOR	2.642

SCHOOL DISTRICT #71
HORNBY ISLAND COMMUNITY SCHOOL
2100 Sollans Rd, Hornby Island, B.C.
ISSUED FOR ISLANDS TRUST DEVELOPMENT PERMIT
AMENDMENT #8

DATE: 2020.08.10
DRAWN: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

BSA
BURNABY SCHOOL DISTRICT

HO-DVP-2020.2

FIG. 1 PUMP HOUSE AVERAGE GRADE

CORNER	GRADE	ELEV.	SUM	AVG. ELEV.	LENGTH	X
A	EXTG	55.590	A-B	111.22	6.671	1.1
B	EXTG	55.530	B-C	111.22	6.671	1.1
C	EXTG	55.530	C-D	111.22	6.671	1.1
D	EXTG	55.590	D-A	111.22	6.671	1.1
TOTALS					26.014	4.4

SCREEN WALL
 0.45 X 1.0M (2X6) CEDAR POSTS
 ALTERNATING 3 ROWS 19X.88M (2'X4) & 3 ROWS 19 X 14M (2'X6) CEDAR BOARDS.
 STAINED

NEW PVC WATER STORAGE TANKS

300 DIA CEDAR POSTS ON 350 X 350 CONC PIER TYP.

FIG. 2 EXTG PUMP HOUSE ELEV.

FIG. 3 EXTG PUMP HOUSE PLAN

FIG. 4 NEW CONC RETAINING WALL S

FIG. 5 EXTG CONC DRAFT TANK

FIG. 6 EXTG CONC RETAINING WALL AND TANK CONNECTIONS

FIG. 7 NEW CONC RETAINING WALL AND TANK WOOD SCREEN

FIG. 8 ANGLED WALL

FIG. 9 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 10 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 11 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 12 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 13 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 14 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 15 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 16 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 17 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 18 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 19 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 20 EQUIP SCREEN PUMP HOUSE HEIGHT

FIG. 21 EQUIP SCREEN PUMP HOUSE HEIGHT

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FIG. 100 EQUIP SCREEN PUMP HOUSE HEIGHT

SCHEDULE 'G' Hardscape, Power Shed and Septic Dimensions





File No.: HO-DP-2020.1
(x-ref HO-DVP-2020.2 and
HO-SUP-2020.5)

DATE OF MEETING: January 29, 2021

TO: Hornby Island Local Trust Committee

FROM: Bronwyn Sawyer, Planner 2
Northern Team

SUBJECT: Development Permit Application (DPA 2 – Community Service Use)
Applicant: The Board of School Trustees of School District No. 71 (Comox Valley)
(Bradley Shuya – agent)
Location: 2100 Sollans Road, Hornby Island

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request that the applicant of HO-DP-2020.1 submit the sewage and used water system approval for proposed school building, a rainwater catchment and storage system plan, and a hydrology report all consistent with Section 9.3 of the Hornby Island Land Use Bylaw.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application within Development Permit (DPA) 2 – Community Service Use as part of a proposed school construction project. An approved environmental protection DP is required before staff can process a siting and use permit for the proposed buildings and structures. The application does not appear to meet the DPA guidelines and staff is recommending not issuing the permit as drafted.

BACKGROUND

The 1.76 ha subject property is located on Sollans Road, as shown on Figure 1. According to the agent, the original Hornby Island Community School (HICS) was constructed in 1983. In 2018, the HICS was damaged by fire and this proposal will see the demolition of the old school and the construction of a new school. There is other development proposed as part of this project, which includes the installation and construction of new structures and buildings related to servicing the property (e.g. fire protection and hydro) and an expansion of the parking lot area. Many of these new structures and buildings are also the subject of file HO-DVP-2020.2.

In response to the requirement for a survey, as stated in the Hornby Island Land Use Bylaw No. 150, 2014 (LUB), the agent had asked that an exception be made for this DP application. The following resolution was carried during the Hornby Local Trust Committee (LTC) meeting on June 26, 2020:

HO-2020-047 It was MOVED and SECONDED, that the Hornby Island Local Trust Committee waive requirement for a current plan signed by a B.C. Land Surveyor.

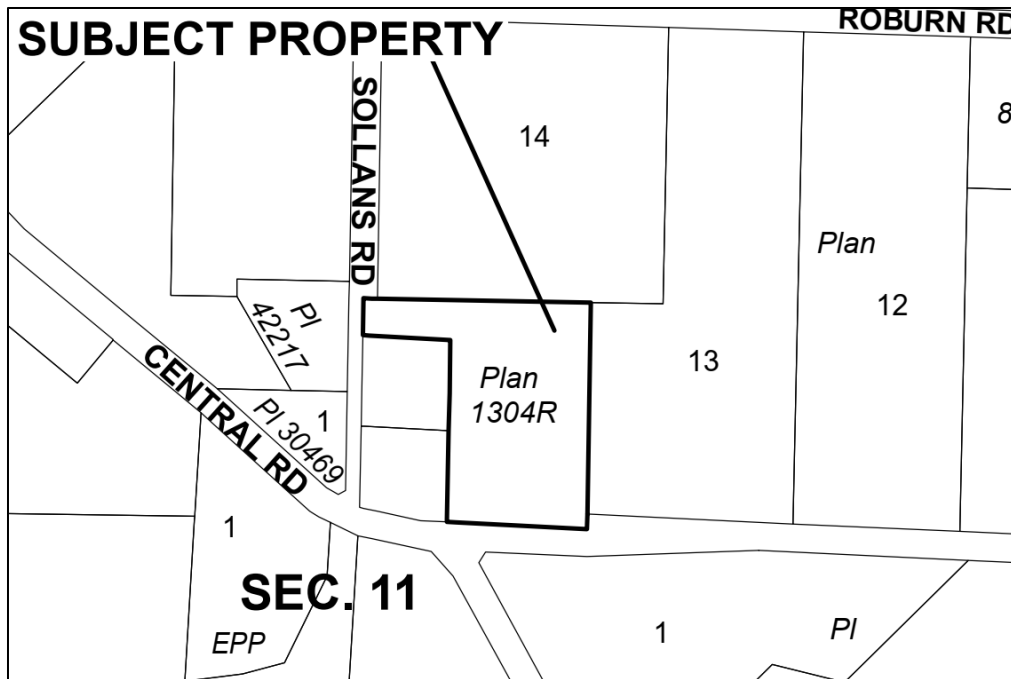


Figure 1 – Subject Property

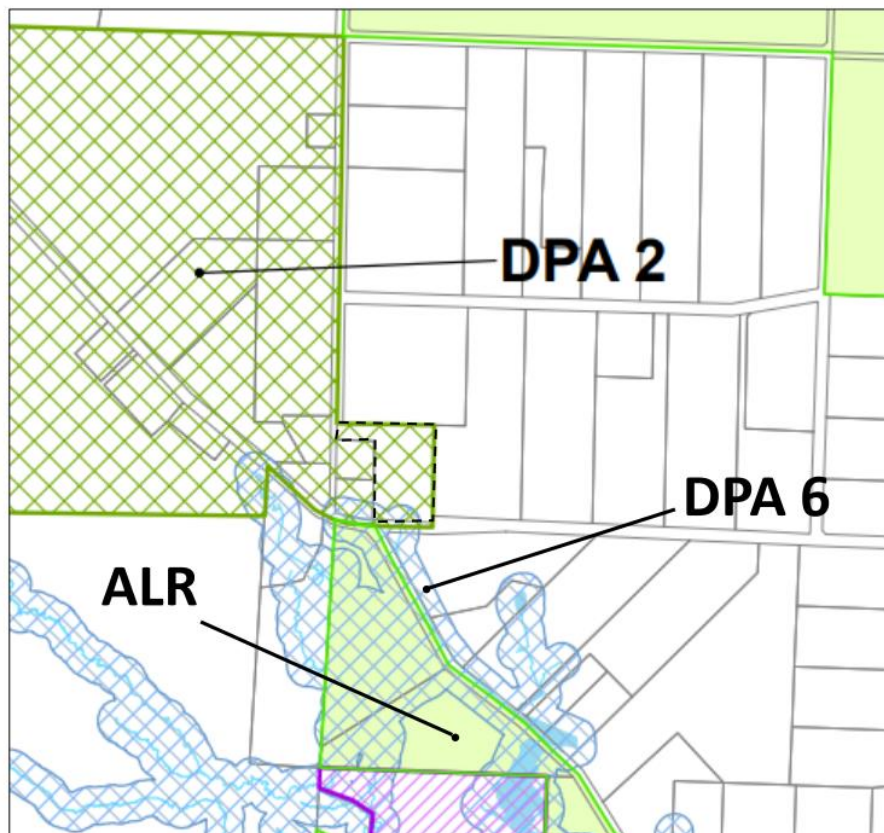


Figure 2: Portion of Hornby Island OCP (Schedule E)

ANALYSIS

Official Community Plan:

The subject property is designated as COM (Community Service Use) in the Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) and located within two development permit areas: DPA 2 and DPA 6 (Riparian Areas) (Figure 2). Although there is construction proposed within the DPA 6 portion of the property, the work is exempt from the development permit requirement under 9.6.2(b) of the LUB.

Relevant OCP policies include the following:

Community Service Use

- 6.2 Background - The areas previously designated "light industrial" land are now included in the "community service use" areas which could provide for future public institutions and community trades and services. The community will continue to work with the Ministry of Forests, Lands and Natural Resource Operations 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.
- Policy 6.2.2 - All land within the community service use designation and public utilities and services designation directly north of the GW/EPA designation on Schedule B is designated as part of Water Resource Protection Development Permit Area No.3 for the purpose of protecting the groundwater resource on Schedule E. A development permit will be required for any new development that involves: significant water use, sewage and grey water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building.
- Advocacy Policy 6.2.22 - Studies that provide additional data on the groundwater and catchment flow system in this area is supported.

Development Permits

- 6.9.2.2 - Community Service Use Development Permit Area
 - Objective - The community service use development permit area lies within a groundwater recharge area (identified in the Groundwater Geochemistry Study on Hornby Island, B.C. – Allen and Matsuo, SFU, 2001), which is upslope from one of the Island's main residential neighbourhoods. Developments within the community service use area could involve institutional or community buildings and activities that could have a potential impact upon the water resource.

Land Use Bylaw:

The subject property is zoned Public Use (PU) in the LUB and the proposed construction of school buildings is a permitted use in the PU zone. There are several regulations in the LUB that will not be met by the proposed development and relaxations to the LUB are to be addressed in the staff report for HO-DVP-2020.2.

The land use bylaw DPA guidelines support the objectives of the OCP. The Site Context and DPA Guidelines checklist are included as Attachments 1 and 2. As shown in the checklist, the DPA guidelines do not appear to have been met and further information should be requested prior to the issuance of the development permit.

Issues and Opportunities

As has been mentioned, the information supplied with the DP application does not entirely fulfil the guidelines as set out in the LUB. Additional information was requested and the agent supplied a letter explaining how the construction will take place and what efforts have been taken (see Attachment 3); however, the guidelines do not appear to have been met.

The first guideline (9.3(1)) states:

- Before any new development is permitted, there should be approval of a permitted sewage and used water system.

The agent has provided a Letter of Assurance dated September 26, 2019. In the Letter, the Registered Onsite Wastewater Practitioner reviewed the temporary modular classrooms that had been constructed on a neighbouring property and the letter was prepared to address a request made by Island Health. Although the Letter does state that the system is sufficient for the temporary modular classrooms, there is no reference to the new permanent school building.

The second guideline (9.3(2)) states:

- A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.

