



Hornby Island Local Trust Committee

Regular Meeting Agenda

Date: July 17, 2015
Time: 11:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

Pages

- | | | | |
|------|---|---------------------|---------|
| 1. | CALL TO ORDER | 11:30 AM - 11:35 AM | |
| 2. | APPROVAL OF AGENDA | | |
| 3. | TOWN HALL AND QUESTIONS | 11:35 AM - 11:50 AM | |
| 4. | COMMUNITY INFORMATION MEETING - none | | |
| 5. | PUBLIC HEARING - none | | |
| 6. | MINUTES | 11:50 AM - 12:00 PM | |
| 6.1 | Local Trust Committee Minutes Dated May 15, 2015
- for Adoption | | 3 - 13 |
| 6.2 | Local Trust Committee Special Meeting Minutes
dated June 4, 2015 - for adoption | | 14 - 16 |
| 6.3 | Section 26 Resolutions-without-meeting Report
dated June 29, 2015 | | 17 - 17 |
| 6.4 | Advisory Planning Commission Minutes - none | | |
| 7. | BUSINESS ARISING FROM MINUTES | 12:00 PM - 12:15 PM | |
| 7.1 | Follow-up Action List dated June 29, 2015 | | 18 - 19 |
| 8. | DELEGATIONS | | |
| 9. | CORRESPONDENCE | | |
| | Correspondence received concerning current applications
or projects is posted to the LTC webpage | | |
| 10. | APPLICATIONS AND REFERRALS | | |
| 10.1 | Denman Island Local Trust Area Bylaw Referral
Request for Response Regarding Bylaw Nos. 212
and 213 | | 20 - 22 |

11.	BREAK	12:15 PM - 12:30 PM	
12.	LOCAL TRUST COMMITTEE PROJECTS	12:30 PM - 2:15 PM	
12.1	Riparian Areas Regulation Implementation		
12.1.1	<u>Development Approval Information (DAI)</u> <u>- Staff Report dated June 15, 2015</u>		23 - 34
12.1.2	<u>Staff Report dated June 17, 2015</u>		35 - 62
12.2	Official Community Plan (OCP) and Land Use Bylaw (LUB) Review		
12.2.1	<u>OCP Staff Report dated June 24, 2015</u>		63 - 184
12.2.2	<u>LUB Staff Report dated June 10, 2015</u>		185 - 189
13.	REPORTS	2:15 PM - 2:30 PM	
13.1	Work Program		
13.1.1	<u>Top Priorities Report dated June 29, 2015</u>		190 - 190
13.1.2	<u>Projects List Report dated June 29, 2015</u>		191 - 192
13.2	Applications Report dated June 29, 2015		193 - 195
13.3	Trustee and Local Expense Report dated May, 2015		196 - 196
13.4	Adopted Policies and Standing Resolutions		197 - 197
13.5	Local Trust Committee Webpage		
13.6	Chair's Report		
13.7	Trustee Reports		
13.8	Electoral Area Director's Report		
13.9	Trust Fund Board Report - May, 2015		198 - 198
14.	NEW BUSINESS		
15.	UPCOMING MEETINGS		
15.1	Next Regular Meeting Scheduled for August 14, 2015 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC		
16.	TOWNHALL	2:30 PM - 2:45 PM	
17.	CLOSED MEETING - none		
18.	ADJOURNMENT	2:45 PM - 2:45 PM	



**Hornby Island Local Trust Committee
Minutes of Regular Meeting**

Date: May 15, 2015
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

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

Staff Present Rob Milne, Island Planner
Vicky Bockman, Recorder

Others Present There were approximately three (3) members of the public – am
There were no members of the public – pm

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:30 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendments to the agenda were presented for consideration:

Additions:

- 9.2 Email from Bernhard Weiss dated April 10, 2015 Re: RAR and Roadside Ditches
- 9.3 Email from Bernhard Weiss dated May 12, 2015 re: RAR Implementation and DAI Bylaw
- 14.5 Possible Bylaw Amendments to Address ISLA Development Proposal
- 14.6 Ferry Advocacy
- 14.7 K'omoks First Nation – Provision of Conservation Data

Changes:

Move item 14.5 to follow 7.1.

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

None.

4. COMMUNITY INFORMATION MEETING

None.

5. PUBLIC HEARING

None.

6. MINUTES

6.1. Local Trust Committee Minutes Dated March 27, 2015 for Adoption

By general consent the Local Trust committee (LTC) meeting minutes of March 27, 2015 were adopted.

6.2. Section 26 Resolutions-without-meeting Report Dated May 5, 2015

Received.

6.3. Advisory Planning Commission Minutes

None.

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated May 5, 2015

Planner Milne presented the report and provided updates on items in progress.

14. NEW BUSINESS

14.5. Possible Bylaw Amendments to Address ISLA Development Proposal

Trustee Law reported that two items requiring LTC consideration of possible bylaw amendments have arisen and proposed that they be discussed concurrently in order to address them in a timely manner.

He reported that Islanders' Secure Land Association (ISLA) finds it necessary to adjust how the land ownership of their project is structured. He indicated that Stan Combs was in attendance to speak on behalf of ISLA and to answer questions or provide information. Additionally, Trustee Law pointed out that in an oversight in the draft Land Use Bylaw (LUB) preparation the Elder Housing's permitted additional unit had been inadvertently omitted.

Discussion followed on these matters and the following key points were noted:

ISLA

- Mr. Combs explained that as a part of their financing model, ISLA had intended that those who could qualify would have the option to obtain a mortgage to build their house on the registered leased property. He indicated that they have learned that mortgage lenders require the property lease to be the same duration as the mortgage; however leases can only be registered for up to three years. He noted that a bare-land strata with all property owned by ISLA has been determined to be the only option available to mitigate this financing concern;

- Planner Milne provided an explanation of the current ownership approach that allows for density and for the number of units however does not permit the subdivision of the property. The bare-land strata model would not change density or use however would be comprised of lots surrounded by common property which creates a subdivision;
- Trustees discussed options to address this situation that included the elimination of the no-subdivision clause in the proposed LUB or the consideration of a Development Variance Permit (DVP) application, housing agreement and application to the Ministry of Transportation and Infrastructure to subdivide;
- processing a DVP application, once the bylaw is adopted, was considered to be the most effective approach; and
- costs and the possibility of the Executive Committee waiving the fee were discussed.

Elder Housing

- the intended inclusion of an additional density unit that was addressed by the LTC in consideration of the draft LUB was mistakenly omitted from the draft bylaw;
- Planner Milne suggested this could be addressed efficiently through a rezoning application, noting that the planned change did not create new lots, only changed how the density could be created; and
- process, costs and the possibility of waiving of fees by the Executive Committee were discussed.

The LTC took no action at this time. Planner Milne indicated that he will inquire into the waiving of fees and will work with the applicants to move these processes forward, reporting back to the LTC at a future meeting.

8. DELEGATIONS

None.

9. CORRESPONDENCE

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

9.1. Email dated April 12, 2015 from Karen Ross regarding Riparian Areas Regulation - Applicable Ditches

Planner Milne advised that this email was forwarded to the Ministry of Environment for comment in the referral process.

9.2. Email from Bernhard Weiss dated April 10, 2015 Re: RAR and Roadside Ditches

Trustees acknowledged the ongoing concerns expressed by community members regarding the inclusion of non-fish bearing ditches in the Riparian Areas Regulation (RAR). They indicated their desire to explore options that might

achieve the objectives of RAR and address the concerns of the community. They suggested that a staff report providing information on cost to conduct a simple assessment of ditches on Central Road and possible funding sources for that project would be useful.

Planner Milne commented on the Request for Proposal process that would be necessary, the Gabriola Island response to a similar experience, and the need to meet RAR requirements.

HO-2015-019

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee request staff to include in the report on RAR implementation information on financial and process issues involved in obtaining a simple assessment of roadside ditches that have been identified as being non-fish bearing.

CARRIED

The LTC recognized a member of the public wishing to address the LTC.

Karen Ross thanked the trustees and planner for their willingness to continue to explore options on this issue, and commented that she appreciates and prefers having an on-going conversation in a non-confrontational manner.

9.3. Email from Bernhard Weiss dated May 12, 2015 re: RAR Implementation and DAI Bylaw

Planner Milne responded to a point in the correspondence by noting that the RAR implementation regulation manual identifies a mandatory Streamside Protection and Enhancement Area width for ditches of 2 metres. He clarified that a simple assessment might change the associated assessment area and possibly moderate the impacts of the requirement; however, observed that removing ditches from RAR consideration would result in non-compliance of the regulation. He commented that this correspondence will be further addressed at agenda item 11.1.1.

Planner Milne commented that a number of exemptions have been included in the proposed RAR bylaws based on the Gabriola Island proposed bylaw model, and reported that their bylaw has now received Ministerial approval. He responded to an earlier concern, noting that the Community Trail is not a regulated use and will be exempted from the RAR requirements.

Planner Milne identified next steps in the process that will include consideration of referral responses, a staff report, possible amendments to the bylaws if necessary, the giving of necessary readings and conducting a public hearing.

Trustees acknowledged that this is a difficult topic to for everyone to understand, observed that communication of the project is a challenge and thanked Planner Milne for his assistance.

HO-2015-020

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

that the Hornby Island Local Trust Committee receive correspondence items 9.1, 9.2 and 9.3.

CARRIED

10. APPLICATIONS AND REFERRALS

None.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Riparian Areas Regulation Implementation

11.1.1. Development Approval Information (DAI) - Staff Report dated April 13, 2015 and Draft Bylaw

Planner Milne presented the staff report to address a draft Development Approval Information (DAI) bylaw as a component of the RAR implementation project. He outlined the purpose of a DAI bylaw and noted that the *Local Government Act* is the source of the authority for a LTC to adopt a DAI bylaw.

He discussed aspects of the draft DAI bylaw in response to points raised in the Bernhard Weiss correspondence of May 12, 2015. He identified the classes of applications that can be required to provide DAI and advised that all of Hornby Island is proposed to be designated as a DAI area which is a common approach. He advised that the draft DAI bylaw does not attach requirements specific to RAR as those regulations stand alone in the RAR bylaws.

Trustees requested clarification as to why Development Permit Areas have been amalgamated rather than separated in the draft bylaw.

Discussion ensued and the following key points were noted:

- Planner Milne explained that the required information is meant to be selectively chosen from the list based on the different levels of information needed for different types of applications;
- Trustees requested:
 - additional clarity be provided in the DAI bylaw that explains that applicants will only be asked to provide information that is relevant to that particular application and the impacts it might have;
 - that this explanation be inserted into a point early in the draft DAI bylaw, such as in Part II Purpose;
 - text was suggested to include words such as “only”, “relevant” and “targeted”; and
- Trustees requested that an information box be inserted into the draft DAI bylaw to clarify that DAI requirements for RAR are

included in the RAR bylaw with information as to where this information can be found.

By general consent staff was requested to incorporate comments made during the LTC consideration into the draft DAI bylaw and to provide an updated version at the next meeting.

By general consent item 16. was moved to follow 11.1.

16. TOWNHALL

Sheila Farrington commented that the use of short and complete sentences in the writing of bylaws would improve the clarity.

Ruth Goldsmith described the necessity of repairing or rebuilding the Catholic Church on Hornby Island and asked what process might be required.

Planner Milne responded that a Siting and Use Permit would be likely and described the permit application process. Trustee Law offered to provide a link to the relevant material and the Planner's contact information.

By general consent agenda item 13 was moved to follow item 16.

13. BREAK

The meeting was recessed at 1:00 pm and reconvened at 1:20 pm.

12. REPORTS

12.1. Work Program

12.1.1. Top Priorities Report Dated May 5, 2015

Planner Milne presented the report and provided an update on the Official Community Plan bylaw status, noting that it is moving forward in the process. He observed that the LTC might give consideration to the addition of another item to the Top Priority List and confirmed that a student planner is available and might be a resource to assist in moving an appropriate project forward.

Trustees discussed possible projects to advance and targeted the item: "Review and update 'Building on Hornby Island' brochure and include HPO information" as a possibility". They suggested reviewing the Lasqueti publication as a possible model and may give consideration to a combined Hornby/Denman publication approach.

HO-2015-021

It was MOVED and SECONDED

that staff be requested to investigate and report on the possibility of a summer student working on a project to develop information on building and development on Hornby Island with respect to regulations and best practices.

CARRIED

12.1.2. Projects List Report Dated May 5, 2015

Received.

12.2. Applications Report Dated May 5, 2015

Planner Milne advised that the report information is current and there are no updates to provide.

Trustees requested that the property addresses be uniformly added to the report files, noting that some but not all are listed under the “purpose” field. Planner Milne indicated that he would discuss implementation of this request at a planner meeting.

12.3. Trustee and Local Expense Report Dated March, 2015

Trustees reviewed an updated LTC Expense Summary Report with invoices posted to Month Ending March 2015.

12.4. Adopted Policies and Standing Resolutions

Received.

12.5. Local Trust Committee Webpage

At the request of a trustee, Chair Busheikin offered to inquire about the use of the term “Strait of Georgia” rather than “Salish Sea” on the website. There were no changes or additions requested at this time.

12.6. Chair's Report

Chair Busheikin reported that Executive Committee is preparing for the June Trust Council meeting which will include a facilitated Strategic Planning session. She advised that late motions at Trust Council are problematic and all trustees are being asked to talk to staff, get support and prepare motions in advance of the meeting.

She commented that the Executive Committee met with the Assistant Deputy Minister of Community, Sport and Cultural Development who was receptive to

the request for the name change of the Trust Fund and discussed the status of bylaws in process and the possible Salt Spring Island incorporation.

Chair Busheikin provided an overview of the workshop, "Understanding the Village", she attended recently which addressed First Nations issues. She found it to be informative and insightful. She noted that there is a similar event occurring on Denman Island in June and suggested it might be of interest to Trustees.

12.7. Trustee Reports

Trustee Allen provided a report of the Ferry Advisory Committee (FAC) meeting that he attended. He advised that the Cable Ferry is scheduled to begin training exercises and proficiency drills at the end of June, reserved spaces for some Hornby vehicles at Denman West will be reviewed once the Cable Ferry is operational on a pilot program approach, and there was discussion on the length of the peak season and the afternoon service "gap" with no successful solutions presented. He advised that it was reported that the BC Ferries cost savings are reasonably on target and noted that the FAC has instituted an eight-year term limitation for its members.

Trustee Law indicated that the topic of insufficient housing on Hornby Island has been the source of much community conversation lately and in response he has initiated a meeting to share ideas and look at ways that might put people needing housing together with available rental housing. He informed the LTC that this was not being done in his role as a Trustee and the LTC supported this initiative.

12.8. Electoral Area Director's Report

None.

12.9. Trust Fund Board Report - April 2015

Trustee Law provided updates in addition to the Trust Fund Board Report information. He reported that there will be a meeting in June with the Qualicum First Nation to discuss land on Lasqueti Island that is considered to be important to protect and meetings are ongoing regarding increasing protection of properties on Thetis Island. He reported that the Trust Fund Board is taking action to create a property management strategy and budget to present to Trust Council to ensure that management of properties is undertaken in an effective way.

14. NEW BUSINESS

14.1. Hornby Island Local Trust Committee Submission for 2014-2015 Annual Report

14.1.1. Request for Decision dated April 21, 2015

Trustees reviewed the suggested Hornby Island LTC section of the 2014-2015 Annual Report.

HO-2015-022**It was MOVED and SECONDED**

that the Hornby Island Local Trust Committee approve the attached text for inclusion in the 2014-2015 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

CARRIED

14.2. Input to Strategic Plan**14.2.1. Request for Decision dated April 8, 2015**

Chair Busheikin summarized the purpose of the Input to Strategic Plan Request for Decision and solicited suggestions from trustees for Goals, Objectives and Strategies changes or additions.

Trustees considered items for inclusion in the plan and identified protection of the ecosystems, transportation, communications and increased interaction with San Juan Island Council members as being important topics to recognize.

HO-2015-023**It was MOVED and SECONDED**

that the Hornby Island Local Trust Committee recommend adding to the Strategic Plan under Goal D "Have more collaboration with the San Juan Council Members".

CARRIED

HO-2015-024**It was MOVED and SECONDED**

that the Hornby Island Local Trust Committee support the inclusion of the following Strategy under Objective 4 of the draft Strategic Plan: Facilitate exploration of intra and inter-island transportation options to support economic, social and cultural vitality of islands in the context of addressing greenhouse gas emissions and adapting to increased ferry costs and reduced ferry service.

CARRIED

14.3. Bylaw Enforcement Report to Trust Council, March 2015

Received.

14.4. Annual Meeting with Comox Valley Regional District (CVRD) - for discussion

Planner Milne advised that he has contacted the CVRD requesting they suggest dates for the Annual Meeting. He solicited agenda items from trustees which he will forward to CVRD beforehand.

Trustees considered possible matters to include in the agenda for discussion and the following topics were identified at this time:

- Collaboration on the issue of unsightly properties
- Increase CVRD communication on noise bylaws (including pets)

14.6. Ferry Advocacy

Trustee Law noted that many are asking what savings have been achieved through ferry service reductions and action to answer the question was considered. He offered to draft a letter for the Chair's signature.

HO-2015-025

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee requests the Chair to write to the Minister of Transportation and Infrastructure to request details of net savings resulting from mandated service reductions on Routes 21 and 22 over the financial year 2014-2015.

CARRIED

Trustee Law advised that the BC Ferries Commission has requested public input by June 30, 2015 on the preliminary price cap increase on ferry fares that has been set. He offered to draft a letter for the Chair's signature to address the issue which has impacted Hornby Island significantly.

HO-2015-026

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee requests the Chair to write to the BC Ferry Commissioner to provide input on the preliminary price cap for the next performance term of the Coastal Ferry Services Contract noting the significant impact of increasing ferry fares upon the Hornby Island community.

CARRIED

14.7. K'omoks First Nation – Provision of Conservation Data

Trustee Law provided background, noting that the K'omoks First Nation is taking an interest in conservation issues on Hornby Island and that a goal of the LTC is relationship-building with this First Nation.

HO-2015-027

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee request staff to explore with Islands Trust Fund staff how to appropriately provide environmental mapping (ecosystems, eel grass, forage fish) for the Hornby Island Local Trust Area to K'omoks First Nation as a step in relationship-building and provide recommendations to the Local Trust Committee.

CARRIED

15. UPCOMING MEETINGS

15.1. Next Regular Meeting Scheduled for July 17, 2015 at 11:30 am at Room to Grow, The Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC

The LTC confirmed that the next regular meeting is scheduled for July 17, 2015 at 11:30 am at Room to Grow.

17. CLOSED MEETING

17.1. Motion to Close the Meeting

HO-2015-028

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) for the purpose of considering Advisory Planning Commission Appointments, s.90(1)(d) for consideration of Adoption of In-Camera Meeting Minutes Dated March 27, 2015 and s.90(g) for consideration of litigation or potential litigation affecting the municipality and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 2:38 pm.

17.2. Recall to Order

The meeting reopened to the public at 2:44 pm.

17.3. Rise and Report

Chair Busheikin reported that in the closed meeting the LTC adopted *In-Camera* meeting minutes of March 27, 2015.

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:45 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder



Hornby Island Local Trust Committee Minutes of Special Meeting

Date: June 4, 2015
Time: 11:30 am
Location: Room to Grow
2100 Sollans Road, Hornby Island, BC

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

Staff Present Rob Milne, Island Planner
Vicky Bockman, Recorder

Others Present There were no members of the public in attendance

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:30 am. She welcomed everyone and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. NEXT MEETING DATE

July 17, 2015 at 11:30 am at Room to Grow, Hornby Island Resource Centre, 2100 Sollans Road, Hornby Island, BC

The Local Trust Committee (LTC) confirmed that the next meeting is scheduled for July 17, 205 at 11:30 am at Room to Grow, Hornby Island Resource Centre.