The agent has indicated that a metal roof system for future rain water catchment and storage tanks were part of the original design, but deleted for cost savings. The guideline is quite specific that new development should provide rain water catchment and storage for a significant portion of the water required and anticipated to be operational at the time of construction. Although the property has been the site of the community school until it was damaged by fire, the guidelines do not provide exemptions based on existing uses, buildings or structures. The new school is considered a new development and, therefore, this guideline applies to the proposed development.

The forth guideline (9.3(4)) states:

- A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.

As per this guideline, staff have requested that a hydrology study be prepared. The agent has stated that he believes this guideline does not apply to the proposed development and has provided comments regarding the hydrology study (Attachment 3). Based on the scale of the proposed development, staff suggest that the guidelines were written to include this type of new development and that a hydrology study is a reasonable requirement. It is expected that extensive alteration of the ground will occur through excavation of the foundation. Alteration of surface drainage is also possible. The installation of the new fire protection equipment, which will also include several new water tanks, may also impact groundwater. At this point, it is difficult for staff to assess what impact the new school development will have on ground water quality and quantity for the

adjacent properties and for neighbourhoods located downslope of this groundwater recharge area. A community school is an important building to the community. The DPA, however, was created with Hornby Island residents' input and applied specifically to the Public Use zone and this property in recognition of the frequently large size of these buildings and the pressure on the groundwater the associated uses might have.

At their November 6, 2020 meeting, the LTC approved an Development Permit for an Arts Centre within DPA 2 without requiring a hydrology study. Staff stated at the time that they would interpret that decision to mean that developments that involved ground alteration of 13,000 m² or smaller would not be considered "significant" for the purpose of DPA 2. The subject school site involves over 20,000 m² of alteration of the ground and surface drainage. Approving the DPA associated with the school without requiring a hydrology study would lead staff to re-interpret the fourth guideline of DPA 2 to mean that developments within DPA 2 that involve ground alteration of 20,000 m² or less will not be considered "significant" and therefore will not require a hydrology study.

Consultation

A community information meeting and/or public consultation and notification are not required for DP applications.

Rationale for Recommendation

The guidelines for DPA 2 do not appear to have not been fully satisfied with the information provided. Staff is recommending that, pursuant to Section 9.3 of the LUB, the applicant provide a sewage and used water system approval, a rainwater catchment and storage system plan, and a hydrology report for the proposed new school.

ALTERNATIVES

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

1. Request further information

The LTC may request specific information prior to making a decision. The staff recommendation requests further information regarding three LUB guidelines. The LTC may request only certain items. If selecting this alternative, the LTC should describe the specific information needed. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant provide [specific information required] to the Islands Trust prior to making a decision on application HO-DP-2020.1.

2. Issue the permit as drafted

The LTC may issue the DP as drafted in Attachment 4 without the sewage and used water system approval, rainwater catchment and storage system plan, or hydrology report. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee finds the application HO-DP-2020.1 to be consistent with Development Permit Area 2 Guidelines and approves issuance of the permit as drafted.

NEXT STEPS

Staff will work with the agent to meet the DPA guidelines and bring forward the permit for decision at the next opportunity or, as directed by the LTC, issue the DP as drafted without further information.

Submitted By:	Bronwyn Sawyer, RPP, MCIP Planner 2	January 14, 2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 18, 2021

ATTACHMENTS

1. Site Context
2. DPA Guidelines Checklist
3. March 11, 2020 letter from Bradley Shuya, Architect
4. Draft Development Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R
PID	000-457-752
Civic Address	2100 Sollans Road, Hornby Island

LAND USE

Current Land Use	Community school
Surrounding Land Use	Rural residential, forested, other public uses

HISTORICAL ACTIVITY

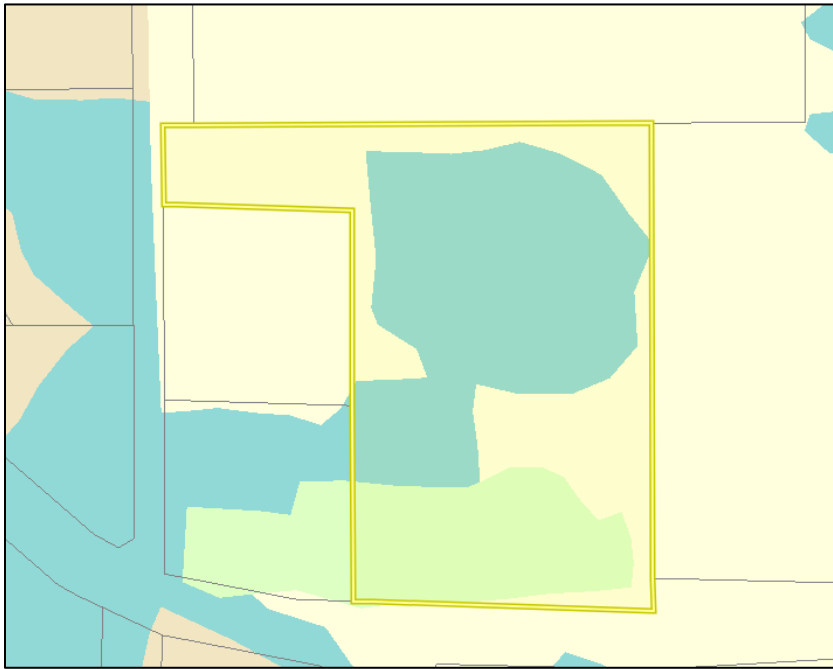
File No.	Purpose
HO-TUP-2004.1	To operate a summer theater
HO-LUB-2007.2	Unknown
HO-SUP-2019.1	For temporary portables (in abeyance)
HO-SUP-2020.5	For construction of permanent school
HO-DP-2020.1	For construction of permanent school

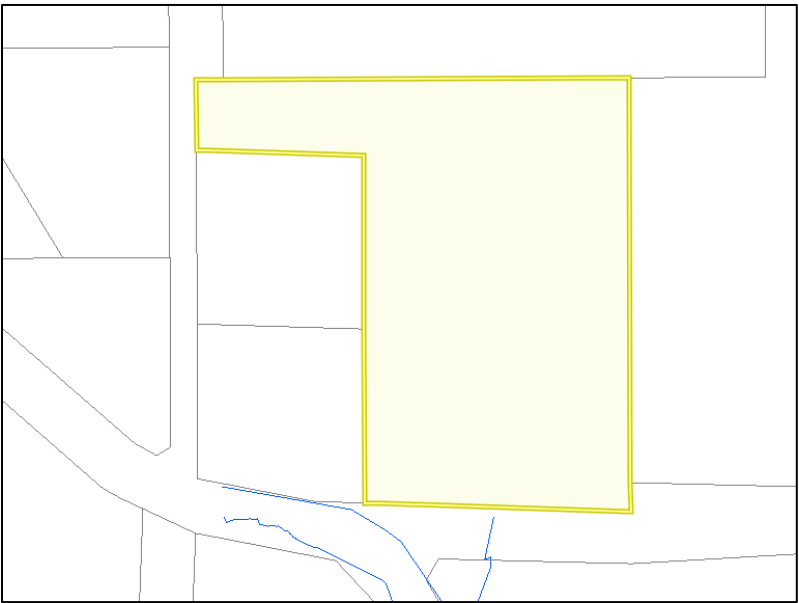
POLICY/REGULATORY

Official Community Plan Designations	Community Service Use (COM) DPA 2 (see HO-DP-2020.1 guidelines checklist) DPA 6 – exempt from DP
Hornby Island Land Use Bylaw 150, 2014	Public Use (PU) zone 8.0 metres from an interior side lot line 8.0 metres from an exterior side lot line General regulations, Siting and setback regulations (3.3(2)): No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any watercourse General regulations, Height Regulations (3.4(1)): Buildings and structures other than agricultural buildings and structures must not exceed a height of 8.0 metres General regulations, Fences (3.9(1)): Within the setbacks from any lot line as prescribed in Part 8 of this Bylaw, the maximum height of a fence is 2.0 metres and, elsewhere, the maximum height of a fences is 3.0 metres
Other Regulations	n/a
Covenants	n/a

Bylaw Enforcement	HO-BE-2018.1
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SITE INFLUENCES

Islands Trust Fund	No referral required
Regional Conservation Strategy	See Riparian Ecosystems: http://www.islandstrustconservancy.ca/initiatives/mapping-our-ecosystems/types-of-sensitive-ecosystems/#ri How can we protect Riparian Ecosystems? • Create and maintain a vegetated buffer to protect against outside disturbance • Limit human and domestic animal access to reduce damage to riparian soils and vegetation • Retain features such as snags, logs and downed trees • Allow natural disturbances to occur, such as flooding and channel changes, and restrict human interferences such as hard bank reinforcements and infilling • Restrict pesticide, fertilizer or other chemical use nearby
Species at Risk	SAR Ecological Community: Douglas-fir / dull Oregon-grape SAR Critical Habitat (Public): Little Brown Myotis and Northern Myotis
Sensitive Ecosystems	ITEM: Rural (blue), young forest (yellow), riparian (shown in green) 

	 Watercourses
Hazard Areas	No steep slopes identified on mapping. Power shed is proposed to be located within 15.0 metres of the natural boundary of a watercourse.
Archaeological Sites	The applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The rainwater catchment system required in DPA2 could be considered a climate change adaptation. No climate change adaptations have been proposed as part of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	n/a

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

COMMUNITY SERVICES USE DEVELOPMENT PERMIT AREA (DPA 2)

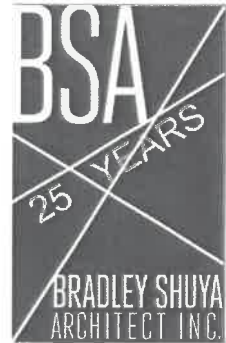
Guideline	Complies	Planner Comments
Before any new development is permitted, there should be approval of a permitted sewage and used water system.	no	A letter of assurance was prepared and submitted; however, it addressed the temporary construction of the modular classrooms and not the new permanent school building. It is unclear if the current system will be approved for the new building.
A significant portion of the water required by a new development should be provided by a rainwater catchment and storage system.	no	The new school will be constructed with a metal roof system with the potential for rain water catchment, but this would be a future project.
Any development involving activities that may utilize potential contaminants (such as, for example, an automotive service operation) should (a) include a containment system to ensure that no contaminant enters the ground and (b) comply with any applicable Provincial environmental standards and guidelines.	n/a	
A hydrology study may be required to identify any adverse impacts of a proposed development upon the groundwater recharge function of the land or upon the quantity or quality of the water resource of existing users. Where such impacts are identified, measures should be required to mitigate the impacts before development is permitted. A hydrology study will be required where a proposed development involves significant Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A Page 73 removal of vegetation, significant alteration of the ground, significant alteration of surface drainage, or significant use of groundwater.	no	A hydrology study has been requested 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.

To: Islands Trust

Attn: Bronwyn Sawyer RPP, MCIP
Planner 2, Northern Team
Northern Office
700 North Road
Gabriola Island, B.C. V0R 1X3

Date: March 11, 2020

Re: SUP, DP, and DVP Application
Hornby Island Community School -
New Replacement
2100 Sollans Rd., Hornby, BC V0R 1Z0
via Email: northinfo@islandstrust.bc.ca



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brad@bradleyshuyaarchitect.com

Dear Bronwyn,

Bradley Shuya Architect Inc. (BSA) are pleased to submit this letter on behalf of School District No. 71 (Comox Valley) in support of a Site and Use Permit, Development Permit, and Development Variance Permit application to permit the new Hornby Island Community School replacement located at 2100 Sollans Road, Hornby Island, B.C.

Attached is the BSA Site and Use Permit, Development Permit, and Development Variance Permit Application inclusive of our Site Plan and Elevation drawings.

Project Introduction

The Hornby Island Community School (HICS) was partially destroyed by a fire in August 2018. Since that time School District No. 71 have developed a temporary school at the 2200 Sollans Rd. site with modular classrooms and an Administration centre.

Bradley Shuya Architect Inc. are the Managing Consultant to lead the Design Team for the new Hornby Island Community School.

Demolition of the remaining school structure is expected to start early March with Construction scheduled to begin in May/June 2020. Completion of the construction stage and occupancy is anticipated for December 2021.

The new design includes a new Gymnasium, along with Administration Offices, five classrooms, and various support spaces. The approx. size of the new school will be 1029 sq. meters.

Application Rational

BSA are applying for a Site and Use Permit, Development Permit, and Development Variance Permit to undertake construction of this new school on Hornby Island. The proposed new building is located within the same building footprint as the former school. The original school floor area was approx. 1343 m² whereas the new school floor area is a smaller 1029 m² area. The new building orientation has rotated 90 degrees to the North/East on a North/South axis. The original school was oriented on a East/West axis.

The project schedule is being fast-tracked in order to maintain the construction budget and avoiding the summer ferry traffic which poses severe difficulty for deliveries of construction materials and labour. The fast-tracked schedule allows for construction to begin this Spring 2020 rather than delaying to the Fall 2020.

It is imperative that our application is approved at your earliest convenience. We kindly request that this application is presented for consideration at your next Hornby Island Committee meeting on March 20, 2020. Please advise if this application can be processed in time for consideration at this next meeting. If the timing for the March meeting cannot be coordinated then we ask for a special meeting in April 2020.

BSA have designed the new school's Gym height to match that of the existing non conforming school Gym. The proposed Gym roof height of 9.10 m represents a variance from the current height limit of 8.0m. Reducing the new Gym height to 8.0m would impact and limit the school and community member's opportunities for regulation use of the athletic courts such as Volleyball and Badminton.

The new school is surrounded by a tree canopy higher than the school and will not block any existing view corridors. Therefore the new school will not have any visual impact to the neighboring properties.

As discussed via our telephone conversation on March 10, 2020 we have reviewed the Hornby Island Land Use Bylaw No. 150 2014 Section 9.3 Development Permit Guidelines for community service use Development Permit Area (DPA 2).

We have addressed the DPA 2 guidelines as follows:

9.3.1 Permitted sewage and used water system.

The proposed new building is located substantially within the same building footprint as the former school which was constructed 37 years ago in 1983. The original school floor area was approx. 1343 m² whereas the new school floor area is a smaller 1029 m² area. The new school sanitary outflow is less than or equal to the original school therefore the existing VIHA permitted septic system will be utilized.

9.3.2 Rain catchment system.

The new school floor area and water usage is less than or equal to the original school therefore the existing water supply system will be utilized.

9.3.3 Potential contaminants.

The site has always been used for educational purposes only and the proposed use will not generate or utilize any contaminants.

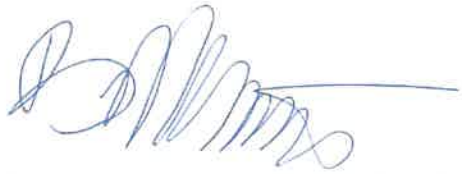
9.3.4 Hydrology study.

The new school floor area and water usage is equal to or less than the original school therefore there will be no impact on the groundwater recharge function of the land or upon the quality or quantity of the water resource of existing users. We are not adding any additional impervious area with the new school. Therefore a hydrology study is not required.

Please review our application at your earliest opportunity and let us know if you have any questions.

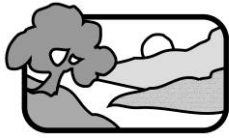
Kind regards,

Bradley Shuya Architect Inc.



Bradley W. Shuya, Architect AIBC, MRAIC, Assoc. AIA, B. Arch

CC: Ian Heselgrave, Director of Operations - SD71 (Comox Valley)
Alan Fletcher, President - AFC Construction



Islands Trust

HORNBY ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT HO-DP-2020.1 (THE BOARD OF SCHOOL TRUSTEES OF SCHOOL DISTRICT NO. 71 (COMOX VALLEY))

To: The Board of School Trustees of School District No. 71 (Comox Valley)

1. This permit applies to:

PID 000-457-752

THAT PART OF THE NORTH EAST 1/4 OF SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, SHOWN OUTLINED IN RED ON PLAN 1304R

2. Pursuant to Section 488 of the *Local Government Act*, a portion of the subject property as described above lies within "Development Permit Area No. 2: Community Services Use" designated under the *Hornby Island Official Community Plan Bylaw No. 149, 2014*; and
3. Pursuant to Section 490 of the *Local Government Act* this Permit is issued in accordance with the *Hornby Island Land Use Bylaw No. 150, 2014*, authorizing **the construction and installation of new school, power shed and associated structures as shown on Schedules "A", "B", "C", "D", "E", and "F" dated December 2, 2020 and Schedule "G" dated December 14, 2020 prepared by Bradley Shuya Architect Inc.** for 2100 Sollans Road, attached to and forming part of this Permit.
4. This permit is not a siting and use permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Hornby Island Land Use Bylaw No. 150, 2014* including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS TH DAY OF , 2021.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE TH DAY OF , 2023 THIS PERMIT AUTOMATICALLY LAPSES.

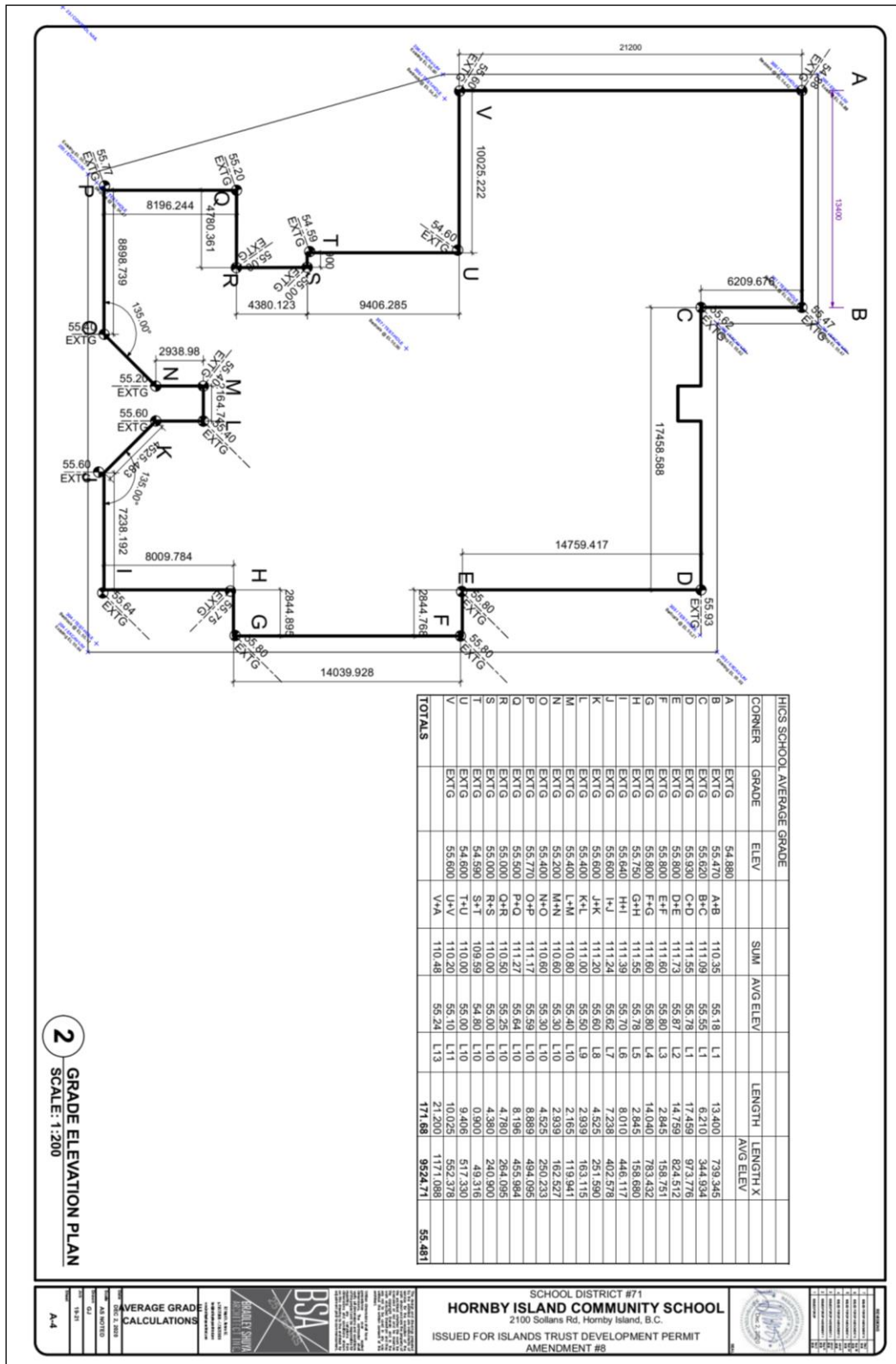
Schedule "B" – East West Elevations



Schedule "C" – North South Elevations



Schedule "D" – Average Grade Calculations



[illegible]

[illegible]

[illegible]

File No.: 6500-20 LTC Work Program
2021 MALA

DATE OF MEETING: January 29, 2021
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Minimum Average Lot Area amendments to the OCP and LUB

RECOMMENDATION

1. That the Hornby Island Local Trust Committee endorse the Minimum Average Lot Area Amendments Project Charter v.1.0
2. That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Hornby Island Official Community Plan that will eliminate references to measurements for minimum lot size and minimum average lot area in land use designations;
3. That the Hornby Island Local Trust Committee request staff to prepare draft amendments to the Hornby Island Land Use Bylaw that will:
 - a. make references to minimum average lot area internally consistent within the provisions of Residential 2 – Large Lot (R2) zoning;
 - b. require properties to be a minimum of 4.0 hectares to subdivide in Residential 2 – Large Lot (R2) zoning; and
 - c. allow for lots that are less than 1 hectare in size in Residential 2 – Large Lot (R2) zoning where the subdivision results in dedication of a park, ecological reserve, community land trust or other community service use consistent with policy 6.3.3.1 of the Hornby Island Official Community Plan.

REPORT SUMMARY

The purpose of this report is to introduce the project charter for the Local Trust Committee's Top Priority Project identified as consideration of Minimum Average Lot Area provisions and discuss options for bylaw amendments.

BACKGROUND

The Hornby Island Local Trust Committee (LTC) identified consideration of Minimum Average Lot Area (MALA) provisions at their September 11, 2020 LTC meeting as a Top Priority project with the following resolution:

HO-2020-069**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee place Minimum Average Lot Area as Top Priority No. 1 once “Consideration of a rezone of 5040 Central Road to R3A” is complete.

The LTC replaced this project as Top Priority 1 at their November 11, 2020 meeting with the following resolution:

HO-2020-082**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee add the item “Official Community Plan Review” to the Top Priorities Report as priority No. 1.

As a result of resolution HO-2020-082, the MALA project moved to the position of Top Priority #3 on the LTCs Top Priority projects list.

Contradictory Language

Section 8 of the Hornby Islands Land Use Bylaw list the requirements for R2 zoning. Subsections 8.2(8) and 8.2(9) state the following:

8.2(8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.0 hectares.

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

These subsections are contradictory because a subdivision that results in an average area of at least 2.0 hectares must start with a piece of property that is at least 4.0 hectares in size and any property that is 4.0 hectares in size or greater allows 2 residences according to the following subsection:

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

(b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger; and

This contradiction has created a lot of confusion for staff and for potential applicants and so staff are recommending that at a minimum, subsection 8.2(9) be eliminated from the LUB. If this were the only thing that the LTC tried to accomplish with this project, the processing time for the project could be approximately 6 months as a public hearing could be waived.