4. CLOSED MEETING

4.1. Motion to Close Meeting

HO-2015-029

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee close the next part of the June 4, 2015 business meeting to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(d) for consideration of Adoption of In Camera Meeting Minutes Dated May 15, 2015 and Section 90(1)(i) to receive advice that is subject to solicitor-client privilege, including communications necessary for that purpose and that Staff be invited to attend this meeting.

CARRIED

The meeting closed to the public at 11:31 am.

5. RECALL TO ORDER

The meeting reopened to the public at 12:49 pm.

6. RISE AND REPORT FROM CLOSED MEETING

Chair Busheikin reported that in the closed meeting the LTC adopted *In Camera* meeting minutes of May 15, 2015.

By general consent the LTC resolved to add the following to the agenda: 7. Proposed Bylaw No.150.

7. PROPOSED BYLAW NO. 150

Trustee Allen declared a conflict of interest in relation to his employment at the Hornby Co-op and left the meeting at 12:50 pm.

The LTC discussed liquor sale issues and proposed that additional information addressing the options for changing proposed Bylaw No. 150 with respect to removing reference to liquor sales would be helpful in their consideration of next steps. They suggested that a staff report might address amending or abandoning and replacing proposed Bylaw No. 150 and include clarification of process. Trustee Law pointed out changes of a housekeeping nature in the Public Use Zone section that might also be addressed at this time and the LTC discussed this suggestion.

HO-2015-030

It was MOVED and SECONDED

that the Hornby Island Local Trust Committee request staff to provide advice on options for addressing the following issues with respect to proposed Bylaw No. 150:

- removing any reference to liquor sales;
- including “Community Trades and Services” as a permitted use in the Public Use Zone;
- specifying location descriptions for PU(a) and PU(b); and
- including “hostel” and/or “temporary housing facility” as a permitted use in the Public Use Zone;

with the options including:

- abandoning Bylaw 150 and introducing a new bylaw;
- amending Bylaw 150; and
- initiating a bylaw to amend Bylaw 150 (or its replacement).

CARRIED

8. ADJOURNMENT

By general consent the meeting was adjourned at 1:05 pm.

Laura Busheikin, Chair

Certified Correct:

Vicky Bockman, Recorder



Islands Trust

Print Date: Jun-29-2015

RWM From: May 05, 2015 To: June 29, 2015

Hornby Island

Resolution #	Action	Resolution Description	Resolution Date
2015-03	In Favour	That the Hornby Island Local Trust Committee grant signing authority of the covenant for file HO-SUB-2015.1 to the Chair Laura Busheikin and Trustee Tony Law.	May 05, 2015
2015-02	In Favour Trustees Law and Allen - in favour; no response Trustee / Chair Busheikin	"That the Hornby Island Local Trust Committee give First Reading to Bylaw No. 151, cited as "Hornby Island Official Community Plan (Hornby Island) Bylaw 149, 2014, Amendment No. 1, 2015", and; that the Hornby Island Local Trust Committee give First Reading to Bylaw No. 152, cited as "Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015"."	May 05, 2015

Follow Up Action Report w/ Target Date

Hornby Island Apr-25-2014

No.	Activity	Responsibility	Target Date	Status
1	HO-2014-020-that the Hornby Island Local Trust Committee direct staff to proceed with the implementation of the Riparian Areas Regulation Implementation project as described in the endorsed Project Charter.	Rob Milne		On Going

Mar-27-2015

No.	Activity	Responsibility	Target Date	Status
1	That the draft RAR LUB amending bylaw be amended as per the recommendations of the staff report and that the draft RAR bylaws be considered for first reading and referral to relevant agencies including the ALC and First Nations.	Rob Milne		Done

May-15-2015

No.	Activity	Responsibility	Target Date	Status
1	staff were requested to include in the report on RAR implementation information on financial and process issues involved in obtaining a simple assessment of roadside ditches that have been identified as being non-fish bearing.	Rob Milne		Done
1	Staff were directed to incorporate comments made during the LTC consideration of the draft DAI bylaw and to provide an updated version at the next meeting.	Rob Milne		Done
1	staff were requested to investigate and report on the possibility of a summer student working on a project to develop information on building and development on Hornby Island with respect to regulations and best practices.	Rob Milne		Done

- 1 staff were requested to explore with Islands Trust Fund staff how to appropriately provide environmental mapping (ecosystems, eel grass, forage fish) for the Hornby Island Local Trust Area to K'omoks First Nation as a step in relationship-building and provide recommendations to the Local Trust Committee.
-

Rob Milne

On Going



BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0X 1X3
Ph: (250) 247.2203
Fax: (250) 247.7514
www.islandstrust.bc.ca

Islands Trust

Island: Denman Island Local Trust Area Bylaw No.: 212 and 213 Date: June 1, 2015

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held at a future date to be determined.

APPLICANTS NAME / ADDRESS:

Denman Island Local Trust Committee

PURPOSE OF BYLAWS:

On April 21, 2015, the Denman Island Local Trust Committee gave First Reading to Bylaw Nos. 212 and 213.

Proposed Bylaw 212 will, if adopted, amend the Denman Island Official Community Plan Bylaw No. 185, 2009 to include language which authorizes the protection of watercourses pursuant to the Riparian Areas Regulation

Proposed Bylaw 213 will, if adopted, amend the Denman Island Land Use Bylaw No. 186, 2008 to include language which identifies the applicability, exemptions and guidelines to be employed for the approval of development permits dealing with watercourses subject to the Riparian Areas Regulations.

The intent and purpose of both bylaws is to facilitate the implementation of the Provincial Riparian Areas Regulation.

These bylaws were referred to you in an earlier draft, prior to first reading, in December 2014. Since that time, proposed Bylaw No. 212 is unchanged.

Proposed Bylaw No. 213 is amended by the deletion of proposed point h) shown below and the renumbering of subsequent points:

"h) With the exception of nesting trees protected under Section 34 of the Wildlife Act, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;"

GENERAL LOCATION:

Denman Island

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

Whole of Local Trust Area

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

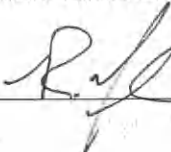
The RAR was enacted under Section 12 of the *Fish Protection Act* in July 2004 and took effect on March 31, 2006. The objectives of the Act are to:

- (1) Ensure sufficient water for fish;
- (2) Protect and restore fish habitat;
- (3) Improve riparian protection and enhancement; and
- (4) Provide stronger local government powers in environmental planning.

The RAR is a policy directive from Cabinet which requires local governments (including Local Trust Committees) to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a Qualified Environmental Professional (QEP). Section 4 of the RAR prohibits a local government from approving or allowing a development to proceed in a riparian assessment area unless the local government is notified by the Ministry of Environment that the developer has provided an assessment report by a QEP which certifies that the development can be carried out without damaging fish habitat.

The RAR establishes that it is the local government that must amend its bylaws to ensure that riparian areas are protected and that development does not proceed within a Riparian Assessment Area (RAA) without the provision of a QEP report.

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.


(Signature)

Name: Rob Milne

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

Department of Fisheries and Oceans

Provincial Agencies

Agricultural Land Commission

Ministry of Agriculture

BC Assessment Authority

Ministry of Community, Sport and Cultural Development

Ministry of Environment – Parks; Ecosystems

Ministry of Forests, Lands and Natural Resource Operations –

Ecosystems; Archaeology

Ministry of Transportation and Infrastructure

Non-Agency Referrals

Islands Trust, Bylaw Enforcement

Islands Trust Fund Board

Regional Agencies

Comox Valley Regional District

Adjacent Local Trust Committees and Municipalities

Hornby Island Local Trust Committee

First Nations

K'omoks First Nation

Xwemalhwu (Homalco) First Nation

Te'Mexw Treaty Association

Nanwakolas First Nations Referral Office

Laich-kwil-tach Treaty Society

Stz'uminus First Nation

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Penelakut Tribe

We Wai Kai Nation

Wei Wai Kum First Nation

Snaw'Naw'As Nation

Qualicum First Nation

Sliammon First Nation

Hul'qumi'num Treaty Group

BYLAW REFERRAL FORM

RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Denman Island Trust Area

(Island)

(Signature)

(Date)

212 and 213

(Bylaw Number)

(Title)

(Agency)

STAFF REPORT

Date June 15, 2015

File No.: HO-6500-20(DAI)

To: Hornby Island Local Trust Committee
For the meeting of July 17, 2015

From: Rob Milne,
Island Planner

CC: Aleksandra Brzozowski
Acting Regional Planning Manager

**Re: Riparian Areas Regulation Implementation – Development Approval
Information Bylaw**

Interim Report

The purpose of this report is to present to the Local Trust Committee a revised draft Development Approval Information (DAI) Bylaw which is identified as a deliverable in the project charter for the implementation of the Riparian Areas Regulation (RAR).

Project Objectives

The objective of this portion of the project is the adoption and implementation of a Development Approval Information Bylaw.

Background

At the April 25, 2014 regular meeting of the Hornby Island Local Trust Committee (LTC) the following resolutions were adopted by the LTC:

HO-2014-019

that the Hornby Island Local Trust Committee endorses the draft Riparian Areas Regulation Implementation Project Charter and Workplan Overview as further expanded upon in the Deliverables and Milestones in the Staff Report of April 7, 2014.

HO-2014-020

that the Hornby Island Local Trust Committee direct staff to proceed with the implementation of the Riparian Areas Regulation Implementation project as described in the endorsed Project Charter.

Most recently, at the May 15, 2015 meeting of the LTC, consideration was given to a draft DAI bylaw. The LTC reviewed the document and discussed suggestions to increase the draft bylaw's clarity. By general consent, staff was requested to incorporate comments made during the LTC consideration into the draft DAI bylaw and to provide an updated version at the next meeting. The suggestions provided included:

“[That] additional clarity be provided in the DAI bylaw that explains that applicants will only be asked to provide information that is relevant to that particular application and the impacts it might have;

- that this explanation be inserted into a point early in the draft DAI bylaw, such as in Part II Purpose;
- text was suggested to include words such as “only”, “relevant” and “targeted”; and
- Trustees requested that an information box be inserted into the draft DAI bylaw to clarify that DAI requirements for RAR are included in the RAR bylaw with information as to where this information can be found.”

Relevant Policy

Trust Council Strategic Plan:

Goal “B”, Stewardship of Island Resources of the Trust Council Strategic Plan includes the objective –

3. Protect quality and quantity of water resources; to be achieved in part through strategy 3.3:
 - Use Land use planning tools and decisions to protect water quality and quantity.

Goal “C”, Sustain Island Character and Healthy Communities, of the Trust Council Strategic Plan includes the objective –

4. Enhance community economic sustainability and security; to be achieved in part through strategies:
 - 4.2 Use land use planning tools and decisions to improve the availability of affordable, accessible, and appropriate housing
 - 4.3 Use land use planning tools and decisions to improve the availability of affordable, accessible and appropriate housing
 - 4.4 Use land use planning tools and decisions to increase local food security and farmland protection
 - 4.5 Use land use planning tools to promote socio-economic diversity

Trust Policy Statement:

- 5.2 Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.

Official Community Plan:

The current Hornby Island Official Community Plan, Bylaw No. 104, 2002 does not contain any language or references to development approval information.

Bylaw No. 149, the proposed Hornby Island Official Community Plan which is currently awaiting Ministerial approval includes Section 7.3, “Development Approval Information”. This section proposes that the Hornby Island Local Trust Area is designated as an area under which development approval information may be required for a wide range of application types and uses.

Analysis

The intent of a DAI bylaw is to identify the information the LTC feels is necessary and appropriate for an applicant to provide to the LTC to allow the LTC, and the community, to make informed decisions on development applications. As well the DAI bylaw provides clarity to applicants who will be able to know what is expected of them when submitting an application and that the process will be transparent. The authority for a LTC to adopt a DAI bylaw resides in Section 920.1 of the *Local Government Act* (LGA) and is a tool which has been employed by other LTAs within the Islands Trust.

Once such a bylaw has been adopted by the LTA an applicant can be required to provide to the LTC, at their expense, development approval information for the following applications:

- an amendment to a zoning bylaw under Section 903
- a development permit under Section 920
- a temporary use permit under Section 921

This requirement would be in accordance with the procedures or policies established within the DAI bylaw pursuant to Section 920.1 of the LGA. However, a DAI bylaw can only be adopted and this requirement utilized if the Official Community Plan (OCP) invokes the provisions of Section 920.01(1) of the LGA. A review of the present Hornby Island Official Community Plan, Bylaw No. 104, 2002 shows this bylaw to lack the necessary conditions to allow the use of a DAI bylaw at this time. However, the proposed Hornby Island Official Community Plan, Bylaw No. 149, 2014 which is currently awaiting Ministerial approval does contain the necessary provisions and, at such time as that bylaw has been approved by the Ministry of Community, Sport and Cultural Development and approved by the LTC, a DAI bylaw may be adopted.

Community Consultation

It should be noted that a DAI bylaw is an administrative bylaw which does not require a statutory public hearing prior to adoption. Community consultation on such a bylaw is at the discretion of the LTC.

Timeline

As noted in a previous staff report, the development and adoption of a DAI bylaw is included as a deliverable in the project charter for the adoption of RAR implementation bylaws. The DAI component was not brought forward earlier in the process due to concerns of complicating the community discussion related to the adoption and implementation of RAR bylaws for Hornby Island. An extract of the project charter, which is attached to this report, is inserted below.

Deliverable / Milestone	Target Completion Date
Trustee Notebook	June, 2014
Small venue community information and mapping review meetings (4)	Spring/Summer 2014
Report to LTC on consultation (LTC direction to revise draft bylaws)	September 2014
LTC review of draft bylaws to amend OCP and LUB & draft DAI bylaw	December 2014/January 2015
Early First Nations referral of draft bylaws	January 2015

Community Information meeting	February 2015
First reading of bylaws and statutory referrals	March, 2015
Referral comment review	April, 2015
Public hearing	May, 2015
Submission of DAI bylaw to EC	June, 2015
Adopted bylaw amendments	July, 2015
Adoption of DAI bylaw by Trust Council	September, 2015

In order to advance the establishment of a DAI bylaw for the Hornby Local Trust Area, the following steps are required:

1. The LTC gives formal notice to Trust Council by resolution that it intends to prepare a DAI bylaw to require information for development permit, temporary use permit and zoning amendment applications;
2. The LTC directs staff to prepare a draft DAI bylaw;
3. Staff submits the draft DAI bylaw and Request for Decision to Executive Committee (policy requires that this be submitted to Executive Committee at least 4 weeks before Trust Council);
4. Trust Council considers three readings of the DAI bylaw at a regularly scheduled meeting. Adoption may be considered by Resolution without Meeting.

As the development of a DAI bylaw was approved through its inclusion as a deliverable in the Riparian Areas Regulation project charter, item 2 in the list above can be considered to be completed.

Staff Comments

Staff has reviewed the comments provided at the May 15, 2015 meeting of the LTC and revised the draft DAI bylaw to reflect those comments. A copy of that revised bylaw is attached for the review of the LTC.

It was the view of staff that the necessary changes could be addressed through the insertion of two “information notes” into the text of the draft bylaw. As may be seen on the attached and revised copy of the draft DAI bylaw, the first of these has been inserted into the Part II, “Purpose” statement for the bylaw. This note is intended to address the first three points of the LTC’s comments by clarifying that only such information as is considered relevant to a particular application or activity may be requested.

The second information note has been inserted into Part III, “Application of Bylaw”. The intention of this note is to clarify that, notwithstanding the provisions of the DAI bylaw, those application and activities which are subject to the Riparian Areas Regulation are addressed through the provisions of Development Permit Area No. 6 of the Hornby Island Official Community Plan and Land Use Bylaws.

Recommendations

THAT the Hornby Island Local Trust Committee:

1. Give notice to Trust Council that it intends to forward a Development Approval Information Bylaw for Trust Council's consideration at the regularly scheduled September 2015 Trust Council meeting for the purpose of allowing the Hornby Island Local Trust Committee to obtain information on the anticipated impacts of development permit, temporary use permit and zoning amendment applications; and
2. Direct staff to prepare a Request for Decision for submission to the Executive Committee.

Prepared and Submitted by:

Rob Milne

June 15, 2015

Rob Milne
Island Planner

Date

Concurred in by:

Aleksandra Brzozowski

June 24, 2015

Aleksandra Brzozowski
Acting Regional Planning Manager

Date

Attachments:

1. Draft DAI Bylaw

**ISLANDS TRUST COUNCIL
BYLAW NO. --**

A bylaw to establish procedures and policies for requiring development approval information for
the Hornby Island Local Trust Area

WHEREAS the Hornby Island Local Trust Committee, pursuant to s.920.01 of the *Local Government Act*, has specified in an official community plan areas and circumstances for which development approval information may be required;

The Islands Trust Council, pursuant to s.920.1 of the *Local Government Act* and s.29(3.1) of the *Islands Trust Act*, enacts as follows:

PART I TITLE

1. This Bylaw may be cited for all purposes as "Hornby Island Local Trust Committee Development Approval Information Bylaw No. , 2015".

PART II PURPOSE

2. The purpose of this bylaw is to allow the Local Trust Committee to obtain information on the anticipated impact of proposed activities or development on the community, and to provide a degree of certainty and consistency in the nature and content of reports required from applicants.

Information Note- For the purposes of this bylaw only that information which is considered relevant to a particular application or the impacts of a proposed activity will be required, as determined through Part VI, "Terms of Reference" of this bylaw.

PART III APPLICATION OF BYLAW

3. The requirements of this Bylaw apply to:
 - (a) applicants for amendments to a bylaw of the Hornby Island Local Trust Committee enacted under s.903 of the *Local Government Act*;
 - (b) applicants for a development permit; and
 - (c) applicants for a temporary use permit,

if the activity or development that is the subject of the application is in an area specified for the provision of development approval information in Hornby Island Official Community Plan Bylaw No. 149 or is an activity or development for which development approval information is otherwise required by that Bylaw.

Information Note- Notwithstanding the provisions of this bylaw, for those applications and activities which are subject to the requirements of the Riparian Areas Regulation, application information requirements will be as identified in the provisions of Development Permit Area (DPA) No. 6- "Riparian Areas" of the Hornby Island Official Community Plan and Land Use Bylaws.

4. The requirements of this Bylaw do not apply to any application for an activity or development that is a reviewable project under the *Environmental Assessment Act*.
5. Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant's cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.
6. The official assigned from time to time to provide staff services to the Hornby Island Local Trust Committee is the official for the purposes of this Bylaw.
7. Within 30 days of receipt of an application, an official shall determine whether and to what extent development approval information will be required in accordance with this bylaw and shall communicate the requirement to the applicant in writing.
8. An official may determine that all or part of the required development approval information must be provided for each application pursuant to Part III.
9. An applicant may request reconsideration by the Local Trust Committee of a decision of an official under this Bylaw within 30 days of the date on which the decision is mailed, faxed or emailed to them.
10. A request for reconsideration must be delivered in writing to the Legislative Clerk and must set out the grounds on which the applicant considers the requirement is inappropriate and what, if any, requirement the applicant considers the Local Trust Committee ought to substitute.
11. The Legislative Clerk must place each request for reconsideration on the agenda of the next meeting of the Local Trust Committee following the date on which the request for reconsideration was delivered, provided the request is received at least 10 days prior to that meeting.
12. The Legislative Clerk must notify the applicant and any other person who the Legislative Clerk reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.
13. At the meeting, the Local Trust Committee may either confirm the requirement or decision of the official or substitute its own requirement or decision.

PART V S. 920 (DEVELOPMENT PERMIT) APPLICATION REQUIREMENTS

14. For Development Permit applications specified in sections 15 and 16 of this bylaw, the applicant shall provide, as part of the development permit application, a report in the specified form.
15. For an application for a permit in respect of a development permit area designated under s. 919.1 (1)(a) and (i) of the *Local Government Act* for protection of the **natural environment, its ecosystems** and **the promotion of water conservation** the report shall contain the following information:
 - (a) A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, and significant natural features identified in the site inventory and conservation evaluation. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development, where development would occur on slopes exceeding 20% grade.

- (b) A site inventory, providing information on existing, pre-development plant communities, marine, aquatic and terrestrial habitats, sensitive ecosystems, nesting trees, the presence of rare species and rare plant communities, current on-site and adjacent land uses, slope stability, erosional processes, hydrology and flood potential.
 - (c) A site background analysis that includes the following known information on the site:
 - A check for observed species and ecosystems at risk;
 - A description of the context of the site including the use of adjacent lands and proximity to protected areas;
 - A check for the presence of raptor and heron nests;
 - A check for the presence of fish-bearing water courses.
 - (d) A conservation evaluation to identify environmentally valuable features on or near the proposed development based on current best practices, such as the Resources Information Standards Committee Standards for Describing Terrestrial Ecosystems in the Field.
 - (e) A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing or trimming, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.
 - (f) An assessment of the nature and extent of the impact of the proposed development on the site, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology.
The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.
 - (g) Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features, including any recommended monitoring requirements.
 - (h) Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.
16. For an application for a permit within a development permit area designated under s. 919.1 (1)(b) of the *Local Government Act* for protection of development from **hazardous conditions**, the report shall contain the following information:
- (a) A site survey including topographic features showing natural slope contours in 1 to 5 metre contour intervals, significant natural features, current and proposed buildings and structures, roads and driveways, proposed site grading and post development contours.
 - (b) An assessment of potential geotechnical hazards that may affect the subject site and neighbouring properties. This should include a summary of the method of hazard analysis and the level of field work.
 - (c) A description of the proposed development.
 - (d) An assessment of whether the proposed development would result in an accepted probability of a geotechnical hazard, accompanied by supporting rationale.

- (e) Where an unacceptable level of hazard is identified, recommendations for measures to reduce hazards on the subject site and neighbouring properties.

17. Development Approval Information required in sections 15 and 16 must be prepared by a professional, with qualifications specified in the table below, except that the official may approve the involvement of a person having different qualifications if demonstrated, relevant, experience and qualifications are in the official's opinion suitable for the preparation of the information being provided in relation to a particular development permit application

TYPE OF INFORMATION	CONSULTING PROFESSIONAL
Sensitive Ecosystem	Registered Professional Biologist (R.P. Bio.)
Geological Hazard	Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)

18. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the requirements of the bylaw, either in scope, level of detail, accuracy or in any other respect, or does not address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the bylaw, but a requirement for further information may be imposed once only.

PART VI TERMS OF REFERENCE

19. Upon the request of an official and within the time specified in the request, an applicant for an activity or development described in Part III must provide to the official written Terms of Reference for the preparation of information on the impact of the activity or development that is the subject of the application.
20. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Terms of Reference must include those matters in the scope of the information that is to be prepared:
- (a) the natural environment of the area affected including adjacent marine areas, surface drainage and groundwater, ecosystems and biological diversity, with particular emphasis on areas of unusual environmental sensitivity and any rare plant or animal species;
 - (b) local highways, ferry facilities including off-island parking areas, water supply and sewage disposal systems including wells and ground sewage absorption systems, fire protection systems, municipal solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;
 - (c) local and off-island school facilities; local, regional and provincial parks; hospitals and other health care services; local transportation services including public transit and water taxis;
 - (d) local and off-island commercial services and employment opportunities, but the question of market demand for the activity or development need not be dealt with when the application is for a development permit;
 - (e) agricultural and forestry lands, and agricultural and forestry uses in the vicinity of the development;

- (f) cultural heritage resources including resources of historical, archaeological, paleontological or architectural significance whether on land or underwater; and
 - (g) aesthetic values including the appearance of the development from off the island and the effect of any artificial lighting proposed.
21. In addition to any matter listed in s.15 above, the applicant may include in the Terms of Reference any matter on which the applicant considers information ought to be provided to the Local Trust Committee to permit a full understanding of the impact of the proposed activity or development on the island community affected.
 22. In the case of an application for a development permit or temporary use permit, the Terms of Reference must address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, and in all cases must address any particular information requirements specified for such an application in any development application procedures bylaw of the Local Trust Committee.
 23. In addition to any other requirements the Terms of Reference may require the person preparing the impact information to provide information on the relationship between the proposed activity or development and
 - (a) the object of the Islands Trust set out in the *Islands Trust Act*;
 - (b) the Islands Trust Policy Statement; and
 - (c) in the case of a proposed zoning amendment, the official community plan of the Local Trust Committee.
 24. The Terms of Reference may specify that the impact information will be prepared by a person having professional expertise in the matters included in the Terms of Reference, and may include information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information.
 25. The Terms of Reference must specify the date by which and the form and the number of copies in which the impact information will be provided.
 26. Within 10 business days of receipt of the Terms of Reference the official must indicate in writing to the applicant that:
 - (a) the Terms of Reference submitted by the applicant are acceptable;
 - (b) the Terms of Reference submitted by the applicant are acceptable if additional matters specified by the official and within the scope of s.15 of this Bylaw are included;
 - (c) the Terms of Reference submitted by the applicant are acceptable if a person other than one who has been proposed by the applicant in the Terms of Reference, whose selection has been approved in writing by the official, prepares the impact information; or
 - (d) the Terms of Reference are unacceptable and must be replaced by the applicant.
 27. For the purposes of s.26(b), when accepting Terms of Reference the official may advise the applicant of other projects proposed or under development in the area that may be affected by the applicant's proposed activity or development.
 28. If the official does not provide advice pursuant to s.26 by the end of the tenth business day the official is deemed to have accepted the proposed Terms of Reference.

PART VII PREPARATION OF DEVELOPMENT APPROVAL INFORMATION

29. Upon receipt of notice accepting the Terms of Reference or where the Terms of Reference have been deemed to be accepted, the applicant must prepare the impact information in accordance with the accepted Terms of Reference and within the time specified in the Terms of Reference must provide it to the Local Trust Committee, at the applicant's expense.
30. For every matter within the scope of s.20 that is included in the Terms of Reference, the applicant must
 - (a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
 - (b) identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;
 - (c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
 - (d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided,all in accordance with generally accepted impact assessment methodology.
31. If Terms of Reference approved under s.26 specify professional expertise in the preparation of impact information, prior to authorizing the preparation of the information by any person the applicant must deliver to the official information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information, unless that information was included in the approved Terms of Reference.
32. Within 10 business days of receipt of the information, the official must advise the applicant whether the proposed person is acceptable, and if the person is not acceptable the official must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons. If such advice is not provided by the end of the tenth business day, the official is deemed to have accepted the proposed person.
33. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference, but a requirement for further information may be imposed once only.

PART VIII INDEPENDENT REVIEW

34. If the official considers that the impact information provided by the applicant, or any portion of it, requires an independent review prior to being considered by the Local Trust Committee, the official may require the applicant to provide such a review of the information including the methodology used in its preparation.

35. The official may specify that the independent review be conducted by a member of the faculty of a university or college, a member of the Planning Institute of B.C., a member of the Architectural Institute of B.C., a member of the Association of Professional Engineers and Geoscientists of B.C., a Qualified Environmental Professional (QEP) or a Registered Professional Forester, and may specify terms of reference for the review.
36. The applicant must arrange for the independent review to be conducted and submitted in writing to the local trust committee, at the applicant's expense and within the time specified by the official.

PART IX PROPRIETARY RIGHTS IN INFORMATION

37. The information that is provided to the Local Trust Committee pursuant to this Bylaw is required by the Local Trust Committee in the exercise of its powers under the *Local Government Act* and the *Islands Trust Act*. Every report or other document provided to the Local Trust Committee pursuant to this Bylaw must accordingly contain an express grant of permission to the Local Trust Committee to use and reproduce the information contained in the report or other document for non-commercial purposes.

READ A FIRST TIME this _____ day of _____, 2015.

READ A SECOND TIME this _____ day of _____, 2015.

READ A THIRD TIME this _____ day of _____, 2015.

ADOPTED this _____ day of _____, 2015.

Chair

Secretary

Date: June 17, 2015

File No.: HO-6500-20-(RAR)

To: Hornby Island Local Trust Committee
For meeting of July 17, 2015

From: Rob Milne

CC: Aleksandra Brzozowski, Acting Regional Planning Manager

Re: Riparian Areas Regulation Implementation

Interim Report

The purpose of this report is to report on the outcomes of the formal referral of the proposed bylaws for the Riparian Areas Regulation (RAR) Implementation project.

Project Objectives

The objective of this project is the implementation of the RAR on Hornby Island.

Project Background

The LTC gave consideration to draft bylaws for the implementation of the RAR at their October 10, 2014 meeting and adopted the following motion.

HO-2014-057

that staff be requested to conduct early referral of the draft bylaws to implement Riparian Areas Regulation with relevant agencies.

Following that direction, on November 18, 2014 the draft bylaws were referred out to seven provincial agencies, one school district and sixteen First Nations. As well, the bylaws were referred to the Denman Island Local Trust Committee, Islands Trust Bylaw Enforcement and the Trust Fund Board.

The LTC gave consideration to a staff report dated January 22, 2015 which reviewed the responses from that early referral at their meeting of February 13, 2015 and accepted staff recommendations for a number of minor changes. The LTC subsequently adopted the following motion.

HO-2015-003

that Hornby Island Local Trust Committee schedule a Community Information Meeting to allow for a community review of the draft bylaws for Riparian Areas Regulation Implementation on March 6, 2015 at 1:00pm at either New Horizons or Room To Grow.

The LTC reviewed the minutes of the March 6, 2015 Community Information Meeting (CIM) at their March 27, 2015 regular business meeting along with a staff report dated March 16, 2015 which summarized the findings of the CIM.

Following the LTC's consideration of the meeting minutes and the staff report, the LTC accepted the staff recommendation to make two minor changes to the draft land use amendment bylaw and adopted the following motion.

HO-2015-012

that Hornby Island Local Trust Committee give the draft bylaws that address Riparian Areas Regulation first reading and direct staff to formally refer the bylaws to the relevant agencies, including the Agricultural Land Commission and First Nations.

The two bylaws subsequently received first reading by Resolution Without Meeting on May 5, 2015 and were referred out to the following agencies on May 11, 2015.

Federal Agencies

Department of Fisheries and Oceans

Provincial Agencies

Agricultural Land Commission
BC Assessment Authority
Integrated Land Management Bureau
Ministry of Agriculture
Ministry of Community, Sport and Cultural Development
Ministry of Environment
Ministry of Forests, Lands and Natural Resource Operations
- Resource Management Branch, Ecosystems
Ministry of Transportation and Infrastructure - Courtenay
Vancouver Island Health Authority

Islands Trust Bylaw Enforcement

Islands Trust - Trust Fund Board

Non-Agency Referrals

School District #71

Regional Agencies

Comox Valley Regional District

First Nations

Halalt First Nation	shishalh (Sechelt) First Nation
H'ul'qumi'num Treaty Group	Snaw'Naw'As Nation
K'omoks First Nation	Nanwakolas First Nations
Laich-kwil-tach Treaty Society	Stz'uminus First Nation
Lake Cowichan First Nation	Te'Mexw Treaty Association
Lyackson First Nation	We Wai Kai Nation
Qualicum First Nation	Wei Wai Kum First Nation
Sliammon First Nation	Xwemalkwu (Homalko) First Nation

Adjacent Local Trust Committees and Municipalities

Denman Island Local Trust Committee

A summary of the responses received from the bylaw referral are included below.

SUMMARY OF AGENCY EARLY REFERRAL RESPONSES and PROPOSED ACTIONS			
Agency	Response	Proposed Action	Synthesis of Agency response
Vancouver Island Health Authority	Interests Unaffected by Bylaw	None Required	Interests Unaffected
Ministry of Agriculture	Approval Recommended- The recommendations in the previous referral letter dated December 16, 2014 have been incorporated into this draft of Riparian Areas Regulation Bylaws 151 and 152.	None Required	Approval Recommended

Forests, Lands and Natural Resource Operations	Changes recommended. f) Allowing for the removal of trees within the Riparian Assessment Area (30m) isn't going to work. The ultimate SPEA may be much less than 30m but the QEP needs to be able to communicate specific direction to their client within the RAA to avoid what we refer to as a RAR HADD (not the same as a DFO HADD). i) Pruning is alteration of vegetation so should not be occurring within the SPEA and not within the RAA if the QEP has not prescribed this. o) Construction of fences or trails should be outside the RAA or at least outside the SPEA once calculated and considered by the QEP. q) Disturbance of soils must be outside the RAA until the QEP has done their work to establish the SPEA and measures to protect the SPEA as required under the reg. r) Construction and everything above is defined as development so cannot occur within the RAA until a SPEA is calculated and measures applied. (Complete response attached)	No changes recommended. The provisions identified are consistent with other approved Islands Trust RAR bylaws.	Approval not recommended
Ministry of Transportation and Infrastructure	The Ministry of Transportation and Infrastructure has no objections to the proposed Bylaw amendments.	None Required	Interests Unaffected
Vancouver Island Health Authority	Interests Unaffected by Bylaw	None Required	Interests Unaffected
Islands Trust Fund	Interests Unaffected by Bylaw	None Required	Interests Unaffected
Lyackson First Nation	...at this time we defer to those Nations' whose title and governing authorities are directly affected. (Complete response attached)	None Required	Interests unaffected at this time.
We Wai Kai Nation	No comment regarding this application being issued	None Required	Interests unaffected at this time.

Additional Information

As the LTC may recall, at the March 6, 2015 meeting a member of the public questioned the accuracy of the mapping done by Madrone Environmental Services with respect to road side ditches along Central Road and parts of St. John's Point Road. At that meeting the LTC members asked that the Island resident provide information to staff which identified where they believed the errors to be. A document was provided to staff on April 12, 2015 and that

document (Attachment 3) was forwarded to staff at FLNRO for review and comment (Attachment 4). A copy of each of those documents is attached to this report.

Consideration was given to correspondence which was received at the May 15, 2015 meeting of the LTC regarding RAR and road side ditches. Subsequent to the discussion the following motion was adopted.

HO-2015-019

that the Hornby Island Local Trust Committee request staff to include in the report on RAR implementation information on financial and process issues involved in obtaining a simple assessment of road side ditches that have been identified as being non-fish bearing.

As was requested, staff obtained information regarding completing a simple assessment for the road side ditches in question from Madrone Environmental Services, the firm that completed the last round of watershed assessments on Hornby Island and that also completed a similar simple assessment on Gabriola Island in association with the adoption of RAR bylaws for that island. A copy of that correspondence (Attachment 5) is attached to this report.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

The Islands Trust Council Strategic Plan contains the following relevant policy:

- 1.3.6 Adopt new bylaws to implement RAR on all islands where still required (Ballenas/Winchelsea, Denman, Hornby, and Salt Spring)

Islands Trust Policy Statement

The Islands Trust Policy Statement contains the following relevant Directive Policy:

- 3..1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

Analysis

Agency Responses

Similar to the early referral, limited responses were received from the formal agency referral. The referral response from FLNRO (Attachment 7) did suggest several changes related to the "Exemptions" section of Bylaw No. 152. However, these particular items are amongst those that the LTC previously gave specific consideration to, noting that they are found in Gabriola Bylaw Nos. 265 and 266 which were recently given final reading by the Gabriola LTC. As such, staff is not recommending removing those items from the Hornby Island proposed bylaws.

The referral form requested receipt of referral response by June 11, 2015. Staff contacted all referral agencies on June 23, 2015 to determine if a referral response was forthcoming. This report contains all responses which were received at the time of the writing of this report.

Community Input

As noted above, a document from an Island resident was received by staff on April 12, 2015 that commented upon the inclusion of road side ditches in the RAR implementation bylaws for

Hornby Island and which provided four suggested options to address concerns identified in that document. The four proposed options are reviewed below.

As was also noted, that document was forwarded to staff at FLNRO for review and comment given that they are the authority that reviews proposed RAR bylaws prior to any subsequent submission to the Ministry of Community, Sport and Cultural Development (MCSCD) for approval. The review by Ministry staff confirmed the applicability of the RAR to road side ditches.

Options

Option 1- Remove all road side ditches from RAR and Hornby Bylaw amendments

As has been confirmed in the MCSCD response, the RAR includes road side ditches and there is a supporting science based rationale for this inclusion. Given that the RAR is a provincial regulation the LTC does not have the authority to exclude road side ditches from the application of the bylaw and, although other local trust committees in other Local Trust Areas have encountered similar concerns staff are not aware of any Island Trust RAR bylaw which has exempted road side ditches.

Option 2- Use the setback as determined by regulation for ditches in the RAR Assessment Methods, mainly 2 metres.

For clarity, the RAR Assessment Methods do not identify setbacks per se. However, Table 3-7 of the RAR Assessment Methods provides for a Streamside Protection and Enhancement Area (SPEA) of 2.0 metres in width for constructed (road side) ditches with no fish presence. The 2.0m SPEA can only be achieved as an outcome from a detailed assessment performed by a Qualified Environmental Professional (QEP).

As with all streams, the SPEA is located within the Riparian Assessment Area (RAA) within which measures may be required, based upon specific development activities, to protect the SPEA established by a QEP. The overall RAA associated with a stream, the definition of which includes road side ditches, is typically 30 metres on each side of the stream and is commonly used by local governments to define development permit area (DPA) boundaries.

Option 3- Pay to have another report done for consistency on the Island

This option has been previously discussed by the LTC. As noted during those discussions exercising this option would require approval of a funding request from the LTC by the Islands Trust Council. It would also present a dilemma. Assuming funding is approved and a second assessment completed which differs in its evaluation of road side ditches in some manner from the current assessments would it be the expectation that a third assessment would be completed to see which conclusions it supports? It should also be noted that any funding request would not be considered until next year's budgetary cycle delaying the adoption of bylaws to implement the RAR by a year.

Option 4- Add to the list of exclusions "all those properties on roads that have the Community Trail build along the road."

It should be noted that some "uses" are excluded within the application of the regulation, not actual properties. An example of this is that agricultural uses on lands within the ALR are excluded by the regulation but residential uses on those lands are not. With respect to the Community Trail, it has been previously noted that the trail is considered an "institutional" use and is not affected by the RAR.

It should also be noted at this point that the RAR does not apply to a “property” per se. Rather it applies only to the area of a property within the RAA, typically 30m in width, associated with the stream feature that makes it RAR applicable. This same 30m width is the proposed width of the proposed development permit area.

Implementation of a Simple Assessment

As requested by the LTC, staff discussed the matter of completing a simple assessment along road side ditches adjacent to Central Road and portions of St. John’s Point Road with a QEP. This approach had previously been utilized on Gabriola Island and it was hoped that it might be of some assistance with RAR implementation on Hornby Island. In discussions with Trystan Willmott of Madrone Environmental Services, who completed the latest watershed assessments on both Gabriola and Hornby Islands, it has become evident that this approach may not provide the solution that was anticipated.

As may be seen in the attached correspondence (Attachment 5) it is most likely that the simple assessment process would result in a 30m SPEA, the width of the currently proposed development permit area. When asked why the simple assessment process was used and resulted in reduced SPEAs for some properties on Gabriola Island, Trystan advised that the only areas in which reduced SPEAs were identified on Gabriola were in areas of higher density with established development. Additionally, due to the higher levels of development, there were a significant number of QEP reports available for analysis which provided a higher level of stream characteristic information including streamside vegetation. These factors allowed for establishment of an identified SPEA, in the absence of a detailed assessment, for a small number of properties.