OCP and LUB inconsistency

As indicated above and in the following table, the “Residential 2 - Large Lot” zoning designation in the Hornby Island Land Use Bylaw currently allows one residential dwelling unit on lots that are less than 4.0 hectares in size. Two dwellings are allowed in this zone on lots that are 4.0 hectares in size or over.

Most lots that are zoned R2 on Hornby Island also have an OCP land use designation of “Rural Residential.” The provisions of this land use designation anticipate allowing one dwelling unit on lots smaller than 3.5 hectares in size and two dwellings on lots 3.5 hectares or greater, so these two provisions are inconsistent. This inconsistency also exists between the Agriculture land use designation and the corresponding zoning designation (A1) in the Land Use Bylaw.

Updating the OCP in addition to the LUB makes for a longer project timeline because the public hearing cannot be waived and the bylaw amendments must be approved by the Ministry of Municipal affairs, however staff’s recommendations on page one assume these changes in order to “clean up” the inconsistency between the OCP and LUB so they both indicate a consistent parcel size. Also of note is that staff’s recommendations would result in the 3.5 hectare figure in the OCP being eliminated altogether. The reason for this recommendation is discussed in the analysis section of this report.

Current bylaw Language	OCP – Rural Residential	LUB – Residential 2 Large Lot
Number of dwellings per lot	6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.	2(a) a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares; 2(b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger;
Minimum amount of land needed to subdivide	6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.	8.2(7) No lot may be created by subdivision that has a lot area less than 1.0 hectares. 8.2(8) No subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 2.0 hectares. 8.2(9) Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares.

Lot sizes smaller than 1 hectare

As noted above in subsection 8.2(7) of the LUB, the minimum lot size in R2 zoning is 1 hectare with no exceptions. Staff have received correspondence from a potential Hornby developer who would like to be able to subdivide his R2 zoned property with a configuration that would result in 2 of the 4 proposed lots being less than 1 hectare in size with the rationale that trail dedication would be part of the subdivision. His argument is that this is consistent with the Hornby Island Official Community Plan Section 6.3.3.1 as follows:

A lot size less than 1.0 hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.

Despite the existence of this OCP policy, there are no provisions in the LUB that would actually implement this policy. The Local Trust Committee could consider changes to the LUB that would allow for lots less than 1 hectare in size in certain circumstances and staff are recommending that consideration be given.

ANALYSIS

The contradiction between subsection 8.2(8) and 8.2(9) create a potential legal liability to Islands Trust in addition to just being confusing and hard to interpret. Staff are recommending that at the very least, 8.2(9) should be eliminated.

Land use designations in OCPs don't always correspond directly to zoning but in the end, best practice is that there is some correlation. They are not required to be consistent. From a legal perspective, if the OCP and LUB are contradictory, the courts have typically found that the Land Use Bylaw provisions take precedence. Staff's recommendation that the OCP and LUB be made consistent is primarily for clarification.

Staff are also recommending that measurements be entirely taken out of the OCP. The reason for this is that since the Land Use Bylaw takes legal precedence there is no need for measurements in the OCP and it is easier and more efficient to only have to amend one bylaw instead of two.

While the most problematic issues involve R2 zoning, the Agricultural Land Use Designation and zoning are also contradictory so staff is recommending that measurements for this land use designation are also eliminated in the OCP.

Lastly, staff are recommending that a parcel be at least 4.0 hectares in size in order to subdivide in the R2 zone. As the R2 language currently stands, a property must be 8.0 hectares or more to subdivide and staff believe that this was not the intent of the R2 zone when it was originally drafted. A parcel that is 4.0 hectares in size that is subdivided to meet a minimum average lot area of 2.0 hectares is adequate to provide for enough land to accommodate a well and septic system on each of the properties as determined by the Vancouver Island Health Authority subdivision guidelines.

Options

There are other options that the LTC could consider with regards to minimum lot sizes and density. For instance, the LTC could consider eliminating minimum lot sizes altogether and move towards a units / hectare model to manage density. This option would require a longer timeline than the current project anticipates. Staff have not recommended this option due to an understanding that the LTC might want to complete this project as soon as they can in order to move on to other priority projects. However, minimum lot sizes and minimum average lot sizes are no longer considered planning best practice in terms of regulatory tools for managing density.

The LTC could also decide to minimize the project further by simply eliminating subsection 8.2(9). This subsection appears to be the most confusing and contradictory provision causing interpretation issues for staff and potential applicants. Staff is recommending more amendments than just the elimination of this subsection because of the amount of time and effort that goes into bylaw amendments generally. If the LTC is to undertake an amendment process, it's beneficial to address as many issues as possible within acceptable time constraints.

Rationale for Recommendation

Staff recommend that the Hornby Island Official Community Plan and Land Use Bylaws be amended to clarify confusing language regarding minimum average lot areas, to eliminate measurements from the OCP regarding minimum lots sizes and averages, and to set the minimum amount of land needed to subdivide in R2 zoning at 4.0 hectares. This will make the OCP and LUB clearer to interpret for the LTC, staff, and potential applicants while still providing for enough land to anticipate rural servicing needs.

ALTERNATIVES

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

1. Expand project timeline by considering density regulation alternatives

The LTC may choose to expand the project timeline by considering other tools for managing density. A motion to this effect could be:

That the Hornby Island Local Trust Committee request that staff prepare a staff report analysing the various options for managing residential density in the R2 zone.

2. Minimize project timeline by only eliminating subsection 8.2(9) from the LUB

The LTC may choose to minimize the scope and timeline of the project as much as possible by only eliminating this subsection of the Land Use Bylaw as it is the most problematic. A motion to this effect could be:

That the Hornby Island Local Trust Committee request that staff prepare a draft amendment to the Hornby Island Land Use Bylaw that will eliminate subsection 8.2(9).

3. Ask for more information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that staff provide [specify requested information]...

4. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Subject to concurrence with the staff recommendation, staff would prepare draft bylaws for LTC consideration at a future meeting.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 18, 2021
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ATTACHMENTS

1. Draft Minimum Average Lot Area Project Charter v. 1.0

Minimum Average Lot Area Project - Charter v 1.0

Hornby Island Local Trust Committee

Date: January, 2021

Purpose: To correct inconsistencies regarding density and minimum average lot area regulations within the Hornby Island Official Community Plan and Land Use Bylaw and allow for lots smaller than 1 hectare in size where certain circumstances apply.

Background: Minimum average lot area requirements in the Hornby Island Land Use Bylaw are not currently consistent with those anticipated by the OCP. The language in R2 zoning is also confusing, make it unclear how much land a property owner must have in order to subdivide in this zone. This project aims to make the OCP and LUB consistent with regard to minimum average lot area required for subdividing.

Objectives

- Make the OCP and LUB consistent with regards to density and Minimum Average Lot Area
- Consider appropriate minimum lot sizes

In Scope

- Consideration of Official Community Plan amendments that will eliminate references to measurements for minimum lot size and minimum average lot area in land use designations;
- Consider amendments to the Hornby Island Land Use Bylaw that will:
 - a. make references to minimum average lot area internally consistent within the provisions of Residential 2 – Large Lot (R2) zoning;
 - b. require properties to be a minimum of 4.0 hectares to subdivide in Residential 2 – Large Lot (R2) zoning; and
 - c. allow for lots that are less than 1 hectare in size in Residential 2 – Large Lot (R2) zoning where the subdivision results in dedication of a park, ecological reserve, community land trust or other community service use consistent with policy 6.3.3.1 of the Hornby Island Official Community Plan.

Out of Scope

- Reconsidering density requirements based on factors other than minimum lot size and minimum average lot size

Workplan Overview

Deliverable/Milestone	Date
Project Charter & Introduction Staff Report / LTC endorsement of Project Charter and consideration of bylaw elements	January, 2021
Legislative process for proposed bylaw(s); adoption.	2021-2022

Project Team

Regional Planning Manager	Project Sponsor / Manager
Legislative Clerk	Legislative Process/Bylaw Review
RPM Approval Date: 13 Nov/20;	LTC Endorsement:

Budget:

Hornby MALA Project		
Budget Sources:		
Fiscal	Item	Cost
2021-2022	CIM / Public Hearing	\$1,600
	Total	\$1,600

PROJECT CHARTER WORK PLAN OVERVIEW			
Meeting	Deliverable/Milestone	Target Date	Cost
January, 2021	Introduction Report / Draft Project Charter		
March, 2021	Draft Bylaws for consideration of 1 st Reading and Referral / Staff Report		
	Referral Period	Mar. – May, 2021	
May, 2021	Report of Referral Responses / Consideration of 2 nd Reading		
July, 2021	CIM / Public Hearing		\$1,600
October, 2021	Consideration of 3 rd Reading and Referral to EC and Ministry		
	EC and Ministry Consideration	Oct. – Dec. 2021	
January, 2022	Consideration of Approval of bylaws		
TOTAL			\$1,600

From: Donald Gutstein [REDACTED]
Sent: Thursday, January 14, 2021 1:53 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: Mae Burrows [REDACTED]; Kim Fagerlund [REDACTED]; Jan Steen [REDACTED]; Alex Allen <aallen@islandstrust.bc.ca>; Grant Scott <gscott@islandstrust.bc.ca>
Subject: Letter for Hornby Island LTC meeting, Jan. 29

Hello,

We are attaching a letter for the January 29 Hornby LTC meeting regarding a top priority for the planning staff - correcting inconsistencies in the Land Use Bylaw, with 28 additional signatures. We have met the two-week requirement so that the letter can be included in the Agenda Package and can be discussed at the meeting. More people may sign on to the letter and we will bring them to the meeting.

Sincerely

Jan Steen, Kim Fagerlund, Mae Burrows and Donald Gutstein

Support Bylaw Consistency and Fairness on Hornby Island

We are asking for your support to have Islands Trust staff be consistent and fair in its application of our by-laws. The Hornby Island Official Community Plan, adopted in 2016 after seven years of consultation and planning, intended that 4-hectare (10-acre) properties in the Large Lot Residential zone could be divided into two lots, with one house on each, assuming adequate septic and water. **Since 2016, and as recently as 2019, Islands Trust staff permitted the subdivision of 4- and 6-hectare lots, but in 2020 denied other permits insisting that 8 hectares is required. This is inconsistent and unfair.**

One family situation is that of Mae Burrows and Donald Gutstein, who have owned the 4.37-hectare property at 1410 Carmichael Road for 30 years. Desiring to subdivide their property into two lots and following advice they received from Islands Trust staff in June 2019, they invested \$30,000 for a new septic field, a land survey and water testing. The application was submitted in January 2020 along with the relevant fees. In March 2020 they were shocked to learn—from the very same planner who advised them how to prepare their application—that they couldn't subdivide their property because they actually needed 8 hectares.

Another situation that will be impacted by the inconsistency in the application of the bylaw is that of land partners Kim Fagerlund and Jan Steen who have co-owned a 4.13-hectare property at 8550 Central Rd. and 4305 Euston Rd. for decades. They have been informed they cannot divide their property.

While these subdivisions were denied by Islands Trust staff, others were approved. In 2016, a property on Euston Road was approved for subdivision into three lots. And in 2019, a 4-hectare property on Central Road was approved for subdivision.

We, and others, need to be treated fairly. **This misinterpretation of the Official Community Plan will also affect housing possibilities for young families, elders, land partners and their successors.** We are asking that the Land Use Bylaw be applied evenly and fairly in these two cases and further that these applications be approved. Further we ask that Islands Trust staff rectify the error in the Land Use Bylaw, which does not reflect the intention of the Official Community Plan.