For clarity, a simple assessment is used in those situations where there is no proposed activity and usually results in a 30m SPEA, the same as Madrone is suggesting would be found to be the case on Hornby with respect to road side ditches. A simple assessment takes a very conservative approach utilizing the wider SPEA as no “measures” to protect a reduced SPEA are involved given that there is no associated activity with this assessment type.

A detailed assessment is used in those cases where a specific activity or set of activities such as building a house with driveway and landscaping are proposed. The detailed assessment will identify a SPEA based upon those activities as well as conditions of use out to the 30m limit of the RAA, the same width as proposed for the development permit area boundary.

General cost estimates related to simple assessments may be found at the bottom of Attachment 5. They include the estimated cost for desktop review to determine the applicability of using simple assessments as well as an estimate of completing simple assessments. It should be noted that Trystan advises that “the simple assessment would probably not result in any SPEAs being less than 15m, based upon potential vegetation width”. As noted in previously in this report a 2.0m SPEA can only be achieved as an outcome from a detailed assessment performed by a QEP.

Project Scope and Timeline

A review of the project charter for the implementation of the RAR shows the project to be slightly behind schedule. It should be noted though that the scheduling of the first LTC meeting of the year in February had the impact of extending the process initially envisioned at the time the project charter was prepared.

Resources and Roles

It is the view of staff that the financial and staff resources currently allocated for this project are adequate.

Communications

A Community Information Meeting (CIM) was held on March 6, 2015. The CIM included a presentation by staff on the Riparian Areas Regulation, the watershed assessments and the draft bylaws under consideration. The purpose of that meeting was to both inform the Island residents of the status of the RAR implementation process as well as to seek feedback from the community on the draft bylaws and their implementation.

Going forward, the next step in the public consultation/communication process is conducting a statutory public hearing.

Project Charter

It is the view of staff that the project charter does not require amendment or revision at this time.

Next Steps

The proposed RAR implementation bylaws have been referred out for comment two times. Comments from the early referral process and from the Community Information Meeting have been reviewed and, where considered appropriate by the LTC, those comments and suggestions have been incorporated into the proposed bylaws. Once the LTC has assessed the results of the formal referral, which are the subject of this report, the next step in the process would be to give the proposed bylaws third reading and hold a public hearing.

Summary:

Aside from the comments from FLNRO, which echo the previous comments received from the initial early referral and which were given consideration by the LTC, the only significant consideration at hand appears to be the matter of road side ditches. It has been suggested that road side ditches should be excluded by the LTC from the application of the two RAR implementation bylaws. However, the LTC does not have the authority to exclude these ditches and doing so would ignore the Trust's obligation to meet or exceed the Provincial RAR requirements. Staff is not aware of any other LTC that has taken this approach and, even on Gabriola where the objection to including road side ditches was intense, the LTC declined to take this approach.

It has also been suggested that the approach taken on Gabriola Island of having a simple assessment performed might reduce the anticipated SPEA width and development permit area boundary. Based upon the information provided by Madrone Environmental the use of simple assessments might, at best, produce a SPEA of 15m. This distance could be utilized to provide for a reduced width of the development permit area boundary but any further reduction of the SPEA could only be an outcome of a detailed assessment performed by a QEP based upon a specific proposed activity.

If it is the wish of the LTC to take the approach of having simple assessments completed for those areas fronting onto road side ditches as part of this project, it should be recognized that this will delay the implementation of riparian protection on Hornby Island for at least a year until the next Islands Trust budget cycle. There is also no guarantee that a budget request for that purpose will be approved at that time. The simple assessments may also not result in reduced SPEAs.

Recommendations:

It is the recommendation of staff:

1. That Bylaw No. 151, cited as "Hornby Island Official Community Plan No. 149, 2014 Amendment No. 1, 2015, be considered for third reading;
2. That Bylaw No. 152, cited as "Hornby Island Land Use Bylaw No. 150, 2014, Amendment No. 1, 2015, be considered for third reading; and
3. That a public hearing be scheduled for August 14, 2015 for the proposed bylaws.

Prepared and Submitted by:

Rob Milne

June 22, 2015

Rob Milne, M.A., RPP, MCIP
Island Planner

Date

Concurred in by:

Aleksandra Brzozowski

June 25, 2015

Aleksandra Brzozowski
Acting Regional Planning Manager

Date

Attachments:

1. Proposed OCP RAR bylaw
2. Proposed LUB RAR bylaw
3. Correspondence
4. FLNRO response
5. Simple Assessment information from Madrone Environmental Services
6. Lyackson referral response
7. FLNRO referral response

PROPOSED

Hornby Island Local Trust Committee

BYLAW NO. 151

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

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. Bylaw No 149, cited as "Hornby Island Official Community Plan (Hornby Island) Bylaw No. 149, 2014" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Hornby Island Official Community Plan (Hornby Island) Bylaw 149, 2014, Amendment No. 1, 2015"

READ A FIRST TIME THIS	5 TH	DAY OF	MAY	, 2015
PUBLIC HEARING HELD THIS		DAY OF		, 2015
READ A SECOND TIME THIS		DAY OF		, 2015
READ A THIRD TIME THIS		DAY OF		, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS		DAY OF		, 2015
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT				
THIS		DAY OF		, 2015
ADOPTED THIS		DAY OF		, 2015

SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. 151

Schedule 1

1. Section 6.9 “Development Permit Areas” of the Hornby Island Official Community Plan Bylaw No. 149 cited as “Hornby Island Official Community Plan (Hornby Island) Bylaw No. 149, 2014”, is amended by a new Section 6.9.4, “Riparian Areas Protection” which reads as follows:

“DEVELOPMENT PERMIT AREA NO. 6: Riparian Areas

Purpose

This development permit area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. Riparian areas are important because they include ecosystems that support a disproportionately high number of vascular plant, moss, amphibian and small mammal species for the area they occupy.

Area:

Development Permit Area No. 6 includes all land designated on Schedule -- of this plan as being within the Riparian Areas DPA. This DPA includes the following:

1. Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule - as “RAR applicable” streams, major wetlands, and lakes as the term “streams” is defined in the *Riparian Areas Regulation, BC Fish Protection Act*, which includes any of the following that provides fish habitat:
 - a watercourse, whether it usually contains water or not;
 - a pond, lake, river, creek or brook; and
 - a ditch, spring or wetland that is connected by surface flow to something referred to in the two previous bullets.

and consisting of the surface of the water body and:

- a) for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark;
- b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
- c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;
- d) for a lake, wetland or other water body, 30 metres around the water body measured from the high water mark of the water body;

and Schedule -- shall be so interpreted. The designation and delineation of Development Permit Area No. 6 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

INFORMATION NOTE: Farming activities covered under the <i>Farm Practices Protection Act</i> are exempt from the requirements of DPA No. 6.
--

Objectives:

The objectives of this development permit area are as follows:

1. To honour provincial designations of certain lands as for agricultural purposes
2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems
3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation
4. To prevent the degradation of existing and future water supplies on Hornby Island
5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas
6. To prevent water pollution

Development Approval Information

Development Permit Area No. 6 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the Local Government Act. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: Development Permit Area Guidelines for Development Permit Area No. 6: Riparian are located in the Land Use Bylaw.

2. Schedule E, Map 2 is deleted and replaced by Attachment "1" attached to and forming part of this bylaw`.

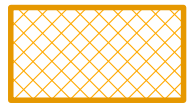
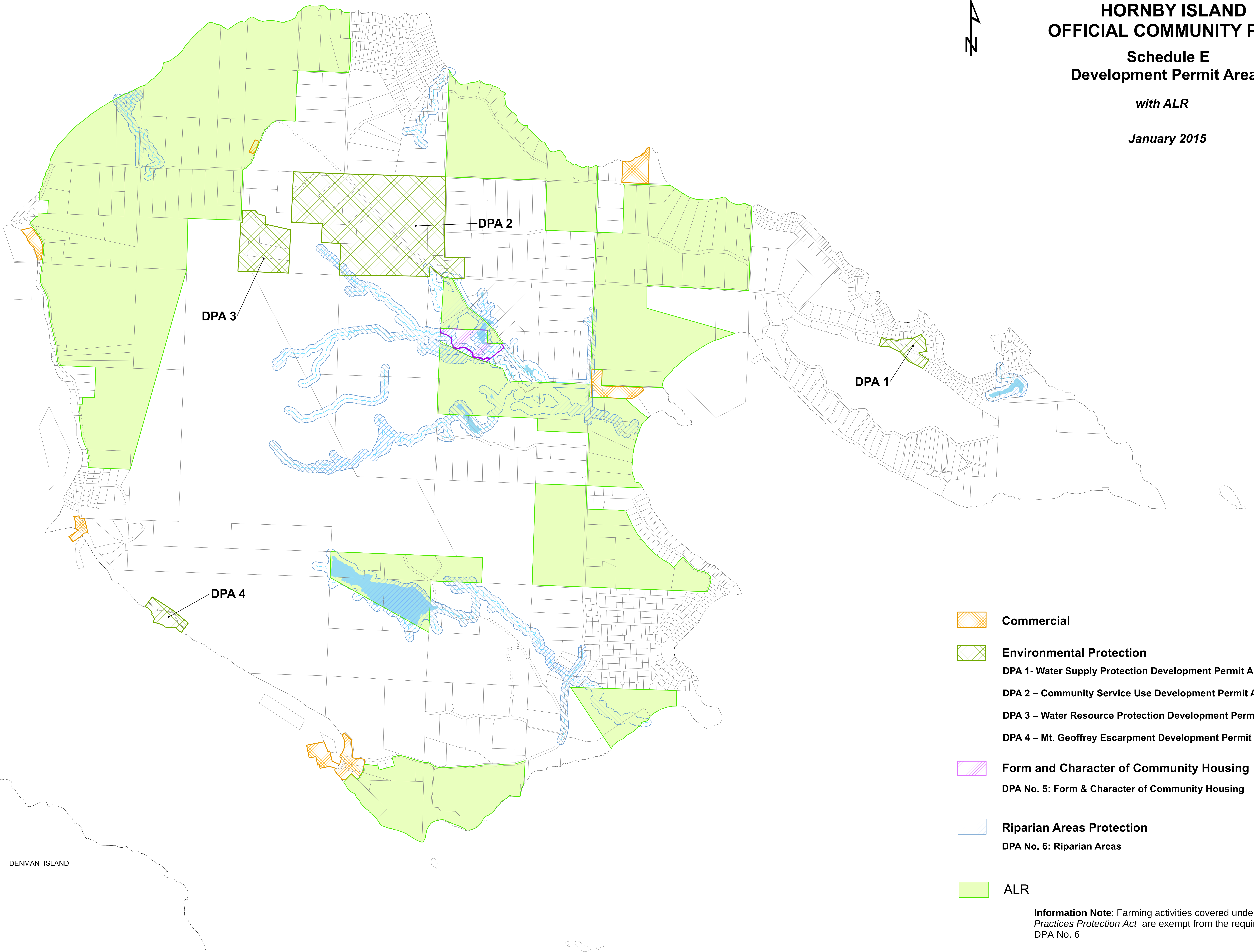
Attachment 1

**HORNBY ISLAND
OFFICIAL COMMUNITY PLAN**

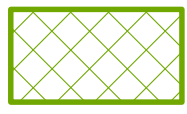
**Schedule E
Development Permit Areas**

with ALR

January 2015



Commercial



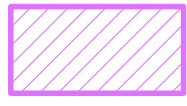
Environmental Protection

DPA 1- Water Supply Protection Development Permit Area

DPA 2 – Community Service Use Development Permit Area

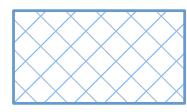
DPA 3 – Water Resource Protection Development Permit Area

DPA 4 – Mt. Geoffrey Escarpment Development Permit Area



Form and Character of Community Housing

DPA No. 5: Form & Character of Community Housing



Riparian Areas Protection

DPA No. 6: Riparian Areas



ALR

Information Note: Farming activities covered under the *Farm Practices Protection Act* are exempt from the requirements of DPA No. 6

PROPOSED

Hornby Island Local Trust Committee

BYLAW NO. 152

A BYLAW TO AMEND THE HORNBY ISLAND LAND USE BYLAW, NO. 150

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. Bylaw No. 150, cited as “Hornby Island Land Use Bylaw No. 150, 2014” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as “Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015”

READ A FIRST TIME THIS	5 TH	DAY OF	MAY	, 2015
READ A SECOND TIME THIS		DAY OF		, 2015
PUBLIC HEARING HELD THIS		DAY OF		, 2015
READ A THIRD TIME THIS		DAY OF		, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS		DAY OF		, 2015
ADOPTED THIS		DAY OF		, 2015

SECRETARY

CHAIRPERSON

Hornby Island Local Trust Committee

Bylaw No. 152

Schedule 1

Schedule “A” of Hornby Island Land Use Bylaw No. 150 cited as “Hornby Island Land Use Bylaw No. 150, 2014” is amended by:

1. A new Section 9.6 which reads as follows:

“9.6 Development Permit Area No. 6: Riparian Areas - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Riparian Areas development permit area shall apply to the Hornby Island Local Trust Committee for a development permit, unless the proposed activity is otherwise exempted by Section 9.6.2.

9.6.1 Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- a) Subdivision of land;
- b) Construction of, addition to or alteration of a building or other structure;
- c) Alteration of land;
- d) Development as that term is defined in the *Riparian Areas Regulation, BC Fish Protection Act*; and
- e) Installation of any structures within a stream or within the natural boundary of a lake.

INFORMATION NOTE- The installation of a culvert and construction of a driveway access from a Highway is exempt from the requirement to obtain a development permit.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

9.6.2 Exemptions

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

- a) works undertaken by a local government or a body established by a local government;
- b) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- c) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- d) repair or replacement of a septic field on the same spot;
- e) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- f) With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;

- g) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- h) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- i) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- j) ecological restoration or enhancement projects undertaken or authorized by a public body;
- k) changes in or about a stream authorized under Section 9 of the Water Act;
- l) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- m) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection,
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- n) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* and horticulture as defined in the Hornby Island Land Use Bylaw 177;
- o) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;
- p) The construction of a private trail if all of the following apply:
 - i. The trail is 1.0 meter wide or less;
 - ii. No native trees are removed;
 - iii. The surface of the trail is pervious (for example, soil, gravel or wood chips)
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream;
- q) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared; and
- r) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Information Note: Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

9.6.3 Guidelines

Prior to undertaking any development activities within the Riparian Areas DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.
- b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.
- c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.
- f) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."

APRIL 12/2015

Hi Tony, Alex and Laura,
Cc: Rob Milne, planner

As I committed to at the March 27th Island Trust meeting, I have had a look at the Figure 17 map showing the Central Road ditches, in the Mimilus report, for accuracy. I don't know about all the details they show, as I have been unable to print the map off, independently from the rest of the report.....so when I go and look on foot, it is from memory. Overall, I think the ditches shown do seem to be fairly accurate.

The problem with the report is therefore probably not the mapping, the problem is the scale, gradients, soil composition of the ditches, etc.

Some feedback from the "Trust Business Meeting" on March 27th:

Point 1: Supporting Studies.

Laura was absolutely right in asking if the Trust could refer to studies done by different government departments.

She suggested referring to the CVRD Sensitive Habitat Area atlas, online in 2012, which does not identify any significant water catchment along Central Road, on Hornby Island. (there are lots of other areas identified, mostly not identified in the Mimilus report)

<http://imap2.comoxvalleyrd.ca/imapviewer/>

Islands Trust mapping also does not show ditches as significant sources of reliable water for the creeks.

<http://www.islandstrust.bc.ca/media/205769/11.10.17%20IT%20Hornby%20shoreline%20mapping.pdf>

Point 2: Fish bearing or non-bearing?

Tony suggested non fish bearing bodies of water should be excluded. Again, correct.

The SCIENCE & RESEARCH tab of the Ministry of Environment RAR website says "In the detailed RAR assessment, potential fish habitat impacts are examined in a 30 metre riparian assessment area. The focus of the assessment is on riparian vegetation and its functional role in maintaining fish habitat."

www2.gov.bc.ca/gov/topic.page?id=97DA6F6619714FF99941C4E7B2B24167

In the March, 2012 Mimilus Report/Executive Summary: No fish were observed in either drainage area during the field survey..... No information from provincial or federal databases contain any records of fish presence in Beulah Creek.

Point 3: Alex suggested that the SPEA area falls within the highways road allowance. Right again.

In the Madrone report, dated Jan., 2014, in Section 4.0, **Discussion and Recommendations**, include:

Based on the low-magnitude of the streams throughout all the assessed watersheds and the measured bankfull widths, all mapped streams would be associated with 10 m SPEAs under the Detailed Assessment.

Based on the fact that ditches are associated with narrower SPEAs, the DPA that is implemented by Islands Trust could be less than the DPA associated with watercourses that are not classified as ditches.

Point 4: Tony suggested that the fact that Highways routinely has to dig vegetation, etc. out the ditches highlights that they are non-supportive of fish habitat, and should thereby be excluded. Yet again, correct.

The stated intent of the Regulations is to preserve fish habitat, etc.

It appears that, as local Trustees, you are sincerely looking for way to do the right thing with the RAR regulations. Please do not feel disheartened, or be pushed into doing the wrong thing. The Madrone report refers to the instructions they were given, when hired, were to “meet or beat” RAR requirements. Let’s be realistic here, Hornby doesn’t have any significant, reliable self-sustaining salmon cycles. Don’t take a button and sew on a sweater.

To summarize the points that I have been trying to make in this regard. I believe if the local Trust committee uses the Mimilus report’s recommendations, without applying common sense, it would be unfair and unwise.

Unfair, because none of the other Hornby mapping included the highway ditches. None in the Whaling Station or Galleon Beach areas; none in the south Central Road (heading up the hill to Seawright Road) and Slade road areas; none in the Ford Creek area. Of course, these areas were mapped by a different company (Madrone report), and the ditches are not included. Interestingly, the whole Maude Brook waterway wasn’t mapped at all.

The Madrone report is dated Jan. 2014 and cited the Mimilus report dated March, 2012, as a resource. Nevertheless, the Madrone report did not follow the lead of the Mimilus report in terms of the roadside ditches. Do you know why?

Additionally, Bernhard Weiss hired a Q.E.P. to do a detailed assessment (after the Mimilus Report was done) on the lots at 5300, and 5220, Central Road, and the **Q.E.P.’s detailed assessment report**, following the **Regulated Assessment Methods**, applied a 2 meter setback to those particular roadside ditches, which are fairly representative of the rest of the Central Road neighbourhood!

Another inconsistency is that the last two properties on the St. John's Point Road stretch are excluded from the ditch mapping, even though the ditch is contiguous from the Coop corner to the Big Tree. What is the rationale for this?

Unwise, as targeting only part of the ditches opens up the can of worms:

i) Hornby Island does not have any creeks of significance in the "fish bearing" or "sensitive" category. The original foundation for creating the RAR's identified actual fish bearing streams that needed protection.

Ministry of Environment's – A USERS' GUIDE TO WORKING IN AND AROUND WATER

http://www.env.gov.bc.ca/wsd/water_rights/cabinet/working_around_water.pdf

2.2 The Fish Protection Act and Riparian Area Regulation

The provincial Fish Protection Act was enacted in 1997 as a key element of British Columbia's Fisheries Strategy to protect fish stocks. The Act is based on four objectives: ensuring sufficient water for fish; protecting and restoring fish habitat; improving riparian protection and enhancement; and supporting local government powers in environmental planning. The following have been designated as sensitive streams. On Vancouver Island & associated islands: Black Creek, Goldstream River, Englishman River, Little Qualicum River, French Creek, Little River and Fulford Creek.

ii) Condoning pollution is both "untrust-like", but also contrary to the Regulations:

On the govt. website:

<http://www2.gov.bc.ca/gov/topic.page?id=FB284A0570084959BEBF55B9D4D4AEC2>

The purpose of the Riparian Area Regulation is to protect fish habitat considering:

- Sources of large organic debris, such as fallen trees and tree roots;
- Areas for stream channel migration;
- Vegetative cover to help moderate water temperature;
- Provision of food, nutrients and organic matter to the stream;
- Stream bank stabilization; and
- Buffers for streams from excessive silt and surface run-off pollution.