Mae Burrows and Donald Gutstein [REDACTED]
[REDACTED]

Kim Fagerlund [REDACTED] and Jan Steen [REDACTED]
[REDACTED]

Please see page 2 for sign ons

Sign-ons (contact information can be provided on request)

Richelle Lamont Berg
Alexandra Lamont Armstrong
Tamara Lamont
Liam Fagerlund
Yasha Berg
Dale Armstrong
Shannon Cupper
Josh Gutstein
Linda Armstrong
Leif Baron
Cassandra Bassett
Jonathan Blanchard
Petra Chambers-Sinclair
Clair Cronia
Susan Gerofsky
Stephen Harrison
Wrena Holliday
Diane Lang
Jon Laskin
Butch Leslie
Lynn Nunley
Jeff Rabena
Klaus Schmid
Jessica Steen
Alison Stevenson
Cedar Wallace
Bernhard Weiss
Arnie Wingrove

What is an official community plan?

An official community plan describes **the community's long-term vision**. It is a statement of objectives and policies that guide decisions on planning and land use management. The Islands Trust has the authority to develop an official community plan under the Local Government Act.

What are zoning provisions in a land use bylaw?

Zoning implements land use planning visions expressed in official community plans. Zoning bylaws regulate how land, buildings and other structures may be used.

The inconsistency between Hornby's Official Community Plan and Land-Use Bylaw

The Official Community Plan, then, describes the Hornby community's long-term vision. The Land-Use Bylaw implements that vision. But the Land-Use Bylaw does not follow the Official Community Plan, so it fails to implement the vision and betrays the community. That's what's happening here, causing grief for some residents.

The history

The Official Community Plan and Land-Use Bylaw were introduced for first reading in April 2014. It was the culmination of five years' worth of stakeholder consultations, community information meetings, town hall sessions and Advisory Planning Commission reviews. At first reading the Official Community Plan and Land-Use Bylaw were consistent in their requirements for subdividing properties in the large lot (R2) residential zone.

The Official Community Plan requirement is as follows:

6.3.3. Rural Residential

6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of **one hectare (2.5 acres)** should be maintained with no more than one dwelling per lot.

The Land-Use Bylaw had a similar requirement:

8.2(7) No lot may be created by subdivision that has a lot area less than 1.0 hectares.

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

(9) Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area is **one hectare**.

But by the time the bylaws were adopted in January and February 2016, they were no longer in agreement. An error had crept in to the Land Use Bylaw. The Official Community Plan still requires a minimum lot size of one hectare. But the Land-Use Bylaw had been changed, requiring a minimum lot size of at least **4 hectares** and an original size of **8 hectares**, meaning the Official Community Plan's intention could never be realized.

- 1. Hornby's Land-Use Bylaw is not consistent with the island's Official Community Plan.**
- 2. Because of this inconsistency, Islands Trust planning staff have applied the bylaw inconsistently and unfairly.**



DATE OF MEETING: January 29, 2021
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Bylaw infractions status update

PURPOSE

The purpose of this memo is to provide the Hornby Island Local Trust Committee with a report on the number of outstanding bylaw infractions as of January 18, 2021. The data provided by the Bylaw Enforcement Manager is as follows:

- There are 32 open files, and there were 23 files opened in 2020.
- In 2019, only 9 new files were opened, and 10 in 2018.
- 7 Bylaw Violation Notices (BVN) were issued in 2020.
- One Certificate of Amounts Owning has been filed in Small Claims Court for \$1275.00 as one property owner (2018 file) has defaulted on BVNs. If they do not pay the outstanding amount, it will be registered on the title.

NEXT STEPS

N/A

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 18, 2021
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ATTACHMENTS

1. N/A



BRIEFING

To: Local Trust Committees and Bowen Island Municipality **For the Meeting of:** January 29, 2021

From: Islands Trust Conservancy **Date Prepared:** November 25, 2020

SUBJECT: 2020 Forest Conservation Outreach Campaign Completion

PURPOSE: To inform the Local Trust Committees and Bowen Island Municipality of the completion of Islands Trust Conservancy's 2020 forest conservation outreach campaign.

BACKGROUND: In January 2020 Islands Trust Conservancy staff initiated an outreach campaign to encourage voluntary forest conservation and stewardship on private lands in the Islands Trust Area. This campaign was a response to part of Trust Council Resolution 2019-24, which directed staff to:

- create a strong communications program that will support Islands Trust Conservancy conservation initiatives for Coastal Douglas-fir protection as well as support the land use planning process, with a special focus on communicating the role of Development Permit Areas as a tool for Coastal Douglas-fir protection that permits development; and
- bring recommendations for how the Natural Areas Property Tax Exemption Program (NAPTEP) can be tailored to highlight and prioritize contiguous tracks of the Coastal Douglas-fir zone in the outreach, communications, and approval of NAPTEP covenants by the Islands Trust Conservancy.

The campaign also helps to address objective 1.5 of the Islands Trust Conservancy Regional Conservation Plan, which is to seek opportunities to provide information to landholders to support voluntary conservation initiatives.

Forest conservation outreach packages were developed by ITC staff in consultation with Islands Trust Directors of Trust Area Services and Local Planning Services, and included the following:

1. Personalized cover letter from the Covenant Management & Outreach Specialist
2. Customized forest ecosystem information sheets: Coastal Douglas-fir forest information and mapping for Gulf Islands LTAs, and Coastal Western Hemlock forest information and mapping for Gambier LTA and Bowen Island Municipality
3. Forest Conservation Checklist
4. NAPTEP rack card

The 2020 forest conservation outreach campaign focused on landholders with over five hectares of old-growth or mature forest on their property. Mapping identified 348 properties as meeting this criteria, with over 400 associated landholders (households). The following is a breakdown of packages mailed, by local trust area/municipality:

Local Trust Area/ Municipality	Outreach Package Recipients
Ballenas-Winchelsea	0
Bowen	29
Denman	23

Gabriola	19
Galiano	11
Gambier	49
Hornby	5
Lasqueti	171
Mayne	11
North Pender	10
Salt Spring	44
Saturna	14
South Pender	4
Thetis	13
Total	403

Outreach packages were mailed to these landholders on August 13th and 18th. The immediate response from outreach package recipients has been positive, and to date has included at least two NAPTEP covenant inquiries and two forest stewardship conversations.

In addition to the mailout, a Forest Protection webpage on the Islands Trust website has been created as a platform for ongoing forest conservation outreach: <http://islandstrust.bc.ca/trust-council/projects/forest-protection/>. The forest ecosystem information sheets for each LTA are available at www.islandstrust.bc.ca/islands/island-ecosystems/.

ATTACHMENT(S):

1. Cover letter template
2. Sample Coastal Douglas-fir Forests information sheet
3. Sample Coastal Western Hemlock Forests information sheet
4. Forest Conservation Checklist

FOLLOW-UP: A small number of paper copies of the forest ecosystem information sheets will be distributed to each island in late November, either to the Islands Trust Office/Municipal Office, LTC office, where available, or to the local conservancy, as appropriate.

The Covenant Management & Outreach Specialist will track responses to the forest conservation outreach letter in Islands Trust Conservancy's contact management database, connect respondents with other ITC specialists as needed, and assess the overall response to the campaign to inform future outreach activities.

Prepared By: Jemma Green, Covenant Management & Outreach Specialist

Reviewed By/Date: Kate Emmings, A/Manager / November 26, 2020

August 12, 2020

[first name] [last name]

[address]

[address]

Dear [first name],

I invite you to take action to care for rare and endangered forests on your land.

Did you know that the forest that characterizes our region, the same forest that grows in **your backyard**, is a globally rare and endangered Coastal Douglas-fir ecosystem? In Canada, Coastal Douglas-fir ecosystems are found only on the southwest coast of BC, where mature and old-growth forests are most at risk. Despite the global significance and community benefits of Coastal Douglas-fir ecosystems, **only 10% are protected**. Most of what remains is found on private land, including yours.

Much stands to be lost if remaining mature and old-growth forests disappear. These forests support high biodiversity, including the **highest number of species-at-risk** in BC. Trees like Douglas-fir, cedar and arbutus dominate the canopy, sheltering unique shrubs, ferns, mosses and other plants that provide habitat for wildlife—such as owls, songbirds, reptiles, and amphibians—and act as a protective buffer for streams that support fish. Coastal Douglas-fir forests also provide a number of services that our communities depend on: water purification, removal of greenhouse gasses from the air, slope stabilization, and flood prevention.

In 2019, the Islands Trust and the Islands Trust Conservancy committed to protecting the health of Coastal Douglas-fir forests. I am writing to you and more than 350 other island landowners with significant Coastal Douglas-fir forests to let you know the importance of the forests on your land, and to offer support to help you protect Coastal Douglas-fir forests where you live. You can start by taking **simple measures to care for your land**, such as leaving standing dead trees for wildlife, removing invasive species, or gardening with native plants. The enclosed checklist can help you take meaningful actions to protect your forest.

Forest protection has never been more important. By caring for your forest, you can provide vital habitat to species under stress and support ecosystem services, some of which could **ease the impacts of a changing climate** on your community. For 30 years, the Islands Trust Conservancy has helped islanders protect their land and has been a trusted source of information about caring for nature. If you are interested in learning about how you can care for and protect your forests, or about land conservation in general, contact me at jgreen@islandstrust.bc.ca or by phone at 250-405-5182. If you would like to receive e-mail notices from the Islands Trust Conservancy you can subscribe at www.islandstrustconservancy.ca/subscription.

Sincerely,



Jemma Green
Covenant Management & Outreach Specialist

Encl.

Coastal Douglas-fir Forests

What are Coastal Douglas-fir Ecosystems?

The Coastal Douglas-fir (CDF) zone describes a unique set of ecosystems found only on southeast Vancouver Island, the Gulf Islands, and the southwest coast of BC. CDF ecosystems are rare and highly endangered. These ecosystems include Douglas-fir forests, as well as Garry oak woodlands, wetlands, estuaries, and other unique communities of plant, animal, and fungi found nowhere else in the world.

Why are CDF Ecosystems Important?

CDF ecosystems have:

- The highest diversity of plant species in BC
- The highest diversity of overwintering bird species in Canada
- The highest density of species at risk in BC, including 24 globally imperiled species

Yet 98% of the 45 ecological communities in the CDF zone are at risk of being lost.

In addition to supporting biodiversity, CDF forests benefit our communities by:

- Mitigating climate change by capturing and storing carbon from the atmosphere
- Supporting cultural and spiritual values of First Nations that have lived in the region since time immemorial
- Reducing pollution by removing dust, pollen, and smoke from the air
- Controlling and filtering stormwater runoff into lakes and streams, which protects drinking water and reduces flood risk
- Supporting resilient food systems by providing habitat for native pollinators
- Increasing property values
- Providing recreational opportunities and spaces for relaxation

This resource was developed by:



Photos by Kristine Mayes except lichen photo by Ken Lertzman, header and footer photos by Alex Harris for Raincoast. Map produced by Islands Trust.



LICHEN, PILEATED WOODPECKER

CDF Forest Ecosystems

- Young Forest (40 - 80 yrs)
- Mature Forest (80 - 250 yrs)
- Other Land Cover (incl. younger forests)



Why are CDF Forests at Risk?

Since European settlement, almost half of the historically forested land in the CDF zone has been lost due to land uses such as forestry and development. Most old-growth forests have been replaced by second-growth forests that are not as biodiverse or resilient. Remaining CDF forests are in a hotspot of urban and rural development, and under increasing pressure from a growing population.

Climate change will have significant impacts on CDF forests as intensifying summer droughts stress trees. Islander observations indicate that climate change has already impacted western redcedar and other species. It is likely that drought is the primary cause of increased stress, but work needs to be done to understand these changes and adapt conservation of CDF habitats.

CDF forests and associated ecosystems are among the most endangered in Canada, yet only 11% of land in this zone is protected. Eighty percent of the land in the CDF zone is privately owned, highlighting the importance of voluntary conservation actions by individuals to protect what's left.



DOUGLAS-FIR CONES

Only 11% of land in the CDF zone is under some form of protection

What You Can Do

Become a land steward:

- ☐ Protect living trees
- ☐ Leave large patches of natural forest intact
- ☐ Leave standing dead trees (snags) and fallen trees to decay in place to provide shelter and food for wildlife
- ☐ Restrict vehicle and livestock access into forests
- ☐ Control invasive species, like ivy, holly, daphne, and broom
- ☐ Keep cats indoors as much as possible
- ☐ Garden with native species
- ☐ Keep forest health in mind while managing fire risk. Focus on fire-proofing your home and planting a buffer of fire-resistant native plants like salal and Oregon-grape. Help protect your community by protecting older forests: their high moisture-holding capacity makes them a natural fire break.
- ☐ Become a citizen scientist — add your observations to a growing global database using the iNaturalist app, or keep a nature journal

Consider how your community can protect forests through Environmental Development Permit Areas and conservation guidelines in your Official Community Plan and Land Use Bylaw.

Permanently protect your land with conservation covenant.

A covenant is a voluntary, legal agreement between you and a conservancy that protects your land from development — not just while you own and live on the land, but even after your property is sold or transferred to new owners. Covenants registered through the Islands Trust's **Natural Areas Protection Tax Exemption Program (NAPTEP)** are eligible for a 65% reduction in property taxes on the portion of land protected.

Create a nature reserve through a donation of land to a conservancy or parks agency. If you donate land with significant ecological value, you may be eligible for additional tax benefits through the federal [Ecological Gifts Program](#).

Opportunity Fund grants can help cover costs associated with protecting land. Contact Islands Trust Conservancy to learn more at 250-405-5186 or itcmail@islandstrust.bc.ca

Resources

For information on conservation covenants, land donations, and stewardship programs, contact:

Islands Trust Conservancy: visit islandstrustconservancy.ca, email itcmail@islandstrust.bc.ca, or phone 250-405-5186

Conservancy Hornby Island: visit conservancyhornbyisland.org or email chihornby@gmail.com

For information on CDF ecosystems at risk, contact:

Coastal Douglas-fir Conservation Partnership: visit cdfcp.ca or email info@cdfcp.ca

For information about Raincoast Conservation Foundation's Gulf Islands Forest Project, visit: raincoast.org/gulf-islands

Coastal Western Hemlock Forests

What are Coastal Western Hemlock Ecosystems?

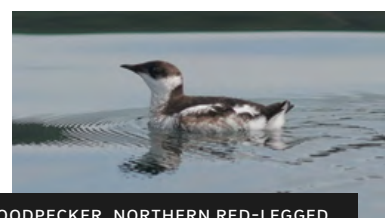
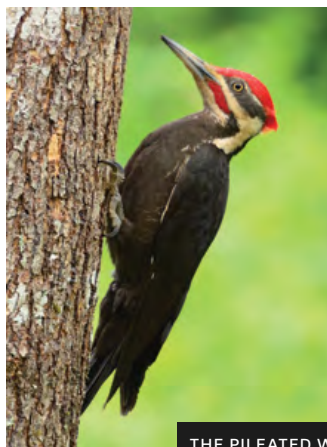
The Coastal Western Hemlock (CWH) zone describes a unique set of ecosystems that stretch along the north Pacific coast of North America, encompassing most of coastal BC. The wet, temperate rainforests that characterize the CWH zone are still widespread in BC; however, a number of rare CWH ecosystems adapted to the dry, Mediterranean conditions found in and around the Salish Sea are under threat and under-protected.

Why are CWH Forests Important?

Extending from sea level to 1000 metres, the CWH zone may support the greatest diversity and abundance of wildlife habitat in BC. Large, old-growth trees provide critical habitat for species-at-risk like the Marbled Murrelet and Northern Goshawk. Snags provide nesting and foraging habitat for birds and small mammals. Fallen trees support amphibians, fungi and mosses, and act as nurse logs for seedlings. Root systems control and filter rainwater runoff into streams, protecting salmon habitat.

In addition to supporting biodiversity, CWH forests benefit our communities by:

- Providing cultural and spiritual places for First Nations that have lived in the region since time immemorial
- Mitigating climate change by capturing and storing carbon from the atmosphere
- Capturing rainwater and controlling and filtering runoff into lakes and streams, protecting drinking water and mitigating risk of flooding and drought
- Reducing pollution by removing dust, pollen, and smoke from the air
- Increasing property values
- Providing recreational opportunities and spaces for relaxation



THE PILEATED WOODPECKER, NORTHERN RED-LEGGED FROG, AND MARBLED MURRELET ARE AMONG THE MANY SPECIES THAT DEPEND ON CWH FORESTS



Western islands



Eastern islands

CWH Forest Ecosystems

- Young forest (40–80 yrs)
- Mature forest (80–250 yrs)
- Old forest (over 250 yrs)
- Other land cover
- Coastal Douglas-fir forests

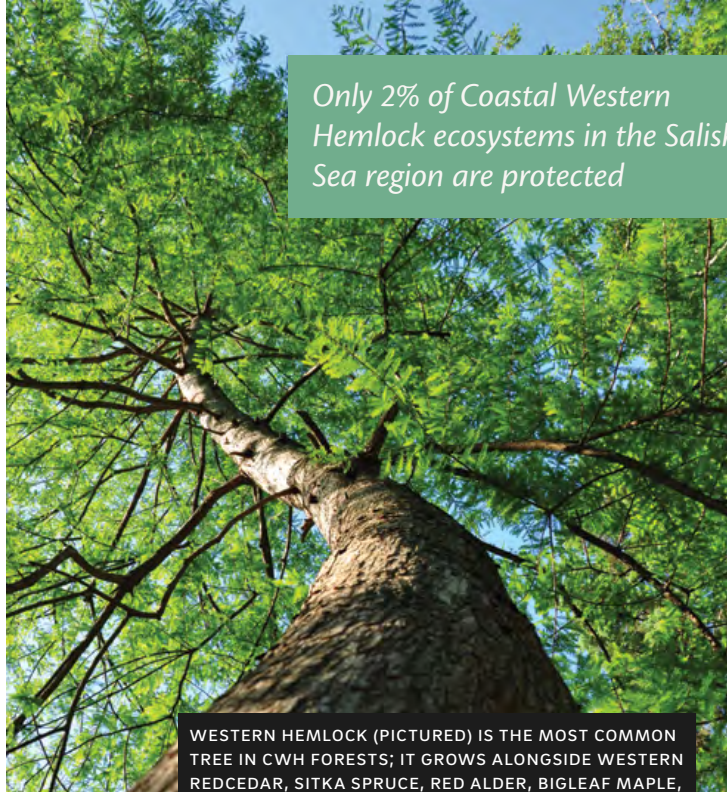


Why are CWH Forests at Risk?

As a result of past logging and development, 13 unique CWH ecosystems are at risk. While unsustainable logging remains one of the greatest threats to forests, the rarest CWH ecosystems occur in the Lower Mainland, Sunshine Coast, Howe Sound islands, and eastern Vancouver Island, where they also face widespread urban and rural development and other pressures from a growing human population. Climate change is expected to add to impacts on CWH forests. Intensifying summer drought will stress trees (as already seen in western redcedar die-offs), which will have cascading effects throughout the forest ecosystem.

The CWH ecosystems of the Salish Sea are among the rarest and most threatened in BC. Two thirds of historic forests in this region have been logged in the last 120 years while another 25% have been permanently converted to other land uses. Only 2% of CWH ecosystems in the Salish Sea region are protected, highlighting the urgent need to conserve remaining mature and old-growth forests.

Only 2% of Coastal Western Hemlock ecosystems in the Salish Sea region are protected



WESTERN HEMLOCK (PICTURED) IS THE MOST COMMON TREE IN CWH FORESTS; IT GROWS ALONGSIDE WESTERN REDCEDAR, SITKA SPRUCE, RED ALDER, BIGLEAF MAPLE, GRAND FIR, SHORE PINE, DOUGLAS-FIR, AND ARBUTUS

What You Can Do

Become a forest steward:

- ☐ Protect living trees and large patches of natural forest
- ☐ Leave standing dead trees (snags) and fallen trees to decay in place to provide shelter and food for wildlife
- ☐ Restrict vehicle and livestock access into forests
- ☐ Control invasive species, like ivy, holly, daphne, and broom
- ☐ Keep cats indoors as much as possible
- ☐ Garden with native species
- ☐ Keep forest health in mind while managing fire risk. Focus on fire-proofing your home and planting a buffer of fire-resistant native plants like salal and Oregon grape. Help protect your community by protecting older forests: their high moisture-holding capacity makes them a natural fire break.
- ☐ Become a citizen scientist—add your observations to a growing global database using the iNaturalist app, or keep a nature journal

Consider how your community can protect forests through Environmental Development Permit Areas and conservation guidelines in your Official Community Plan and Land Use Bylaw.

Permanently protect land with conservation covenant.

A covenant is a voluntary, legal agreement between you and a conservancy that protects land from development—not just while you live on the land, but also for future caretakers of the land. Covenants registered through the Islands Trust's **Natural Areas Protection Tax Exemption Program (NAPTEP)** are eligible for a 65% reduction in property taxes on the portion of land protected.

Create a nature reserve through a donation of land to a conservancy or parks agency. If you donate land with significant ecological value, you may be eligible for additional tax benefits through the federal Ecological Gifts Program.

Opportunity Fund grants can help cover costs associated with protecting land. Contact Islands Trust Conservancy to learn more at 250-405-5186 or itcmail@islandstrust.bc.ca.

For information on conservation covenants, land donations, and stewardship programs, contact:

Islands Trust Conservancy

islandstrustconservancy.ca
itcmail@islandstrust.bc.ca
250-405-5186

Gambier Island Conservancy

gambierc.ca (New website coming soon: gambierislandconservancy.ca)
gambierconservancy@gmail.com

This resource is adapted from material developed by Islands Trust Conservancy in collaboration with the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership and Raincoast Conservation Foundation.

Forest Conservation Checklist

Level of commitment	Impact	Action
Low  High	Moderate to high, immediate	Become a land steward: ☐ Protect living trees ☐ Leave standing dead trees (snags) and fallen trees to decay in place to provide shelter and food for wildlife ☐ Become a citizen scientist—add your observations to a growing global database using the iNaturalist app, or keep a nature journal ☐ Garden with native species ☐ Keep cats indoors as much as possible ☐ Control invasive species, like ivy, holly, daphne and broom ☐ Restrict vehicle and livestock access into forests ☐ Remember that fire is a natural and important part of forest ecosystems. Protect your home from fire through FireSmart home maintenance and by creating a 10-metre protective buffer of fire-resistant native plants. Help protect your community from fire by protecting old-growth forests: their high moisture-holding capacity makes them a natural fire break. ☐ Leave large patches of natural forests intact
Moderate	Potentially high, medium-term	Consider how your community can protect forests through inclusion of Environmental Development Permit Areas and conservation guidelines in your Official Community Plan.
High	High, long-term	Permanently protect your land with conservation covenant. A covenant is a voluntary, legal agreement between you and a Conservancy that protects your land from development not just while you own and live on the land, but even after your property is sold or transferred to new owners. Covenants registered through the Natural Area Protection Tax Exemption Program (NAPTEP) are eligible for a 65% reduction in property taxes on the portion of land protected.
High	High, long-term	Donate land to the Islands Trust Conservancy or another conservation agency. The land will be permanently cared for and protected to achieve your conservation vision. If you donate land with significant ecological value, you may be eligible for additional capital gains tax exemptions through the federal Ecological Gifts Program.