Clearly highways ditches are the receptacles of oil, gas, rubber, salt, silt and garbage associated with vehicular traffic/people using that road. In face, of the stated purpose of RAR's, how can the Trust condone dumping this "surface run-off pollution" into Beulah Creek? Including these ditches as an important part of the "nutrients" for a "protected" area implies approval of this practice.

This anti-pollution stance is furthered in the Science & Research section of the Govt. website:

<http://www2.gov.bc.ca/gov/topic.page?id=97DA6F6619714FF99941C4E7B2B24167>

The main functions addressed in the assessment are:

- the role of riparian vegetation in providing wood for in-stream channel and fish habitat structure,
- the role of rooted vegetation in stabilizing the stream banks,
- and the role of the sites vegetation in providing shade and maintaining stream water temperature, in providing food and nutrients for fish, and in filtering sediment.

The assessment also describes how to develop measures to maintain the integrity of the area that provides these functions, and protect the area from harms that could come from proposed development. **Karen's note: like highways ditches.**

iii) For the particular properties on the north side of Central Road, located **between the School and the 4800 block of Central Road**, there are no contiguous ditches, to Beulah Creek. However, in Section 4.3.5.1 of the Mimulus report an unsubstantiated opinion is offered (despite there being no downhill gradient), that *"ultimately some of this water would seep into Tributary 3 and/or the Beulah Creek mainstream."* **Karen's note: over 1000 feet away.**

iv) And maybe most importantly, the actual Regulations show the folly in using a 30 meter R.A.R. setback. Folly in that, the onus for needlessly spending money will befall the residents of each individual parcel if they should want to do any building on their properties. **If a Q.E.P. report was done on these properties, the Assessment Methods for the Riparian Area Regulations is outlined. In Table 3-7, SPEA widths for ditches are outlined, and range from 2 to 10 meters, depending on if the ditch is fish bearing or not.** **Clearly on Hornby, the Central Road, and St. John's Point Road, ditches should have a 2 meter setback.**

(note: see previous reference to the 2 on Central Road that have already got exceptions to the R.A.R., in reports dated July, 2012 by Baynes Sound Environmental, Registration # 1967 Email kayt.chambers@gmail.com

v) Impact on the residents from this "ditch" the "ditch mapping" process:

a) COMMENTS FROM RESIDENTS:

- *Including roadside ditches is ridiculous in my opinion.*
- *this whole process is being crammed down our throats.*
- *I look at the RAR as a make-work-program for biologists, concocted by biologists! Let's hope the LTC finds a rational way to address that.*
- *Those property owners affected by the Mimulus report just have to spend unnecessary money on unnecessary assessments and permits.*

- *Roadside ditches provide much needed oil and fuel laced fresh water and empty beer cans as nutrients to the main stems of fish bearing streams.*
- *I will just do what I want, nobody is going to be overseeing this*

b) CREDIBILITY:

Bringing in the roadside ditches WITH A 30 meter R.A.R., will undermine the ability of the Trust for more important work. The properties which are in the dubious ditch "catchment area" include:

- those occupied by residents living in the triangle from the School to the Big Tree (on St. John Pt. road), (with two properties excluded), and from the School to the Coop on Central Road;
- Families living on the other side of Central Road
- ISLA affordable housing development;
- the Coop Store's Ringside Market;
- the Gas Bar;
- Elder Housing;
- the Telus installation;
- the School;
- Botanica garden centre and fruit stand

SOLUTION OPTIONS:

- i) Be fair and remove all roadside ditches from the R.A.R., and Hornby Bylaw amendments.
- ii) Use the setback as determined by regulation for ditches in the R.A.R. Assessment Methods, mainly 2 meters.
- iii) To be fair, pay to have another report done for consistency on the island.
- iv) Add to the list of exclusions "all those properties on roads that have the Community Trail built along the road". (this would remove the Central and St. John's Point ditches, except from the Coop corner to Beulah Creek).

I urge the local Trustees to mandate the Trust staff to offer a solution that works for our island, and not resort to a blanket approach. Thank you for considering this submission and making some changes to these proposed bylaws.

Yours truly,
Karen Ross

Rob Milne

From: Henigman, Margaret FLNR:EX <Margaret.Henigman@gov.bc.ca>
Sent: Friday, May 01, 2015 11:23 AM
To: Rob Milne
Subject: Hornby Island Draft RAR Bylaw and Road Side Ditches

Thank you for your note regarding ditches and how these features should be addressed in the new Hornby Island RAR bylaw. I have had a look though the note provided by Karen Ross, who I understand may be participating in the review process of the current draft. I will attempt to provide clarity to her questions and concerns below.

The Riparian Areas Regulation (RAR) was created as a means of fairly and consistently applying a scientifically based method to establish Streamside Protection and Enhancement Areas (SPEAS), or setbacks, that provide protection of the natural features functions and conditions (FFC's) that support fish life processes, into the future. The RAR came about when it was recognised that there were inconsistencies in how riparian zones were being applied across the province, especially in the areas of the province where there development pressure has been identified. The lead agencies driving the creation and adoption of RAR included Fisheries and Oceans Canada, the Ministry of Environment (now FLNRO) and the Union of BC Municipalities.

The RAR applies to development activities that are proposed within 30m of the high water mark of fish bearing streams. It's important to realise that the SPEA width is calculated within a 30m Riparian Assessment Area (RAA) which is measured upland of the high water mark. The SPEA is intended to protect site potential vegetation into the future and to allow for the possibility of enhancement. In the Detailed (most common) RAR method, a Qualified Environmental Professional (QEP) provides recommendations (Measures to protect the SPEA) within the area between the SPEA and the RAA. So even if the stream conditions are poor and the riparian is badly impacted, establishing a SPEA ensures site potential such that enhancement could be done at some point to improve the FFC's that support fish life processes.

Streams are defined in the regulation to include all forms of natural channels, including channelized streams in addition to road side ditches, provided they are connected by surface water on a permanent or seasonal basis. Road side ditches are distinct from channelized streams in that they are manmade, straight with no significant headwaters or springs, are constructed to drain property or roadways and, while connected to natural streams, are not part of the natural historic drainage pattern. Channelized streams are natural streams that may be straight, have been channelized to drain property (often originally for agricultural purposes), have headwaters and are part of the natural drainage pattern.

The fact that a stream only flows intermittently does not affect the application of RAR. The fact that fish have not been seen in a stream is also not relevant. Fish only need be present somewhere in the system for the RAR to apply. "A watercourse may not in itself be inhabited by fish, but may provide water, food and nutrients to streams that do support fish" (RAR Methods, S.1.4.2, p.13) and although it is theoretically possible to establish fish absence, the prescribed procedure for doing so is expensive and very time consuming. If there is surface water in the system, if only seasonally, and there are continuous channels there may be fish presence.

RAR is only applicable to residential, commercial or industrial activities. We cannot apply RAR to existing permanent structures and we cannot apply RAR to other types of activities, eg institutional or resource use. We also cannot apply RAR to a gazetted road surface and, because RAR only applies above the high water mark (HWM), we also cannot apply it to a ditch bed. Therefore, through RAR, the riparian zone of a road side ditch would be protected at least on one side.

As an aside, note that although work below the HWM of a road side ditch is not covered under the *Water Act*, work proposed within a stream channel (below the HWM) is governed by the *Water Act* but neither case has relevance to the application of RAR. Within the scope of their professional advice and where a landowner, or landowners, have control over a private road side ditch, a QEP may also make recommendations concerning the protection or enhancement of the

bed or banks of the ditch (below the HWM) to maintain channel stability, contribute to the channel's FFC's including filtering contaminants from the road.

Where road side ditches are so far removed from a fish stream and dry for most of the year a Qualified Environmental Professional (QEP) may determine that the RAR does not apply to a proposed development. In this case, our expectation is that the QEP would prepare a letter for the local government justifying their recommendation to exempt the proposed development from the RAR bylaw.

Ditches, that are connected by surface water to fish bearing streams, that may have been missed on the bylaw map, may warrant review by the Hornby Island RAR committee.

I hope that this answers all of Karen's questions and concerns. Please let me know if I have missed anything.

Kind regards,

Maggie Henigman, MA
Sr. Ecosystems Biologist
Ministry of Forests lands and Natural Resource Operations
2080-A Labieux Rd.,
Nanamo, BC, V9T 5C1
250-751-3214
margaret.henigman@gov.bc.ca



From: Trystan Willmott [mailto:trystan.willmott@madrone.ca]
Sent: Monday, June 15, 2015 10:38 AM
To: Rob Milne
Subject: RE: Hornby ditches and RAR

Rob,

Based on potential riparian vegetation width and implementation of the simple assessment, the ditches would probably end up with 30 m SPEAs. It may be worth checking into the applicability of other management regimes on strictly "roadside" ditches applied by MOTI.

We could complete a brief overview of the focus areas and determine those areas where a simple assessment SPEA would end up being less than 30 m (if there are any) and apply the simple assessment to those reaches – i.e. in more populated locations, where permanent structures occur. To justify having decreased DPAs independent of the simple assessment (as with the two ditches on Gabriola) would mean having a detailed knowledge of the specific ditch systems (width, distance from fish habitat etc.). This would mean the completion of field assessments to assess the characteristics of the ditches. Not to take work away from Madrone, but as Mimulus have already completed the field mapping and have detailed measurements on the ditches in their final report, it may be worth asking their input for ditches where decreased DPAs would be acceptable (could be more cost effective).

I'm not sure of the best way to approach this from a cost estimate perspective, but I'm thinking the simple assessment alone would probably end up with maximum SPEAs, which is where an initial overview may be useful. The simple assessment would probably not result in any SPEAs being less than 15 m, based on potential vegetation width. The other question is whether the ditches are potentially fish-bearing or not – we would default to fish bearing, unless proven otherwise. Whether a watercourse is fish bearing or not also affects the width of a SPEA under the simple assessment. To justify decreased DPAs would need detailed reviews of the existing Mimulus mapping/report and field checks.

I've given you an idea of approximate costs and processes involved:

- Completing an overview (desktop) assessment of focal areas to determine applicability of the simple assessment and determine what the SPEA would be under the simple assessment: Biologist (\$95 per hour) – 12 hours (\$1140);
- Completing simple assessments in areas where the SPEA would end up being less than 30 m (if applicable – would be dependent on the outcome of the overview): Biologist (\$95 per hour) – 24 hours (\$2280). GIS analyst (\$65 per hour) – 24 hours (\$1560). Includes brief write up of how the SPEA was calculated, based on applicability of the simple assessment methodology and production of maps showing the simple assessment potential vegetation width measurements and SPEA widths. This would not include the submission of a RAR report, but the calculations would be used as a guide for planning and determination of DPA widths;

Regards,

Trystan.

From: Reception [<mailto:Reception@lyackson.bc.ca>]

Sent: Tuesday, May 26, 2015 9:37 AM

To: Lisa Webster-Gibson

Subject: RE: Bylaw Referral - Hornby Island Local Trust Committee Bylaw Nos. 151 and 152 (RAR)

Greetings, Lisa Webster-Gibson

Lyackson First Nation is in receipt of the referral for: **File #HO-6500-20 (RAR) Bylaw Nos. 151 and 152**

Proposed Decision: Amendment to Bylaws to Implement the Riparian Areas Regulation

Location: Hornby Island, BC

File #: HO-6500-20 (RAR) Bylaw Nos. 151 and 152

Proponent: Hornby Island Local Trust Committee

Dated: May 7, 2015

This area appears to be on/near Hornby Island, BC that Lyackson First Nation would recognize as being in close proximity to other First Nation territorial lands. As such, I would categorize this as a Level 2 rights area for Lyackson First Nation. Level 2 identifies that Lyackson had harvesting, trade and Nation to Nation relations, but not necessarily Title and governing authorities, which would be Lyackson's highest s.35 interests and would require high end of the Haida spectrum consultation.

At Level 2, this would be the moderate to low end of the Haida Spectrum, assessed at this time and date, with knowledge available at this time. Should Lyackson First Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to those Nations' whose title and governing authorities are directly affected.

Hey'ewulh (Good-bye),

This email has been sent to you on behalf and under direction of,

Kathleen Johnnie

Lands & Resources Coordinator

Email: kathleen.johnnie@lyackson.bc.ca

Lyackson First Nation
7973A Chemainus Rd
Chemainus, BC, V0R 1K5

From: Henigman, Margaret FLNR:EX [mailto:Margaret.Henigman@gov.bc.ca]
Sent: Tuesday, June 16, 2015 3:40 PM
To: Rob Milne
Subject: Hornby Island RAR Bylaw HO-6500-20 (RAR); ERS103648
Importance: High

Hi Rob; I am so sorry but I fear this may be too late for you. Just swamped right now.

Just a few comments, specifically within the Exemptions: This is where it always gets tricky. We want to be careful that nothing in the exemptions is inconsistent with the RAR or that fetters a QEPs ability to apply Measures as required under the regulation. So things like:

f) allowing for the removal of trees within the Riparian Assessment Area (30m) isn't going to work. The ultimate SPEA may be much less than 30m but the QEP needs to be able to communicate specific direction to their client within the RAA to avoid what we refer to as a RAR HADD (not the same as a DFO HADD).

i) pruning is alteration of vegetation so should not be occurring within the SPEA and not within the RAA if the QEP has not prescribed this.

o) p) Construction of fences or trails should be outside the RAA or at least outside the SPEA once calculated and considered by the QEP.

q) Disturbance of soils must be outside the RAA until the QEP has done their work to establish the SPEA and measures to protect the SPEA as required under the reg.

r) Construction and everything above is defined as development so cannot occur within the RAA until a SPEA is calculated and measures applied.

Maggie Henigman, MA
Sr. Ecosystems Biologist
Ministry of Forests lands and Natural Resource Operations
2080-A Labieux Rd.,
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STAFF REPORT

Date: June 24, 2015 **File No.:** HO-OCP- 2009.1

To: Hornby Island Local Trust Committee
For Meeting of July 17, 2015

From: Rob Milne, Island Planner

CC: Aleksandra Brzozowski, Acting Regional Planning Manager

Re: Hornby Island Official Community Plan Review

Issue:

To review the outcomes of the Ministry of Community, Sport and Cultural Development consultation with the K'omoks First Nation subsequent to changes made to Bylaw No. 149 in response a letter from K'omoks First Nation received on July 18, 2014.

BACKGROUND:

On July 18, 2014 a late referral submission (Attachment 1) was received from the Komok's First Nation on the same day as, but subsequent to, the regular meeting of the Hornby Island Local Trust Committee (LTC) at which the LTC adopted motions to give third reading to proposed Bylaw No. 149 and to submit the bylaw to the Minister of Community, Sport and Cultural Development for approval. That submission requested that some changes be made to the proposed Bylaw No. 149 prior to its adoption.

Subsequent to the receipt of that letter a Special Meeting of the LTC was held on August 15, 2014 to review and discuss a staff report. The staff report advised the LTC of the receipt of information subsequent to the close of the public hearing for the bylaw and recommended that the LTC should consider the information notwithstanding the fact that consideration of the material would require a new public hearing on the bylaw. After consideration of the matter, the LTC adopted the following motion.

HO-2014-045

that the Hornby Island Local Trust Committee receive the additional information in respect to proposed Bylaw No.149.

Sealed envelopes containing copies of a staff report dated July 30, 2014 regarding the late referral submission were then distributed to the LTC members for review and discussion. It was the recommendation of the staff report that the third reading of Bylaw No.149 be rescinded and that the bylaw be amended at second reading. Subsequent to the LTC review the following motions were adopted.

HO-2014-046

that the Hornby Island Local Trust Committee rescind third reading of

proposed Bylaw No.149.

HO-2014-047

that the Hornby Island Local Trust Committee amend proposed Bylaw No.149 at second reading as follows:

- A. Section 1.4 "Historical Perspectives" of Schedule 'A' be amended by the deletion of the two paragraphs at the bottom of page two and the two paragraphs at the start of page three.
- B. That section 2.1 "Broad Community Objectives" of Schedule 'A' be amended by the addition of a new community objective, "To encourage a relationship with First Nations with interests in Hornby Island and the surrounding waters." Immediately above the last objective.
- C. That Policy 3.7.2 of Section 3.7 "Heritage Features" of Schedule 'A' be amended by deleting the word, "should" and replacing it with the word, "shall."
- D. That Section 4.3, "Mariculture of Schedule 'A' be amended by the addition of an "Information Note" below the "Background" section which reads as follows:

"That the Hornby Island Local Trust Committee does not have the authority to regulate First Nations aquaculture activities related to aboriginal rights."

HO-2014-048

that the Hornby Island Local Trust Committee direct that the amended proposed Bylaw No. 149 proceed to a public hearing to be held on September 19, 2014.

Proposed Bylaw No. 149 was then re-referred to MCSCD for additional review prior to adoption of the bylaw.

On February 18, 2015 staff received email correspondence from the Ministry advising that they had completed their internal review and had been advised by the Ministry of Justice that there were concerns related to the wordings of some of the proposed OCP changes. These changes related to Section 3.7, "Heritage Features" and Section 4.3 "Mariculture".

Staff worked with Ministry staff to develop more acceptable wordings which were then submitted to the Ministry of Justice and were approved. On May 25th, 2015 MCSCD sent a letter to the Komok's First Nation (Attachment 2), as part of their due diligence requirement, summarizing the actions the LTC has taken to address their concerns, including the proposed revised wordings to sections 3.7 and 4.3. In that correspondence the Ministry requested a response within 21 days of receipt of the letter.

ISSUES SUMMARY:

The Ministry of Justice had concerns about two wordings in Bylaw No. 149 relating to Sections 3.7 and 4.3. These concerns also reflect concerns expressed in the July, 2014 letter from the Komok's First Nation. Staff worked with MCSCD staff to develop wordings acceptable with the Ministry of Justice and which were subsequently presented to the Komok's First Nation as part of the provincial duty to consult. No comments were received by the Ministry in the 21 day response period identified by the Ministry.

The current wording in Bylaw 149 for section 3.72 is as follow:

3.7.2 Development shall be located away from areas of known archaeological sites wherever possible until an archaeological assessment has been done and suitable management options are developed.

The wording subsequently approved by the Ministry of Justice reads as follow:

3.7.2 Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the Heritage Conservation Act.

The concern with Section 4.3 related to the information note following that section which currently reads as follow:

NOTE: The Hornby Island Local Trust Committee does not have the authority to regulate First Nations aquaculture activities related to aboriginal rights.

The proposed revised wording which has been approved by the Ministry of Justice reads as follows:

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

STAFF COMMENTS:

Staff has worked with provincial staff to arrive at wordings which satisfy the provincial Ministry of Justice. These wordings, which can be considered to be minor in nature, have been provided to the Komok's First Nation for their review as part of the province's duty to consult with First Nations. No comments were received from the Komok's First Nation.

MCSCD staff has confirmed that the LTC is now in a position where they can move forward with the approval process for Bylaw No. 149. This would involve rescinding third reading, amending the bylaw at second reading to incorporate the two wording changes and then giving the bylaw third reading. Given the minor nature of the changes, the LTC can waive the public hearing.

RECOMMENDATIONS:

THAT the Local Trust Committee:

1. Rescind second reading of Hornby Island Official Community Plan Bylaw No. 149, 2014;
2. Amend Hornby Island Official Community Plan Bylaw No. 149, 2014 by
 - a. Deleting current Section 3.72 and replacing it with the following text;
“3.7.2 Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the Heritage Conservation Act.” and
 - b. Deleting the current note following Section 4.3, “Mariculture” and replacing it with the following text:
“NOTE: Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal Agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations’ interests in aquaculture may be affected.”
3. Giving the Hornby Island Official Community Plan Bylaw No. 149, 2014 third reading as amended; and
4. Waive the public hearing and post notice of further consideration of the bylaw at the August 14, 2015 regular meeting of the LTC as per Section 893 of the *Local Government Act*.

Prepared and Submitted by:

Rob Milne

June 24, 2015

Rob Milne
Island Planner

Date

Concurred in by:

Aleksandra Brzozowski

Aleksandra Brzozowski
Acting Regional Planning Manager

June 24, 2015

Date

Attachments:

1. Komok’s referral submission
2. MCSCD letter to Komok’s First Nation
3. Proposed OCP Bylaw No. 149



K'ómoks First Nation

3320 Comox Road, Courtenay BC V9N 3P8 Tel: (250) 339-4545 Fax: (250) 339-7053

July 10, 2014

Mr. Rob Milne, Island Planner
Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

Dear Mr. Milne,

Re: Proposed Bylaws to replace the current Hornby Island Official Community Plan No. 86, 1993

Thank you for your recent referral of the proposed Hornby Island Land Use Bylaw No. 150, 2014 and the proposed Hornby Island Official Community Plan Bylaw No. 149, 2014.

We have reviewed available documentation on these bylaws and note the following:

Section 1.4 Historical Perspectives: the information contained in this section pertaining to Pentlatch First Nation and the interests of other Nations with respect to Hornby Island is incorrect. The two paragraphs at the bottom of page 2 and the two paragraphs at the start of page 3 must be removed from the document. We would be prepared to work with staff from the Islands Trust on this section of the Official Community Plan to correct these inaccuracies.

Section 2.1 Broad Community Objectives: it is noted that none of the objectives refer to the Rights and Title of First Nations and/or encouraging a relationship with Nations with interests in Hornby Islands and the surrounding waters.

Section 3.7 Heritage Features: this section must be reworded to emphasize that legislation is in place that prohibits any disturbance of found archaeological sites instead of the permissive wording stated in Policy 3.7.2 ("development *should* be located...").

Throughout the Plan - statements relating to aquaculture: This letter provides notice that no actions, bylaws, or policies adopted by the Islands Trust can impede the Nation's current or planned activities relating to aquaculture or our Rights and Title relating to fishing and aquatic harvesting.

KFN Treaty Process: There are lands on Hornby Island that are subject to current Treaty discussions. This process is ongoing and the recognition of the Nation's Rights and Title on the Island should be specifically noted in the Official Community Plan.

In general, our concerns with these documents focus on the protection of culturally sensitive areas and traditional use sites, and the impact of development on existing and potential aquaculture operations held by the K'ómoks First Nation. Hornby Island and the surrounding waters are within the Traditional Territory of K'ómoks First Nation and finding artefacts, evidence of cultural uses, or previously unknown archaeological sites remains a strong possibility. We retain the right to raise objections or proceed with necessary actions if any cultural use or archaeological sites are identified or if we discover impacts on

our rights or interests we have not foreseen with respect to any works conducted or authorized by the Islands Trust.

By this letter we provide notification that no bylaw, policy, or regulation can impact the Rights and Title of K'ómoks First Nation. K'ómoks First Nation has fished, hunted, and harvested in these lands in our Traditional Territory since time immemorial and fully intends to continue with these activities on lands under our jurisdiction. Our membership has recently signed an Agreement in Principle relating to the Treaty Process, and as such K'ómoks First Nation has moved to a higher level and spectrum of consultation and accommodation with regards to matters relating to lands and waters in our Traditional Territory. Our interests cannot be in any way hampered or limited.

The Supreme Court of Canada made it clear that both the provincial and federal governments owe a fiduciary duty of utmost good faith to consult with the First Nations with respect to our lands and resources. This consultation must at minimum be in good faith with the intention of substantially addressing the concerns of the First Nation whose lands are at issue. The courts have also confirmed that government is obliged to make an initial assessment of our rights and must not only engage in meaningful consultation but also must seek an accommodation of our interests which include cultural and economic ones.

Thank you for this referral and we look forward to future discussions with the Islands Trust.

Sincerely,

A handwritten signature in black ink, appearing to be 'Robert Everson', written over a large, faint, oval-shaped stamp or watermark.

Robert Everson
Chief Councillor



Ref: 158290

May 25, 2015

Chief Councillor Robert Everson and Council
K'omoks First Nation
3330 Comox Road
Courtenay, BC
V9N 3P8

Dear Chief Councillor Robert Everson and Council,

I am writing to let you know that the proposed Islands Trust bylaw 149 to update the official community plan (OCP) for Hornby Island and surrounding waters is proceeding through the Islands Trust approval process. The Ministry of Community, Sport and Cultural Development (the Ministry) will be asked to approve the bylaw before it can be adopted by the Islands Trust.

An OCP is a guiding policy framework for local planning and land use decisions. This framework broadly directs local government priorities and investments.

In line with the Island Trust's mandate, the proposed Hornby Island OCP articulates a vision for the island and surrounding waters (see map attached as Appendix A), with broad planning and land use policies aimed both at striking a balance between preservation of the natural environment and development, and at preserving the character of the community while providing for its members in a manner that does not overburden the Island's limited resources. It should be noted that the proposed OCP only represents a partial update of the existing OCP from 2002, rather than a revision of the entire document.

Before deciding whether to approve a bylaw, the Minister will consider whether the decision has the potential to impact Aboriginal interests, and whether consultation has been completed at the appropriate level.

Under s. 879 of the *Local Government Act*, the Islands Trust is responsible for engaging entities, including First Nations, who may be affected by an official community plan. The Ministry has reviewed the Islands Trust's record of engagement with the K'omoks First Nation. We understand that the Islands Trust provided the K'omoks First Nation with an opportunity to comment on the OCP in March 2014, that the K'omoks First Nation raised some concerns in July 2014, and that the Islands Trust responded to those concerns and provided another opportunity to comment in August 2014.

In response to the concerns of your First Nation, we understand the Local Trust Committee passed a resolution to *"focus on relationship building with K'omoks First Nation including considering content of Official Community Plan as it relates to K'omoks First Nation interests."*

We also understand the Local Trust Committee has made, or will be considering, the following changes to the OCP in response to the concerns of the K'omoks First Nation:

1. Section 1.4 Historical Perspective: Four paragraphs were deleted as requested. In its August 15, 2014 letter Islands Trust offered to work with you to improve the content of these paragraphs. I understand that no response was received from K'omoks First Nation.
2. Section 2.1 Broad Community Objectives: a new objective was added: *"To encourage a relationship with First Nations with interests in Hornby Island and the surrounding waters."*
3. Section 3.7 Heritage Features: consideration will be given to amending Policy 3.7.2 to state: *"Development shall be located away from areas of archaeological sites unless authorized by a permit issued under the Heritage Conservation Act."*
4. Section 4.3 Mariculture: consideration will be given to adding a note stating: *"Responsibility for the regulation and licensing of aquaculture in British Columbia is shared by a number of Provincial and Federal agencies. The Local Trust Committee is committed to working cooperatively with other agencies to address situations where First Nations' interests in aquaculture may be affected."*

The Province is of the view that the above changes and proposed changes address the concerns raised by K'omoks First Nation. Given the high level policy scope of the Hornby Island OCP, it is our preliminary assessment that this OCP is unlikely to result in any adverse impacts on your Aboriginal interests.

A copy of the current draft of the proposed OCP bylaw is available on the Islands Trust website (<http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/projects-initiatives/ocp-and-lub-review.aspx>) but please note that it does not reflect all of the above proposed changes, since some (items 3 and 4) will be considered by the Local Trust Committee in due course.

We would like to provide you with an opportunity to comment on the above proposed changes and the rest of the Hornby Island OCP before the Minister considers whether to approve the bylaw. If you have additional information that is important for us to understand, or if you would like to meet to discuss your First Nation's interests related to this bylaw, we would appreciate hearing from you within 21 days from receipt of this letter. If the Ministry does not hear back from you during that period, we will consider consultation to have been concluded. I can be reached by telephone (250-387-4071), or by email (Eric.Nicholls@gov.bc.ca).

Chief David Bob, Jr. and Council
Page 3

Thank you for your consideration of this letter.

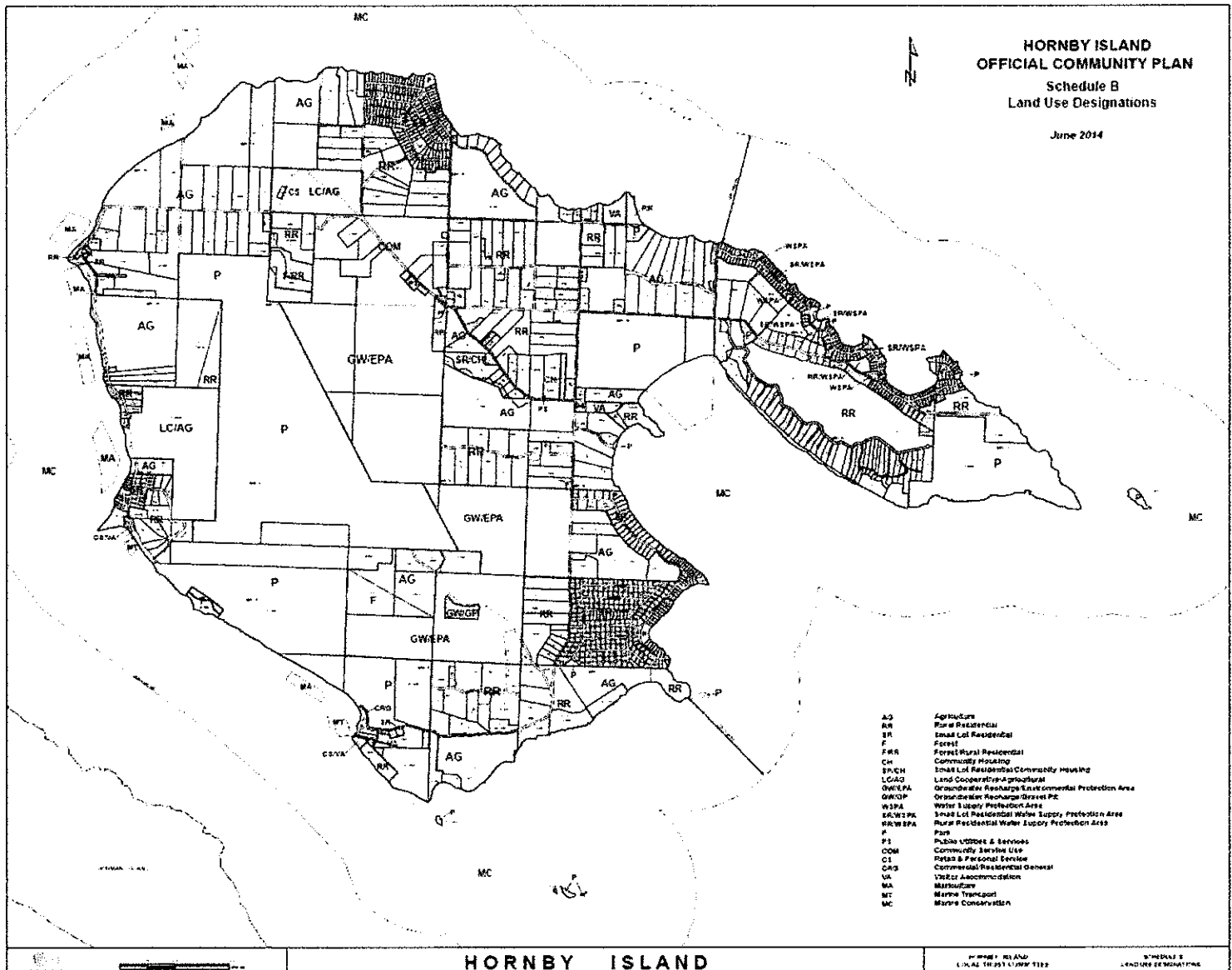
Sincerely,

A handwritten signature in cursive script that reads "Eric Nicholls". The signature is written in black ink and is positioned below the word "Sincerely,".

Eric Nicholls
Senior Planning Analyst
Intergovernmental Relations and Planning Branch

Appendix A

Proposed Hornby Island Official Community Plan – Land Use Designations





Islands Trust

HORNBY ISLAND

OFFICIAL COMMUNITY PLAN

BYLAW NO. 149, 2014

Preserving Island communities, culture and environment

[Back of Front Cover]

**HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 149**

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

The Hornby Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Hornby Island Local Trust Area pursuant to the Islands Trust Act,

AND WHEREAS the Hornby Island Local Trust Committee wishes to adopt an Official Community Plan,

The Hornby Island Local Trust Committee enacts as follows:

1. TITLE

This Bylaw may be cited as the “Hornby Island Official Community Plan Bylaw No. 149, 2014”.

2. APPLICATION

This Bylaw applies to:

Hornby Island,
Toby Island,
Flora Islet,
Norris Rocks,

and unnamed islets and the surface of water within 1000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet, except where the boundary overlaps with that of Denman Island in which case, the jurisdiction of the Hornby Island Local Trust Committee extends to a line mid-channel between the two Islands as shown on Schedule B.

3. ORGANIZATION

The following schedules attached to and forming part of this Bylaw, are adopted as “Hornby Island Official Community Plan Bylaw 149, 2014”:

Schedule A:	Bylaw Text
Schedule B:	Land Use Designations Map
Schedule C:	Land Status and Road Designations Map
Schedule D1:	Environmentally Sensitive Areas (Sensitive Ecosystem Inventory) Map
Schedule D2:	Environmentally Sensitive Areas Map
Schedule E:	Development Permit Areas Map
Schedule F:	Hazardous Areas Map
Schedule G:	List of Community References

4. REPEAL

“Hornby Island Official Community Plan Bylaw No. 104, 2002” is repealed upon adoption of this Bylaw.

READ A FIRST TIME THIS 25TH DAY OF APRIL , 2014

PUBLIC HEARING HELD THIS 11TH DAY OF JULY , 2014

SECOND PUBLIC HEARING HELD THIS 19TH DAY OF SEPTEMBER , 2014

READ A SECOND TIME THIS 18TH DAY OF JULY , 2014

READ A THIRD TIME THIS 19TH DAY OF SEPTEMBER , 2014

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

7TH DAY OF OCTOBER , 2014

APPROVED BY THE MINISTRY OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS

DAY OF , 201X

ADOPTED THIS

DAY OF , 201X

SECRETARY

CHAIRPERSON

HORNBY ISLAND OFFICIAL COMMUNITY PLAN

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SCHEDULES

B	Land Use Designation Map
C	Land Status and Road Designation Map
D1	Environmentally Sensitive Areas and Aquifers Maps
D2	Environmentally Sensitive Aquifers Map
E	Development Permit Areas Map
F	Hazardous Areas Map
G	List of Community References

SCHEDULE A

HORNBY ISLAND OFFICIAL COMMUNITY PLAN

SECTION I— BACKGROUND

1.1 Context and Interpretation

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

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

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

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

1.2 Purpose

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

1.3 Islands Trust Authority

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

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

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

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

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

1.4 Historical Perspectives

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

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

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

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

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

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

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

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

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

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

1.5 The Natural Setting

Terrestrial Ecosystems

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

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

On Hornby only about 104 hectares (260 acres) of relatively undisturbed stands of older forest have been identified. This is about 3.5% of the island's area. However, there are also at least 572 hectares (1330 acres) of older second-growth forest (19% of the Island). As these recovering forests reach about 80

years old, they start to develop a structure and composition that allows much of the natural biodiversity to become re-established. These areas can provide important connectivity, allowing the movement and dispersal of forest plant and animal species. Within the Coastal Douglas Fir zone, Garry Oak Woodlands cover about 0.6% of the landscape. They often occur on south-facing slopes where summer moisture is low and shallow soils are common.

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

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

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

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

Fresh Water

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

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

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

This is the only source of groundwater recharge. This recharge generally takes place on the higher areas of the island and in stream beds. Outflow is to wetlands, creeks and the ocean. Groundwater is the major

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

The Marine Environment

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

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

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

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

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

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

1.6 Socio-economics of Hornby Island

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

The economy follows a seasonal cycle and is highly dependent on a population of visitors that is estimated to quadruple the island population in summer months. There are an estimated 100 businesses

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

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

1.7 Principles

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

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

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

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

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

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

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

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

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

SECTION II — PRIMARY OBJECTIVES AND POLICIES

2.1 Broad Community Objectives

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

To promote the conservation, preservation or restoration of:

- a) areas of natural, scenic, historical, archaeological or scientific value,
- b) watershed and groundwater recharge areas,
- c) public land and parks,
- d) areas of significant vegetation, the forests, the wildlife and their habitat,
- e) land with agricultural potential,
- f) shoreline, foreshore and the Island's surrounding marine ecosystem, and
- g) water courses and riparian areas.

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

To minimize pollution of air and water.

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

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

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

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

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

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

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

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

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

To preserve the rural character of the Island.

2.2 Objectives and Policies for All Land Use

Background:

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

Sensitive Ecosystems and Biodiversity

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

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

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

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

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

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

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

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

Groundwater

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

island and for the island in general. Effective planning and land use management are identified as some of the most effective means to address groundwater management.

Over-riding Land Use Objectives:

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

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

Over-riding Land Use Policies:

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

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

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

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

- i) maintaining the recharge of the groundwater resource in identified recharge areas by restricting extensive logging, modification of natural drainage features, residential, commercial and industrial developments, extensive road development, excavation, quarrying and soil removal, ditching and drainage works;
- ii) maintaining the quality of the groundwater resource by preventing contamination from: sewage and grey water, concentrated animal feeding operations, intensive fertilizer or pesticide application, improper use or storage of toxic chemicals, improper waste disposal, such as burning and open dumps, inadequate protection of wells, inadequate sealing of abandoned wells, over-pumping of groundwater in areas where salt-water intrusion is likely to occur;
- iii) maintaining the quantity of the groundwater resource by: limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem, using rainwater catchment and storage systems wherever possible in new and existing developments, establishing water conservation measures and practices; and
- iv) supporting the implementation of a groundwater protection plan, including innovative and remedial programs.

SECTION III—OBJECTIVES AND POLICIES FOR PROTECTION OF THE ENVIRONMENT

3.1 Environmental Stewardship

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are:

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

Advocacy Policies:

- 3.1.1 A moratorium on oil and gas exploration in the Trust area is supported.
- 3.1.2 The Ministry of Energy, Mines and Petroleum Resources is requested to establish a reserve on the entire Island against exploration for mineral or petroleum resources.
- 3.1.3 The Local Trust Committee should encourage measures to reduce the risk of pollution from transporting dangerous materials by air, sea or land on or near the Island.
- 3.1.4 The Ministry of Transportation and Infrastructure and utility corporations are requested to replace the application of pesticides and herbicides on road allowances or other transmission routes with non-polluting practices such as manual trimming.
- 3.1.5 The hydro-electric utility company is requested to consult with the Local Trust Committee on any field operations involving the application of chemicals (such as remedial woodpole treatment programs).
- 3.1.6 The Comox Valley Regional District is requested to consider affordable and effective measures that will address the problem of uncontrolled dogs on Hornby Island.
- 3.1.7 The Comox Valley Regional District is requested to continue to maintain and enforce the following;
 - a) an effective noise bylaw to address noise disturbance originating from sound systems, musical instruments, barking dogs and other sources;

- b) an effective unsightly premise bylaw; and
 - c) the “dark skies” in rural areas lighting standards.
- 3.1.8 All government and non-government agencies and private businesses involved in providing services for the resident and visiting public are requested to provide adequate toilet facilities and waste recycling containers for their clients and to make information available on water conservation.
- 3.1.9 Tourism-related businesses, real estate agents and other organizations that provide information to visitors or potential owners of island property are requested to include information on the legislated “preserve and protect” mandate of the Islands Trust and the objectives and policies of the Official Community Plan to protect the island’s ecosystems and freshwater supply and to preserve native biological diversity.
- 3.1.10 All owners and land users are encouraged to comply with the “Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia” of the Ministry of Environment and with the regulations of the Vancouver Island Health Authority, and the orders and discretion of the Fire Marshall.
- 3.1.11 Efforts to control the spread of invasive exotic plant species (such as Scotch broom, holly, ivy, daphne and Himalayan blackberry) and to eradicate them from environmentally sensitive areas to enable their replacement with native species are encouraged and supported.
- 3.1.12 Programs to control the population of opossums are supported.
- 3.1.13 The use of toxic herbicides and pesticides and heavy applications of fertilizers on lawns and gardens is strongly discouraged.
- 3.1.14 The dissemination of information about the risks of introducing invasive non-native species and pathogenic organisms harmful to indigenous species resulting from bringing biological material (including soil, bark mulch and firewood) onto the Island is supported and efforts to increase sustainable island self-sufficiency with respect to the provision of firewood and other biological material are encouraged.