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 24, 2020

Islands Trust Conservancy Board News

Due to the COVID-19 pandemic, the Islands Trust Conservancy (ITC) Board resolved to hold meetings electronically due to Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act. Meetings will be live streamed, and the public can participate by connecting to the link or the phone number provided in the meeting notice. The Board also directed staff to investigate the use of electronic meetings as a primary meeting format. Electronic meetings have resulted in cost savings to ITC as well as reductions in travel time and greenhouse gas emissions for Board members.

A Board meeting schedule for 2021 was approved and will be posted to www.islandstrustconservancy.ca/about-us/meetings/.

ITC reviewed options for sustainable investing as guided by policies and guidelines in its 5-year plan. ITC staff will work with administrative staff to move investments into funds that are in alignment with the [United Nations Sustainable Development Goals](#).

The 2021/22 budget was reduced by \$3,600 to reflect anticipated cost savings in areas of Board training, staff training, and associated training travel. ITC travel budgets were not greatly reduced as they are required for property management and are not meeting related.

Regional Conservation Plan Updates

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

Goal 1 – Science-based Conservation Planning

ITC has signed a Contribution Agreement with Environment and Climate Change Canada for a new, three-year Species at Risk Program. Staff are working to launch the program and plan to develop a project charter for Board consideration.

Goal 2 – Strong relationships with First Nations

In October, ITC Board directed staff to create an ITC Reconciliation Action Plan that reflects prior directions in Goal 2 of the Regional Conservation Plan. Staff continue to work towards this plan and are also currently incorporating information from indigenous knowledge holders into land securement (acquisitions and covenants) and land management.

Goal 3 – Protection of core conservation areas

Two Natural Area Protection Tax Exemption Program (NAPTEP) proposals on Salt Spring Island were approved (See details below).

The ITC Board concluded its 2020 property monitoring program and reviewed and approved the 2020 Nature Reserve Monitoring Report and the 2020 NAPTEP Covenant Monitoring Report. Staff were directed to undertake actions identified in the reports.

The Covenant Management and Outreach Specialist outlined plans for outreach with NAPTEP landowners in 2021.

Goal 4 – A strong voice for nature conservation

The [Opportunity Fund](#), which is a funding program for island-based land conservation, has been very popular this year and is down to \$10,000. Through small grants (~\$5,000), the Fund supports hard to fundraise costs for island-based land conservation. ITC has done an appeal for fund donations through the Heron Newsletter mail-out, and via E-news. A Holiday Appeal letter from Chair Stamford will follow in December. Donations are tax receiptable and are greatly appreciated.

Visit www.islandstrustconservancy.ca/donate/ to donate.

The Board reviewed annual training opportunities and indicated a preference for training on the following topics:

- Fund Development and Speaking with Donors
- Cultural Sites and Property Management
- Species at Risk in the ITC Area

The Board received a briefing on completion of the 2020 forest outreach campaign, where over 400 letters and NAPTEP brochures were mailed to landowners to encourage conservation. Staff are following up with several landowners who have expressed an interest in formal land conservation. Conservation proposals have been received from landowners included in the outreach.

The recently released [Fall Heron Newsletter](#) reflects changes for greater readability and a more donor-centric approach.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

Activities by Local Trust Area/Island Municipality

Bowen – Staff are working with the Bowen Island Conservancy on an invasive species management strategy for a conservation covenant, and monitoring of three ITC nature reserves and to complete the Opportunity Fund grant for the Bowen Island Conservancy.

Gabriola – Invasive species management and ecological restoration work has been completed for the year in one conservation covenant, and in Elder Cedar Nature Reserve. Staff are working on new signage for the Elder Cedar Nature Reserve.

Galiano – Forest restoration activities with Habitat Acquisition Trust at Trincomali Nature Sanctuary including removing invasive species and monitoring areas of past plantings, including maintaining fencing. Cormorant nest monitoring and reporting also took place.

Gambier/Keats – The transfer of the Sandy Beach Nature Reserve, Keats Island, is pending.

Lasqueti – Staff reported that Visual Quality Objectives (VQO) for Lasqueti Island were being revised by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and the area adjacent to the ITC Mount Trematon Nature Reserve was proposed for removal from the VQO. Staff responded requesting that the area remain as part of the VQO.

Restoration activities were conducted at the pond in Salish View Nature Reserve to improve habitat for Species at Risk. With funding from Environment and Climate Change Canada, restoration activities included fence installation and planting of 841 native species. Work was completed with assistance of volunteers on Lasqueti and conservation covenant partners Lasqueti Island Nature Conservancy and Nanaimo & Area Land Trust. Provincial CoViD-19 safety guidelines were followed.

North Pender/Sidney Island – Staff are participating in the Steering Committee and working groups of a Parks Canada-led initiative to restore forest ecosystems on Sidney Island, where ITC holds eight conservation covenants. Staff have encouraged covenant landholders on North and South Pender to participate in The Pender Islands Big Tree Registry initiative.

Salt Spring – The ITC Board approved negotiation of two NAPTEP covenants: 45 ha near Burgoyne Bay Provincial Park and 5 ha of forest, bluff and wetland near Stowel Lake.

Invasive species management and ecological restoration has been completed for the year in two nature reserves and is under way in two NAPTEP covenants.

Planning has begun for species-at-risk habitat conservation and enhancement projects across a network of conservation covenants and nature reserves.

Staff participated in the annual meeting of the Special Management Area Resource Team for Mount Tuam Special Management Area, which includes an ITC conservation covenant and nature reserve.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

**Agricultural Land Reserve**

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2020.1	Savoie, Mary	15-Apr-2020	PID: 001-186-434 Active farming & market gardening, applying to build a house. Civic address: 70 Central Road, Hornby Island, BC.

Planner: Ian Cox**Planning Status****Status Date:** 26-Jun-2020

LTC forward application to ALC by resolution. Staff awaiting Commission decision before companion SUP issuance.

Status Date: 10-Jun-2020

Scheduled June 26th LTC meeting agenda item.

Status Date: 12-May-2020

Under review by planner. Target June 26, 2020 LTC meeting as agenda item.

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2020.1	School District No. 71 (Bradley Shuya Architect Inc.)	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.

Planner: Bronwyn Sawyer**Planning Status****Status Date:** 28-Oct-2020

Report on November 6, 2020 LTC mtg agenda

Status Date: 13-Aug-2020

File reassigned

Status Date: 22-Jun-2020

Waiver to survey requirement requested - on June 26th LTC agenda



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2020.2	School District No. 71 (Bradley Shuya Architect Inc.	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 28-Oct-2020

Report on November 6, 2020 LTC mtg agenda

Status Date: 13-Aug-2020

File reassigned

Status Date: 22-Jun-2020

Waiver to survey requirement requested - on June 26th LTC agenda

Rezoning

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 11-Sep-2020

Second reading and direction to schedule CIM and Public Hearing

Status Date: 22-Jun-2020

Bylaws drafted on June 26th LTC agenda

Status Date: 01-May-2020

Introductory staff report on May 1st LTC agenda

**Applications****Rezoning**

File Number	Applicant Name	Date Received	Purpose
HO-RZ-2020.1	Dixon Lake Properties Ltd. (Daysgoneby.Org Land Stewards Ltd.)	13-Oct-2020	PID: 001-034-367 Rezoning. Civic address: 2105 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna**Planning Status****Status Date:** 07-Dec-2020

Campground site plan and copy of water license received.

Status Date: 24-Nov-2020

Request for additional information, including survey plan.

Status Date: 16-Nov-2020

Planner reviewing file.

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.11	Savoie, Elaine & Mary	05-Nov-2019	PID: 001-186-434 Building SFD. Civic address: 2555 West Carmichael Road, Hornby Island, BC.

Planner: Ian Cox**Planning Status****Status Date:** 15-Jun-2020

ALC non-adhering residential use application for LTC forwarding to Commission on June 26th LTC meeting agenda.

Status Date: 18-Feb-2020

Applicant is actively working with ALC staff. ALC application to LTC received with possible June 26th electronic meeting agenda item.

Status Date: 05-Dec-2019

Applicant may need Agricultural Land Commission Non-Adhering Residential Use (NARU) permission in relation to decommissioning of existing house. Permit on hold until further information received from ALC.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.5	School District No. 71 (Bradley Shuya Architect Ind.)	12-Mar-2020	PID: 000-457-752 Building new school. Civic address: 2100 Sollans Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 13-Aug-2020

File reassigned

Status Date: 16-Jun-2020

Request for waiver of survey requirement on June 26, 2020 LTC agenda

Status Date: 14-May-2020

Payment received May 14, 2020

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2020.9	Jean-Pierre Raulot-Lapointe	25-Jun-2020	PID: 002-835-258 Building a small house. Civic address: #9, 4150 Parnell Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 27-Aug-2020

Planner advised applicant to contact Arch Branch.

Status Date: 17-Aug-2020

Planner reviewing file.

Status Date: 16-Jul-2020

EFT received; file opening letter sent



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.1	Stead, Sharon & Richard	05-Jan-2021	PID: 002-755-181 Siting second residence to property in the ALR. Civic address: 6555 Central Road, Hornby Island, BC.
Planner: Ian Cox			
Planning Status			
Status Date: 12-Jan-2021			
File opened & assigned.			

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2021.2	Dickie, Allan & Bonnie	07-Jan-2021	PID: 000-941-344 Building art studio. Civic address: 4420 Brigantine Crescent, Hornby Island, BC.
Planner: Stephen Baugh			
Planning Status			
Status Date: 12-Jan-2021			
File opened & assigned.			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.2	Payne, Jeremy	12-Mar-2020	PID: 003-869-008 Temporary seasonal food truck. Civic address: 3005 Saint John's Point Road, Hornby Island, BC
Planner: Jaime Dubyna			
Planning Status			
Status Date: 30-Oct-2020			
Planner requested update on pending conditions for issuance of TUP.			
Status Date: 15-Jul-2020			
Planner requested update on pending conditions for issuance of TUP.			
Status Date: 26-Jun-2020			
Application considered by LTC. LTC approved issuance for one year provided: a SUP is obtained, screening of shipping container, and a VIHA permit is submitted.			



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.3	Hornby Island Co-Operative Association Inc.	28-Oct-2020	PID: 026-371-791 Water extraction & sales Civic address: 5875 Central Road, Hornby Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 12-Jan-2021

Awaiting internal referral comment from FWS.

Status Date: 26-Nov-2020

Under review. 2021 LTC meeting agenda item to be scheduled.

Status Date: 06-Nov-2020

File material received, open file & assign

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending October 2020

635 Hornby	Invoices posted to Month ending October 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	412.00	0.00	412.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,022.00	1,054.71	967.29
65210-635	LTC - Local Exp - APC Meeting Expenses	283.00	233.40	49.60
65220-635	LTC - Local Exp - Communications	250.00	248.00	2.00
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,849.00</u>	<u>1,536.11</u>	<u>1,312.89</u>
Projects				
73001-635-2004	Hornby OCP/LUB	3,500.00	360.00	3,140.00
TOTAL Project Expenses		<u>3,500.00</u>	<u>360.00</u>	<u>3,140.00</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

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

No.	Meeting Date	Resolution No.	Issue	Policy
				• However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the Local Trust Committee.
3.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: “That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”

No.	Meeting Date	Resolution No.	Issue	Policy
4.	May 24, 2019	HO-2019-038	First Nations Relationship Building	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
5.	January 24, 2020	HO-2020-013	Bylaw Enforcement to undertake proactive enforcement of non-compliant STVRs	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement: • Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media. • More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.