3.2 Environmentally Sensitive Areas

Background:

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

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

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

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

Sensitive Ecosystems (August, 2010):

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

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

Protected Areas Distribution (November, 2010):

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

Other noted features identified in the Regional Conservation Plan include:

At Risk Species (September, 2010):

The B.C. Conservation Data Centre has recorded sightings of Coastal wood fern (blue listed), Western Screech-Owl, *kennicottii* subspecies (blue listed), Coast microseris (red listed), Propertius Duskywing (blue listed), White-top aster (blue listed), Macoun's meadow-foam (red listed), Nuttall's quillwort (blue listed), Fragrant popcornflower (red listed), Peregrine Falcon, *anatum* subspecies (red listed), White-top

aster (red listed) and Great Blue Heron, *fannini* subspecies (blue listed) in the Hornby Island Local Trust Area. There may be additional species at risk in the Hornby Island Local Trust Area that are not recorded with the B.C. Conservation Data Centre or whose locations are considered confidential information.

Forested Ecosystems (August, 2010):

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

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

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

Marine Ecosystems (September, 2010):

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

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

Modified Ecosystems (August, 2010):

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

Threats to Ecosystems:

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

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

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

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

- 3.2.1 Notwithstanding policies contained elsewhere in this Plan where they apply to land identified here, this section takes precedence.
- 3.2.2 Where areas are designated as environmentally sensitive on Sensitive Ecosystem Maps or on Schedule D1, the sensitive area may be protected by covenants at time of rezoning, subdivision or other change in land status in favour of an appropriate third party such as the Islands Trust Fund, or other organizations with the capacity to hold and monitor effective conservation covenants.
- 3.2.3 In areas of water collection and aquifer recharge, natural drainage patterns should be retained, and any removal of forest cover or other physical changes should be conducted so as to preserve the ability of the ground to retain water to recharge the aquifers, and may be regulated by Development Permit.
- 3.2.4 Development should be prohibited or restricted in areas identified by a hydrogeological study as being vulnerable with respect to water catchment, recharge or storage functions.
- 3.2.5 Any development in areas with sensitive ecosystems or important habitat may be regulated by Development Permit to protect the identified features, including establishing buffer areas in accordance with Sensitive Ecosystem Inventory recommendations or Environmental Guidelines for Development.
- 3.2.6 Development along coastal areas adjacent to foreshore with significant marine values (such as shellfish resources or migratory bird habitat) may be regulated by Development Permit.
- 3.2.7 Fish-bearing streams, their riparian areas, tributary creeks and wetlands feeding them will be protected and enhanced in accordance with the Provincial *Fish Protection Act* through regulations and through supporting enhancement programs.
- 3.2.8 Connectivity of relatively undisturbed natural areas should be maintained wherever possible including between the shore and the interior forested uplands.

Advocacy Policies

- 3.2.9 Where significant ecological, natural or historical areas or significant habitat areas are located on Crown land, the Ministry of Sustainable Resource Management and the Ministry of Environment are requested to secure these areas in protective reserves, Parks or through transfer to the Islands Trust Fund, and to keep them in the public domain with access appropriate to the level of sensitivity.
- 3.2.10 Voluntary covenants or easements to protect natural features and the donation or sale of sensitive areas to a conservation land trust such as the Islands Trust Fund are encouraged.

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

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

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

3.3 Parks and Protected Areas

Background:

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

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

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

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

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

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

Tribune Bay Park covers 96 hectares (240 acres), of which 23 hectares (58 acres) are foreshore of Big Tribune Bay. The Park's vegetation consists of about 70% second-growth forest and about 30%

grassland resulting from former cultivation. The broad white sand beach, backed by the open meadow area, is the primary attraction of the Park. The Tribune Bay Outdoor Education Centre operates under a Park Use Permit in the north-east corner of the Park and provides educational programs to youth, mostly school groups. Infrastructure includes the old lodge, other buildings, a climbing wall and a high ropes course. A tennis court is also located in this area. A pilot constructed wetland providing alternative waste treatment has been established at the Centre.

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

The Mount Geoffrey Regional Nature Park which is now 333 hectares (826 acres) in area was established by the Comox Valley Regional District on 303 hectares (758 acres) of what was formerly vacant Crown land. It includes the upper and western part of the Mount Geoffrey escarpment as well as lower land below and to the west of the escarpment. Within the Park are sensitive ecosystems - Older Forest (below the escarpment) and Sparsely Vegetated long the edge of the escarpment) - which have been identified in the "Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands, 1993 - 1997". Most of the park's vegetation is second growth forest. The escarpment of Mount Geoffrey is an important part of the Island's groundwater recharge area.

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

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to ensure that parks remain in an essentially natural state and that the bio-diversity, sensitive ecosystems and wild life habitat are preserved;
- (2) to allow for recreational and educational opportunities for visitors and residents that are managed and monitored to ensure minimal environmental degradation and to fully protect fragile areas;
- (3) to encourage a system of walking, bicycling and horseback trails, with minimal development, through forested areas, to and from parks and across and around the island; and
- (4) to encourage community and neighbourhood involvement in the planning and stewardship of parks.

Policies:

- 3.3.1 At the time of subdivision and if park dedication is required under the *Local Government Act*, preference is generally for park dedication, not cash-in-lieu. This could take the form of trails, or parkland.
- 3.3.2 The following areas are suitable for acquisition, dedication, and preservation and are identified as candidates for parks or protected areas:

- a) land that is shown on Schedule B as park, groundwater or ecological reserve (GW/EPA & GW/GP) for existing areas;
 - b) land that contributes to a community trail network that connects residential areas, commercial areas, the community hall and school area, parks, beaches and ferry terminals;
 - c) land that is designated as Environmentally Sensitive Areas, as shown on Schedule D1 or is environmentally sensitive as determined by more recent mapping of sensitive ecosystems;
 - d) land that provides access to the ocean;
 - e) land that provides low impact recreational opportunities for the community and visitors;
 - f) areas of undeveloped lands;
 - g) land contiguous with existing parks and protected or undeveloped areas, particularly where it may provide a buffer for an ecologically sensitive site;
 - h) designated water accesses as parkland; and
 - i) land that provides habitat connectivity
- 3.3.3 The Local Trust Committee, when considering applications for zoning amendment or subdivision, should pursue any opportunities to secure protected areas, parkland or trails through dedication, easement, covenant or donation.
- 3.3.4 The subdivision, donation or sale of a parcel of land (or interest in land) for park, trail or conservation purposes may be considered a community amenity. Amenity Zoning and Density Transfer provisions may be established by the Local Trust Committee on a site specific basis and upon application.
- 3.3.5 Park and preservation uses should be permitted in all land use designations and may be zoned to specify the type of park or protected area.
- 3.3.6 Setbacks on properties adjacent to parks should be established by regulation to protect the visual amenity of parks.
- 3.3.7 Park land dedication, public accesses to and along foreshore and rights of ways should be maintained for public use, and remain free of encroachments.
- 3.3.8 The Local Trust Committee may consider amenity zoning of properties adjacent to existing parks to allow subdivision if the applicant is proposing an addition of part of the lot to the adjacent park.

Advocacy Policies

- 3.3.9 Owners of properties on which there are established public trails and appropriate organizations are encouraged to work together to achieve the long term protection of the trails through covenants or other means.
- 3.3.10 The Ministry of Environment is requested to:
- a) maintain the natural values and not permit development, other than those required for public health and education in Helliwell and Tribune Bay Provincial Parks;
 - b) continue to regularly consult with the community's parks committee and/or the Local Trust Committee on matters relating to the management and infrastructure of the parks on Hornby in particular to address community, conservation, aesthetics and safety concerns;
 - c) involve the community in stewardship programs with respect to the parks;
 - d) prohibit camping uses in the Parks except those associated with the Outdoor Education Centre at Tribune Bay Park; and

- e) implement ecosystem-based management plans for Helliwell, Tribune Bay and Mount Geoffrey Escarpment Provincial Parks.
- 3.3.11 The Comox Valley Regional District is requested to:
- a) continue to manage Mount Geoffrey Regional Nature Park as an undeveloped Park, for low-impact, nature-oriented uses, with only those minimal facilities necessary for public health and safety. The Master Plan for this Nature Park should continue to emphasize protection of ecosystems, retention of vegetation, and protection of fragile areas and existing water sources;
 - b) continue active community involvement in the planning, stewardship and management of parks and other undeveloped parcels under its jurisdiction on Hornby; and
 - c) investigate and report on options for acquiring tenure of the adjoining vacant Crown land including management of this parcel as an addition to either the existing provincial or regional park.
- 3.3.12 The Ministry of Transportation and Infrastructure is requested to:
- a) work with the Local Trust Committee to develop a plan for all water accesses, unopened road allowances and other such properties under the Ministry's jurisdiction on Hornby Island;
 - b) support tenure by Comox Valley Regional District of those parcels that the community and the Comox Valley Regional District consider appropriate for management as parks;
 - c) establish a stewardship arrangement with an appropriate community organization, or organizations, to act as stewards for the remaining properties once a plan has been developed for them; and
 - d) maintain the unopened road allowances in their natural state, prevent unpermitted alienation by adjacent land owners and discourage overnight camping by means of signage.
- 3.3.13 Motorized vehicles should not be allowed outside designated parking areas in any park, or on unopened road allowances, except for park service vehicles and emergency vehicles.
- 3.3.14 The Ministry of Environment is requested to work with the federal government and the Canadian Coastguard to develop measures to ensure that motorized vessels are excluded from that part of Tribune Bay that is within the Provincial Park.
- 3.3.15 The Ministry of Environment and the Department of Fisheries and Oceans Canada are requested to introduce regulations and other measures to fully protect marine species and habitat in the marine component of Helliwell Park.
- 3.3.16 Agencies with jurisdiction over parks are supported in restricting or controlling access to areas in parks where this is required for the protection or restoration of sensitive ecosystems and habitats.
- 3.3.17 Community organizations and land owners are encouraged to work together using available tools such as covenants and easements to secure and extend the existing network of trails according to the Parks and Trails plan.
- 3.3.18 Owners of land located adjacent to established parks are encouraged to dedicate land or to provide trail easements to add to the park amenity.
- 3.3.19 Where a park contains a public well, parks authorities are requested to grant an easement to the private well users(s) for their continued use and maintenance of the well.

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

Background:

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

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

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

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

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

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

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

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

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

- 3.4.1 This area should be conserved as a forested area and all planning should be undertaken with the perspective of a forest-based rather than a human-based time scale.
- 3.4.2 This area should not be subdivided except to create nature reserves or other land-holding arrangements for the protection of the natural environment.
- 3.4.3 No permanent buildings should be permitted on the land; other structures should be limited by regulation to those required in pursuit of the objectives of this sub-section
- 3.4.4 Sensitive ecosystems within this area should be fully protected. Transfer of this area to conservation or park is supported in order to protect the wetlands.

Advocacy Policies

- 3.4.5 The use of fertilizers and pesticides and the storage and disposal of waste material, hazardous chemicals and other potential pollutants should be prohibited to protect the groundwater resource and natural ecology.
- 3.4.6 Excavation, quarrying, soil removal, road development, ditching and drainage works should be regulated to protect against alteration of natural surface drainage or groundwater catchment and storage functions and against impacts upon identified ecological values.
- 3.4.7 Studies that provide additional data on the groundwater catchment and flow system should be supported.

- 3.4.8 The Ministry of Environment is requested to consider acquisition of the Mount Geoffrey area identified by the GW/EPA designation on Schedule B for a provincial park or other type of protected area.
- 3.4.9 As a preferred alternative tenure option, the Minister of Environment is requested to propose legislation that would enable the designation of this area as a community groundwater recharge area for the protection of the community's groundwater resource, to be managed through community stewardship with objectives and policies compatible with this Official Community Plan.
- 3.4.10 As an alternate tenure option, the Comox Valley Regional District is requested to investigate in consultation with the Local Trust Committee, the community and relevant First Nations, the appropriate options for obtaining tenure that would be compatible with the objectives and policies of this Official Community Plan.
- 3.4.11 Ministry of Forests, Lands and Natural Resource Operations is requested to only consider dispositions of this land or interests in this land that is compatible with the objectives and policies of this Official Community Plan.
- 3.4.12 The Ministry of Forests and Range is requested to only establish tenures that enable the implementation of the objectives and policies of this community plan.

3.5 Groundwater Protection—Gravel Pit Area

Background:

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

Area

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

Objective:

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

Policies:

3.5.1 The sand and gravel deposits on the lands designated GW/GP in this plan are deemed suitable to address the requirements of Section 877(1)(c) of the Local Government Act.

Advocacy Policies:

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

3.5.3 The Ministry of Transportation and Infrastructure and Ministry of Forests, Lands and Natural Resource Operations are requested to support the transfer of any unused portion of the gravel pit parcel in Strachan Valley (and the whole of that parcel when it is no longer required for gravel extraction) for inclusion in the Groundwater Recharge- Environmental Protection Area land use designation.

3.6 Marine Conservation

Background:

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

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

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

Area

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

Objective:

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

Policies:

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

Advocacy Policies

- 3.6.3 The Provincial and Federal governments are requested to develop existing and new programs, such as harvest refugia, which protect and enhance the populations of native marine species and ecosystems.
- 3.6.4 Ministry of Forests, Lands and Natural Resource Operations and the Federal Department of Fisheries and Oceans are requested to ensure that foreshore uses or developments that might deplete or disturb migratory wildfowl feeding areas, shellfish communities, fish nursery areas and herring spawning areas not be permitted.
- 3.6.5 The Federal Department of Fisheries and Oceans and the Ministry of Environment are requested to fully protect through conservation measures, including fisheries closures, any vulnerable species of marine fauna and flora and important habitats such as the area where six-gilled sharks come near the surface near Flora Islet and areas supporting juvenile rockfish or herring spawning.
- 3.6.6 The Federal Department of Fisheries and Oceans is requested to protect fully the marine component of Helliwell Provincial Park through conservation measures such as prohibiting the taking of marine life by diving, closures of fisheries as required and the establishment of a Marine Protected Area.
- 3.6.7 The Federal Department of Fisheries and Oceans is requested to regulate, police and monitor any harvesting of shellfish to ensure that wild stocks are sustainable.

- 3.6.8 The Federal Department of Fisheries and Oceans is requested to ensure that no activities should be permitted in the Hornby Island Local Trust Area that will degrade the sea bed.
- 3.6.9 The BC Ministry of Environment (MoE) or the Department of Fisheries and Oceans (DFO) are requested to prohibit outfalls for sewage and grey water on Hornby Island.
- 3.6.10 Transport Canada is encouraged to require holding tanks for sewage and grey water in all commercial and recreational vessels.
- 3.6.11 The designation and enforcement of Tribune Bay as a no sewage discharge area under Federal Sewage Pollution Prevention Regulations is supported. The designation of additional areas where sewage discharge problems have been identified is also supported.
- 3.6.12 The Federal Ministries of: Environment; Transport Canada; Fisheries and Oceans Canada; and Defense; and other relevant agencies are requested to prohibit the disposal of domestic, industrial or military waste or the discharge of waste from vessels (including cruise ships) into waters within or adjacent to the Hornby Island Local Trust Area.

3.7 Heritage Features

Background:

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

The Island was once used by First Nations, predominately from the east coast of Vancouver Island, as a summer camping area to collect and dry venison, berries, fish and shellfish for use in their villages throughout the winter. The Island may also have provided a source of cedar for building canoes. Fossils and middens are found in many locations. Archives have been established in the community and there has been interest in establishing a museum to include artifacts and fossils. New Horizons Society currently stores Hornby Archive's substantial acquisitions and is planning construction of a separate archives structure on its property.

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

Area

The Hornby Island Trust Area and heritage road locations identified on Schedule C (Land Status and Road Designations) are subject to the following objectives and policies.

Objective:

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

Policies:

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

Advocacy Policies

- 3.7.4 A program to identify buildings and sites of historical significance and outstanding or typical examples of local architecture is supported and where appropriate, the Comox Valley Regional District or the Province are requested to designate or otherwise protect and preserve these resources.
- 3.7.5 The Ministry of Tourism, Culture and the Arts is encouraged to assist in further identifying all archaeological sites on the Island and to ensure those sites are protected from disturbance under the provisions of Section 13 of the *Heritage Conservation Act*.
- 3.7.6 The Ministry of Transportation and Infrastructure and hydro-electric and telephone utility companies are requested to consult with the Islands Trust before undertaking any widening, clearing or installation of poles and lines along Central Road particularly that portion designated a heritage road.

- 3.7.7 The Ministry of Transportation and Infrastructure is requested, in addition to the already designated Ford Cove hill section of Central Road, to designate Savoie Road and Little Tribune Bay Road as heritage roads, as noted on Schedule C, in accordance with the Island Trust and the Ministry of Transportation and Infrastructure Agreement (1992 and as amended in 1996) and the existing 33 foot road allowance should be retained.
- 3.7.8 The establishment of covenants held by the Islands Trust Fund to protect heritage sites is supported.
- 3.7.9 The establishment of a local museum and/or archive involving appropriate societies is supported.

3.8 Hazard Areas

Background:

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

Area

The Hornby Island Local Trust Area and areas noted specifically on Schedule F (Hazardous Areas Map) as slope > 30% and the "Mt. Geoffrey slump area" are subject to the following objectives and policies.

Objective:

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

Policies:

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

Advocacy Policies:

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

SECTION IV—OBJECTIVES AND POLICIES FOR THE STEWARDSHIP OF RESOURCES

4.1 Farming

Background:

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

Area

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

Objective:

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

Policies:

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

Advocacy Policies:

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

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

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

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

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

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

4.2 Forestry

Background:

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

Area

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

Objective:

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

Policies:

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

Advocacy Policies

- 4.2.6 The need for local firewood supplies is acknowledged and the careful management of firewood harvesting in order to improve the forest resource should be encouraged.
- 4.2.7 Low-impact sustainable forestry that maintains the essential forest cover and bio-diversity values is supported.
- 4.2.8 Owners of forested land are encouraged to ensure that forestry activities do not significantly alter natural drainage patterns.
- 4.2.9 The Ministry of Forests and Range is encouraged to consider the objectives and policies of this Official Community Plan and the policies of the Islands Trust Policy Statement in recognition of Hornby Island's location within the Island Trust Area and should be requested to:
 - a) promote management practices that ensure the protection of native biodiversity, valued environmental features and groundwater recharge areas; and
 - b) encourage management plans that involve the maintenance of continuous tree cover and that use native species in planting programs.
- 4.2.10 The extensive planting of non-native species for silviculture is strongly discouraged.