No.	Meeting Date	Resolution No.	Issue	Policy
				• While the property is rented, additional persons are staying in tents, trailers or recreational vehicles. • There are issues related to health and safety in accordance with the Land Use Bylaw. • There is more than one complaint from the immediate neighborhood (defined as being within 200 meters of the subject property) regarding issues related to the Short Term Vacation Rental, such as noise, parking congestion, more than one guest/party in a week, or too many people. • The residential dwelling being used as a Short Term Vacation Rental does not meet the following criteria for Short Term Vacation Rentals from the Hornby Island Official Community Plan Bylaw No. 149: ○ that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or ○ where the owner or residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or ○ where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring. • The Short Term Vacation Rental is not managed locally, or was purpose built to be a Short Term Vacation Rental. • A complaint is made by an official of a government regulatory body or the bylaw enforcement officer and it concerns overuse of water, inadequate septic capacity, or too many buildings on the property.
6.	June 26, 2020	HO-2020-055	Standing Resolution regarding Restaurant Expansion during COVID Emergency Response - Staff Report	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: That the Hornby Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees in the Hornby Island Local Trust Area.
7.	November 6, 2020	HO-2020-074	Proactive Enforcement of Year-Around Unlawful Housing	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2021.

No.	Meeting Date	Resolution No.	Issue	Policy
8.	November 6, 2020	HO-2020-081 See HO-2017-011 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2021.

Top Priorities Report

Hornby Island

1. *Comprehensive OCP Review*

The Hornby Island Local Trust Committee would like a Comprehensive Official Community Plan amendment to be prioritized by the Regional Planning team.

Responsible

David Marlor

Dates

Rec'd: 06-Nov-2020

2. *Watershed Protection and Groundwater Preservation*

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

Responsible

William Shulba

Dates

Rec'd: 08-Jun-2018

3. *Amend the OCP and LUB with regards to the Rural Residential land use designation and R2 zoning regarding Minimum Average Lot Area.*

Make the OCP and LUB consistent with regards to Minimum average lot area and clarify language to make it clearer for the reader.

Responsible

Heather Kauer

Dates

Rec'd: 06-Nov-2020

Projects Report

Hornby Island

1. *Ford Cove Consultation*

Responsible

Date Received

Conduct a consultative process for the Ford Cove area

2. *Public Use area planning*

Responsible

Date Received

Support collaborative planning process for Public Use areas

27-Mar-2015

3. *Marine Protection*

Responsible

Date Received

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

28-Sep-2018

4. *Improving Bylaw Compliance*

Responsible

Date Received

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

28-Sep-2018

5. *Ecosystem Protection*

Responsible

Date Received

Consider potential utilization of the Regional Conservation Plan.

28-Sep-2018



Projects Report

Hornby Island

6. *Addressing Climate Change*

Responsible

Date Received

Review measures to address climate change including through implementation of OCP policies

28-Sep-2018

7. *Addressing housing needs*

Responsible

Date Received

A project to identify, assess and implement housing opportunities including reviewing residential density on rural lots and considering staff accommodation on commercial lots.

25-Jan-2019

8. *Implementation of Coastal Douglas-fir Toolkit*

Responsible

Date Received

25-Jan-2019

9. *Model Cell Tower Consultation Process*

Responsible

Date Received

13-Sep-2019



Islands Trust Council Highlights December 1-3, 2020

The following is a list of highlights of Trust Council's activities and decisions during its December 1-3, 2020 meeting held electronically. These highlights are not the official minutes of the Trust Council meeting; Trust Council will adopt those at its March 2021 electronic meeting.

Governance and Management Review

Trust Council approved an external review of the Islands Trust's governance, management and operations.

Policy Statement Amendment Project (PSAP)

A full day of discussion around the PSAP project has been allocated to the March 2021 Trust Council.

A motion to define the words "unique amenities" was postponed for consideration to the March Trust Council meeting.

Trust Council requested Trust Programs Committee (TPC) prepare questions for trustees regarding themes that have been emerging during discussion of the PSAP, and the responses be provided to TPC by the end of January 2021.

The Community Benefit Land Trust briefing was referred to TPC for consideration in the context of the Trust Policy Statement Project.

Natural Area Property Tax Exemption Program (NAPTEP) Certificates Issued

Two NAPTEP certificates were issued for Salt Spring Island protecting 48.5 ha of island ecosystems through the tax exemption program.

Strategic Plan Amended

Trust Council approved the development of heritage preservation overlay mapping for the Trust Area and the development of model heritage regulatory bylaws for protection of potential heritage and cultural sites.

Active Transportation Planning Grant

Trust Council supported the Gabriola Island Local Trust Committee's application for a Transportation Planning Grant.

Accelerating Planner Staffing Shifts to Support Strategic Plan Goals

It was requested that an analysis of this request will be brought back to the March Trust Council for consideration.

Freighter Anchorages Advocacy

Trust Council reaffirmed its position to further advocate for the removal of 33 freighter anchorages in the Salish Sea.

Staff will obtain a legal opinion on the ability of Islands Trust to prohibit or regulate non-emergency anchoring of vessels in the waters of the Trust Area and consider drafting model bylaws for this purpose.

Federal Aquaculture Act Consultation

Trust Council will prepare a submission to the consultation regarding development of Canada's first-ever Aquaculture Act.

New Staffing Considerations

Trust Council approved a business case be forwarded to the March budget session to consider funding a Communications Specialist position for bylaw infraction prevention.

Trust Council 2021 Meeting Schedule

Trust Council adopted the following meeting dates and locations for 2021: March 9-11/electronic, June 8-10/electronic, September 21-23/in-person Nanaimo and November 30 to December 2/in-person Victoria.

Annual Staff Awards

- *The Innovation Award* to Mark van Bakel and David Beeston for outstanding and ongoing efforts to pivot Islands Trust to a remote workforce.
- *The Champion Award* to William Shulba for upholding the Islands Trusts' mandate and policy in action and through projects.
- *The Legacy Award* to Sonja Zupanec to celebrate and acknowledge the creation of lasting change within the Islands Trust that improves and enriches who we are, how we work, and what we represent.



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Web www.islandstrust.bc.ca

November 30, 2020

File No.: 5020-30

Via Email: Premier@gov.bc.ca
FLNR.minister@gov.bc.ca
ENV.minister@gov.bc.ca
Minister.Transportation@gov.bc.ca
MAH.minister@gov.bc.ca

The Honourable
John Horgan
Premier of British
Columbia
PO BOX 9041,
STN PROV GOVT
Victoria BC
V8W9E1

The Honourable
Katrine Conroy
Minister of Forests,
Lands, Natural
Resource Operations
and Rural
Development
PO BOX 9049
STN PROV GOVT
Victoria BC
V8W9E2

The Honourable
George Heyman
Minister of
Environment and
Climate Change
Strategy
PO BOX 9047,
STN PROV GOVT
V8W9E2

The Honourable
Rob Fleming
Minister of
Transportation and
Infrastructure
PO BOX 9055,
STN PROV GOVT
Victoria BC
V8W9E2

The Honourable
Josie Osborne
Minister of
Municipal Affairs
PO BOX 9056,
STN PROV GOVT
Victoria BC
V8W9E2

Dear Premier and Ministers:

Re: Development of BC Coastal Strategy and Law

Congratulations on your recent election success and the appointment of the Executive Council. The Islands Trust Council is looking forward to working with you over the next four years to advance protection of the Islands Trust Area. I am writing to advise you that during its September 15-16, 2020 meeting, following a joint presentation by Canadian Parks and Wilderness Society and West Coast Environmental Law, the Islands Trust Council passed the following motion:

THAT Trust Council direct the Chair to write to the Premier and all relevant Ministers of the BC government on behalf of Trust Council to request that the BC Government develop and enact a Coastal Strategy and law to leverage and coordinate the work of provincial ministries, First Nations, local communities, and stakeholder groups to preserve coastal and ocean health, halt coastal habitat loss, accelerate the completion of a network of marine protected areas to benefit fisheries, biodiversity and the economy, set marine environmental quality objectives from upland activities, and help communities adopt ecosystem-based approaches to manage risks from flooding due to extreme weather events, sea level rise, climate change, and ocean acidification.

As we make efforts to mitigate and adapt to the current climate emergency, this form of coordinated and strategic approach will be critical to the preservation of lands and waters in the region and to our long-term climate resilience.

.../2

Thank you for considering this request.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc:

Parliamentary Secretary for Environment	S̱ÁUTW (Tsawout) First Nation
The Minister of State for Lands, Natural	Stz'uminus First Nation
Resource Operations	SXIMEŁŁ (Esquimalt) Nation
BOKEĆEN (Pauquachin) First Nation	Tla'amin (Sliammon) Nation
Cowichan Tribes	Tsawwassen First Nation
Halalt First Nation	Tsleil-Waututh Nation
Homalco First Nation	T'Sou-ke Nation
Klahoose First Nation	Wei Wai Kum (Campbell River) First Nation
K'ómoks First Nation	We Wai Kai (Cape Mudge) First Nation
Lake Cowichan First Nation	WJOLŁP (Tsartlip) First Nation
Lekwungen (Songhees) Nation	W̱SIKEM (Tseycum) First Nation
Lyackson First Nation	x̱m̱əθḵəy̱əm Musqueam
MÁLEXEŁ (Malahat) Nation	First Nations Leadership Council
Penelakut Tribe	Hul'qumi'num Treaty Group
Qualicum First Nation	Laich-kwil-tach Treaty Society
Scia'new (Beecher Bay) First Nation	Nanwakolas Council
SEMYOME (Semiahmoo) First Nation	Naut'sa mawt Tribal Council
shíshálh First Nation	Te'mexw Treaty Association
Snuneymuxw First Nation	Bowen Island Municipal Council
S̱wxwú 7mesh (Squamish) Nation	Islands Trust Council
Snaw-naw-as (Nanoose) First Nation	Islands Trust website



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November 30, 2020

File No.: 11-4960-30

Via email: MAH.minister@gov.bc.ca

The Honourable Josie Osborne
Minister of Municipal Affairs
PO BOX 9056, STN PROV GOVT
Victoria BC V8W9E2

Dear Minister:

RE: Enhance Islands Trust's Jurisdiction Over Tree Cutting

Congratulations on your recent election success and appointment as Minister of Municipal Affairs. The Islands Trust Council is looking forward to working with you over the next four years to advance protection of the Islands Trust Area. I am writing to advise you that during its September 15-16, 2020 meeting, the Islands Trust Council passed the following motion:

That Islands Trust request the Province enhance the Trust's jurisdiction over tree cutting bylaws to make its jurisdiction equal to that of municipalities under section 8 of the Community Charter.

The protection of sensitive forest ecosystems is a top priority for Islands Trust and a cornerstone of our 2018-2022 Strategic Plan. In addition to this request for additional local trust committee powers, we want you to know that we are still requesting that the Province change legislation so that local trust committees could regulate, but not prohibit, forest activities on Private Managed Forest Lands within the Islands Trust Area.

In March 2019, Islands Trust Council joined First Nations and governments around the world in declaring a Climate Emergency, calling for an urgent response to the threats and costs posed by climate change. Proper management and protection of forest ecosystems and green carbon sinks in the Trust Area will be critical to the Trust's climate mitigation and adaptation efforts.

Thank you for considering this request.

Sincerely,

Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

.../2

cc:

BÓÉĆEN (Pauquachin) First Nation	SṪÁUTW (Tsawout) First Nation
Cowichan Tribes	Stz'uminus First Nation
Halalt First Nation	SXIMEŁŁ (Esquimalt) Nation
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