4.3 Mariculture

Background:

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

NOTE: The Hornby Island Local Trust Committee does not have the authority to regulate First Nations aquaculture activities related to aboriginal rights.

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

- 4.3.1 Fish farms such as finfish net pen aquaculture operations should not be permitted.
- 4.3.2 Intensive mariculture, nori farms and long-line oyster culture requiring floats, buildings and structures should not be permitted in front of residential neighbourhoods of Sandpiper, Whaling Station Bay and Galleon Beach.
- 4.3.3
- 4.3.4 All new mariculture sites, including bottom culture, should be subject to redesignation, rezoning and subsequent regulations.
- 4.3.5 The areas from Collishaw Point Ford Cove has potentially suitable biophysical conditions and proposals for Mariculture use may be considered by the Local Trust Committee upon application for rezoning
- 4.3.5 Rezoning for mariculture should only be considered after there has been a review of the coastal area to identify significant and representative ecosystems, species, habitat and features, and the measures required to protect them such as processes required under the *Canadian Environmental Assessment Act (CEAA)*.
- 4.3.6 Mariculture operations should be regulated to ensure that a 2 metre (7 ft.) leave space is retained for public enjoyment of the beaches.

Advocacy Policies

- 4.3.7 The Ministry of Forests, Lands and Natural Resource Operations is requested to prohibit:
 - a) mariculture in areas fronting provincial parks, regional parks or nature reserves; and
 - b) tenure in areas which have been used traditionally as moorage for local vessels or for landing of sea planes.

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

4.4 Energy

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

- 4.4.1 The use of all forms of renewable energy sources, such as small scale wind turbines and solar panels appropriate to the rural environment for generation of power for onsite consumption with limited noise and visual impacts and safety risk, should be encouraged.
- 4.4.2 The development of renewable energy sources that allow for the sale of power to the Hydro grid and for individual site and local community use may be examined through zoning regulation, provided that such sources are reviewed to ensure there are no negative environmental impacts or increased safety risks.

Advocacy Policies:

- 4.4.3 The use of CSA certified low emission wood stoves should be encouraged.
- 4.4.4 Community initiatives to establish educational and informational programs on energy conservation on the Island including demonstration and experimental projects are supported.
- 4.4.5 The conservation of energy in buildings through adequate insulation and thermal glazing is supported.
- 4.4.6 Community transport, carpooling, ride sharing and the use of alternative fuel and non-motorized vehicles are encouraged.

4.5 Water

Background:

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

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

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

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

Advocacy Policies:

- 4.5.9 The Vancouver Island Health Authority shall be requested to ensure that drinking water sources and recreational water bodies are not contaminated by deleterious liquid discharges.
- 4.5.10 The Ministry of Forests and Range and the Ministry of Forests, Lands and Natural Resource Operations are requested to require that any tree cutting be carried out according to a management plan designed to fully protect the groundwater recharge function of the area based upon hydrological information and that draft management plans be referred to the Local Trust Committee for community review.
- 4.5.11 The Ministry of Transportation and Infrastructure is requested to review ditching practices with respect to maximizing groundwater recharge and retention and to work with the Local Trust Committee and the community to identify and carry out pilot projects involving alternative management of run-off in appropriate locations.
- 4.5.12 The Real Estate Board is requested to require from land owners disclosure of septic and well conditions and locations at the time of property transfer so that prospective buyers are informed of the water/septic situation.
- 4.5.13 Sellers of properties and their real estate agents are requested to disclose water and septic information to prospective buyers of property on the Island.
- 4.5.14 Any education program directed toward the conservation of Island water supplies, the re-use of water and the utilization of rainwater catchment and storage systems is supported.
- 4.5.15 The use of chemical fertilizers, pesticides, and herbicides by any agency or individual is strongly discouraged.

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

SECTION V — OBJECTIVES AND POLICIES FOR A SUSTAINABLE INFRASTRUCTURE

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

5.1 Water Supply Systems

Background:

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

Area:

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

Objectives:

The objectives of this subsection are:

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

Policies:

- 5.1.1 Piping of water from a source off-island should be prohibited.
- 5.1.2 Large-scale desalination plants should be prohibited. Small-scale desalination plants using technologies that do not involve the returning of concentrated brine to the environment and other negative impacts to the environment, natural coastal processes or marine or coastal habitat may be permitted and regulated.
- 5.1.3 The Local Trust Committee should encourage and support efforts to establish community-managed water sources that could be made available to water delivery operators under appropriate arrangements and which would be monitored by a publicly-accountable organization.
- 5.1.4 A well may be used for the extraction of ground water for transportation off the lot from which it is extracted where permitted by zoning regulation or Temporary Use Permit.

Advocacy Policies:

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

5.2 Water Supply Protection Areas

Background

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

Area

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

Objective:

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

Policies:

- 5.2.1 Lot A Plan 19879 Section 9, owned by Whaling Station Bay Improvement District is designated as a Water Supply Protection Area to ensure its protection as a site specific water supply zone and land uses on this lot should be restricted by regulation.
- 5.2.2 Land uses on properties within the catchment area of this water supply system may be restricted by regulation or covenant to protect the water resource on the basis of a professional hydrological study.
- 5.2.3 Land uses on or near parcels containing public wells should be regulated to ensure protection of the water source.
- 5.2.4 Where indicated by a professional hydrological study, land uses on adjacent properties may be restricted by regulations or covenant to protect the water source.
- 5.2.5 The establishment of additional public wells in appropriate inland locations should be considered; parcels containing new public wells should be added to this designation.

Advocacy Policy

- 5.2.6 Public wells are subject to requirements of the *Water Act* and other provincial legislation such as the *BC Drinking Water Protection Act* and regulations. Designated purveyors or other agencies responsible for such wells must comply with provincial regulations and should protect the well head, ensure regular maintenance and testing of the well, post the test results and monitor draw down and water availability, or enter into an agreement with a community organization to carry out this work.
- 5.2.7 Agencies with jurisdiction over land parcels containing wells are encouraged to seal wells that are no longer being used or maintained.

5.3 Sewage Treatment and Disposal

Background:

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

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

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

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

Area

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

Objective:

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

Policies:

- 5.3.1 All owners should be alerted when applying for a Siting and Use Permit to the need for considering the location of sewage disposal fields including the treatment tank, whether that tank is a septic tank, package treatment plan or some other unit that pre-treats sewage effluent, before wells are drilled and buildings are constructed and to meet provincial requirements.
- 5.3.2 The feasibility of facilities to fully treat sewage or to complete the treatment of material from composting toilets may be investigated through a comprehensive planning process, such as a Liquid Waste Management Plan process. Potential sites should only be considered in appropriate locations away from residential areas and proposed operations must be in compliance with all applicable regulations.

Advocacy Policies

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

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

- a) encourage the use of technologies that improve treatment and/or enable it to take place with a smaller foot print on the land (e.g. The use of effluent filters, tank access risers, package treatment plants and sand filters);
 - b) encourage the use of approval alternate systems where these are appropriate to particular situations; and
 - c) ensure regulations are enforced to prevent inadequate treatment of waste from threatening the quality of groundwater.
- 5.3.5 The Federal Government departments with authority are requested to require the use of holding tanks for sewage on vessels docked or moored in the waters surrounding the Island.
- 5.3.6 Provincial Ministries are requested to support research, development and application of alternative waste treatment systems through community-based pilot projects.
- 5.3.7 Public sewerage and sewage treatment systems are considered a remedial measure in existing high-density residential areas.
- 5.3.8 Consideration should be given to securing appropriate land (vacant Crown land or vacant private lots) that may be used in future for neighbourhood full treatment systems in the small lot subdivisions.
- 5.3.9 The Land Title and Survey Authority, the Real Estate Board and local realtors are encouraged to require from land owners disclosure of septic and well conditions and locations before property transfer so that prospective buyers are informed of the water/septic situation.
- 5.3.10 Programs designed to educate the public on appropriate approvable methods and management of sewage and grey water disposal systems are encouraged.
- 5.3.11 Efforts to provide information to visitors that there are no pump-out facilities for recreational vehicles or boats on the Island are supported.

5.4 Recycling and Disposal of Solid Waste

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies

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

Advocacy Policies:

- 5.4.2 Continued recycling of solid wastes on the Island, including waste generated by the commercial sector, is supported.
- 5.4.3 The recycling depot and any site for storage or dumping of solid waste should continue to be managed so as to protect the environment in compliance with the Comox Valley Regional District Waste Management Plan through consultation with the Ministry of Environment.
- 5.4.4 Any necessary burning of waste should comply with the strictest interpretation of the standards of the Ministry of Environment designed to minimize air pollution.
- 5.4.5 Household hazardous wastes not suitable for reuse should be disposed of in accordance with policy established by the Comox Valley Regional District Waste Management Plan.
- 5.4.6 The Comox Valley Regional District and the Ministry of Environment are requested to regularly review the operations and location of the Recycling Depot to ensure that there are no adverse impacts upon the environment and, in particular, upon surface water and groundwater.
- 5.4.7 Waste materials generated off-Island should not be accepted at the present Recycling Depot on Hornby Island nor in any future alternate disposal facility on the Island.

- 5.4.8 Managers of waste materials are encouraged to apply the standards established in the Comox Valley Regional District Waste Management Plan.
- 5.4.9 The Comox Valley Regional District is requested to:
- a) continue to monitor down hill wells for landfill leachate in accordance with the Ministry of Environment directives on the management of closed, capped landfilled sites;
 - b) to regularly review the operation of the Recycling Depot to identify and address any adverse impacts upon the environment (including upon surface water and groundwater) and to ensure that it complies with Provincial and the Comox Valley Regional District standards; and
 - c) continue to support the development of local markets for recycled materials.
- 5.4.10 Managers of petroleum products and other hazardous substances such as contained in machinery (including derelict vehicles) are requested to ensure that such materials do not enter and contaminate the ground and groundwater.

5.5 Public Utilities and Services

Background:

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

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

Area

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

Objective:

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

Policies:

- 5.5.1 Should an alternative site need to be found for the recycling depot in the future, any location should be considered and assessed in terms of environmental impact and site suitability for appropriate zoning in conjunction with the Comox Valley Regional District.
- 5.5.2 Locations for service depots such as for telephone or hydro may be considered upon application.
- 5.5.3 Transmission towers for community radio and/or to enable high-speed internet access for the community should be permitted in the community service use area and on larger lots provided the towers are below the height for which Transport Canada requires navigation lights and should be regulated to protect the visual amenity of the residential neighbourhood.

Advocacy Policies

- 5.5.4 All public service and utility installations on the Island should be for servicing Hornby Island only.
- 5.5.5 Industry Canada is encouraged to prohibit commercial microwave towers and satellite antennae on Hornby Island.
- 5.5.6 Federal and Provincial ministries and public and private corporations that provide public utilities and services are requested to ensure that measures are in place to ensure that the storage of materials and the maintenance of vehicles do not result in chemicals entering the ground that might contaminate the groundwater resource.
- 5.5.7 BC Hydro is requested to consult with the Local Trust Committee with respect to the installation of any new hydro services to minimize impacts in environmentally sensitive areas and scenic areas and is encouraged to consider installing lines underground where appropriate to preserve views.
- 5.5.8 The provision of high-speed internet access to facilitate educational and commercial opportunities for residents is supported.

5.6 Air Transport

Background:

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

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

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

Advocacy Policies

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

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

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

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

5.7 Water Transport

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies

- 5.7.1 Private wharfs and/or breakwaters should be prohibited by regulation.
- 5.7.2 Expansion of wharfage at Ford Cove by the Ford Cove Harbour Authority may be supported provided negative environmental and visual impacts can be demonstrated to be minimal.
- 5.7.3 Expansion of moorage at Shingle Spit may be considered provided negative environmental and visual impacts can be demonstrated to be minimal.
- 5.7.4 Mariculture should not be permitted in Ford Cove or at Shingle Spit.
- 5.7.5 The existing marine transport (MT) points as shown on the land use map Schedule B should be maintained for current identified uses.
- 5.7.6 Public launching slips for canoes, kayaks, row boats and dinghies may be considered upon application to allow for safe and easy water access.

Advocacy Policies

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

- 5.7.8 Safe methods of transporting dangerous materials around, to or on the Island should be required.
- 5.7.9 The Ministry of Environment and Department of Transportation are requested to establish boating speed restrictions within the Hornby Island Trust Area to ensure that public safety and environmental concerns are addressed.
- 5.7.10 BC Ferry Corporation and the Ministry of Transportation and Infrastructure are encouraged to:
- a) achieve a level of service that follows rather than precedes community needs and that is established in consultation with community representatives;
 - b) encourage carpooling and non-automotive land transportation;
 - c) ensure that all vessels and associated upland facilities meet all the standards of the Ministry of Environment;
 - d) consult on a regular basis with a local advisory committee (or in the absence of such a committee, the Hornby Island Local Trust Committee) with respect to future planning for and any changes to ferry service between Hornby Island and Vancouver Island; and
 - e) consider the impact of the level and structure of tariffs upon the social and economic viability of the community.
- 5.7.11 All marine fuel services should meet all federal and provincial requirements.

5.8 Roads

Background:

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

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

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

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

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

Area

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

Objectives:

The objectives of this subsection are:

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

Policies:

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

- 5.8.2 The following should be designated as Cycle Routes: a) from the ferry terminal to the Outdoor Education Centre (Shingle Spit-Central-St. Johns Point), and b) from the Co-op crossroads to Strachan Road (Central Road).
- 5.8.3 Shared accesses onto roads from private driveways should be encouraged and subdivision layouts should be designed to consolidate access points.
- 5.8.4 A linked network of trails for non-motorized vehicle travel, including cycle paths, should be established through Crown lands, Parks, highways dedications, and private-land by easements or agreements.

Advocacy Policies

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

Main Rural:

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

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

Paved Width: 6.7 m (7.3 m on a curve)

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

Minor Rural:

Posted maximum speed: 40-50 km/hr

Paved width: 6.1 m

Shoulder width: no paved shoulder unless on a cycle route

Residential Rural:

Posted maximum speed: 30-40 km/hr

Paved width: 5.5 m

Shoulder width: no paved shoulder

Heritage Rural:

Posted maximum speed: 30-40 km/hr

Paved width: 5.5 m

Shoulder width: no paved shoulder

- 5.8.6 The Ministry of Transportation and Infrastructure and B.C. Hydro are requested to:
- a) ensure the road system follows natural contours of the land wherever possible;
 - b) continue the major road pattern as shown on the land use map, which does not connect across the bench under Mt. Geoffrey;
 - c) retain unused road dedications as greenways and, where appropriate, as pedestrian and bicycle trails for access to beaches, Crown land, parks and other trails and roads;
 - d) retain as much natural vegetation along the roadside as possible and especially to protect wildflowers, rare plants, dogwood, arbutus and Garry Oak trees;

- e) provide for safe travel of non-motorized traffic along Central Road and other busy sections of road (this should preferably take the form of paths adjacent to but separated from the existing roadway);
 - f) ensure signage along the roads is minimal and in keeping with a rural atmosphere;
 - g) consult with the Local Trust Committee on setting priorities for annual road work and ditching programs;
 - h) work with the Local Trust Committee to address public parking provisions in community service use areas;
 - i) ensure that ditching of roads is carried out so as to reduce impact upon natural groundwater and surface water flow patterns;
 - j) work with the Local Trust Committee and community organizations to develop a trails and greenways plan and establish local stewardship arrangements for water accesses and unopened road allowances;
 - k) provide written referrals to the Local Trust Committee with respect to any proposed works on roads, right-of-ways, water accesses and unopened road allowances;
 - l) refer any disposition of road allowances to the Local Trust Committee;
 - m) provide adequate dust control on gravel roads and consider in consultation with the community paving heavily traveled sections such as the lower portion of Strachan Road; and
 - n) consider, in consultation with the community, traffic calming measures where these can address neighbourhood safety concerns.
- 5.8.7 The Ministry of Transportation and Infrastructure is requested to work with the community to address ways to improve safety in the area of high activity at the intersection of Sollans Road, and Central Road and the intersection of Central Road and Shields Road at the Hornby Co-op.
- 5.8.8 The Ministry of Transportation and Infrastructure is requested to ensure that road development does not compromise agricultural land or significant forest areas.
- 5.8.9 The Ministry of Transportation and Infrastructure is requested to ensure that waste material (particularly flammable material) is not allowed to accumulate in gravel pits and other land under its jurisdiction.
- 5.8.10 The Ministry of Transportation and Infrastructure is requested to make old gravel pits available for community uses when the gravel resource has been exhausted.
- 5.8.11 Programs to educate cyclists, motorists and pedestrians on road safety issues are supported.
- 5.8.12 The RCMP is encouraged to enforce highway regulations in order to help maintain the safety of the roads.
- 5.8.13 The Comox Valley Regional District is requested to maintain regular transit service to Buckley Bay from the Comox Valley and to expand the transit service across Denman to Hornby Island.

SECTION VI — OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE

6.1 Objectives and Policies for Development

Background:

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

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

A review of the current and proposed parcels located within the land use categories contained within this plan and the level of land development activities in those categories indicate that there remains a sufficient inventory of lands to allow for sustainable future land use needs over the next five years and beyond.

Area

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

Objectives:

The objectives of this section are:

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

Policies:

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

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

6.1.2 A minimum parcel size should be established for a parcel that may be subdivided pursuant to section 946 of the *Local Government Act* (subdivision for a relative) so as to uphold the objectives of the applicable designation in this Plan.

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

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

- 6.1.5 Applications for amenity rezoning or density transfer may be considered by the Local Trust Committee for purposes of environmental and groundwater protection, community housing, removing growth pressures and consolidating lots. Eligible situations include dedication of land for park purposes and donation of land for conservation or community land trust. It must be demonstrated that the property proposed for receiving the density can do so without significant impact upon the land base including water resources, environmental values and neighbourhood character.
- 6.1.6 The Local Trust Committee may consider proposals for covenants for the purposes of protecting the environment and specifically the groundwater resources, upon receipt of a rezoning, subdivision, or a temporary use permit application from the land owner. The covenant may contain restrictions on the use of the land in order to protect and enhance the groundwater recharge capabilities, to ensure that groundwater contamination is avoided, to address groundwater shortages, or to prevent further subdivision of the parcel. To ensure that any covenant is enforced, the covenant should be held by the Local Trust Committee (or the Trust Fund Board where appropriate) and should be monitored regularly.
- 6.1.7 Subject to Ministry of Environment and the Ministry of Agriculture regulations, specified agricultural and horticultural activities should be permitted and should be regulated by bylaw to ensure that water resources are protected and that agricultural activities on non-agricultural land do not disturb the quiet of residential neighbourhoods. The provincial guidelines address the following: storage and use of agricultural waste, application and composting of agricultural waste, agricultural emissions, agricultural machinery noise, storage and use of wood waste, on-farm disposal of mortalities, feeding areas, access to water and use and storage of agricultural products.
- 6.1.8 Recommendations from the Ministry of Environment Stormwater Management Guidebook regarding the maintenance of pre-development infiltration and drainage regimes should be considered in the development of land use regulations.
- 6.1.9 Lot coverage should not exceed 15 % on lots less than one hectare (2.5 acres) and 10% on lots greater than one hectare (2.5 acres). Lot coverage for lots within the Agricultural Land Reserve should not exceed 20% with the additional 10% to be used only for structures required for agricultural production such as barns and greenhouses.
- 6.1.10 All development of property should include provision for appropriate off-road parking as specified in regulation.
- 6.1.11 A recreational vehicle, manufactured or mobile home, caravan, studio, boat or a travel trailer, if used as a residence, should be considered as a dwelling unit and be subject to density regulations.
- 6.1.12 In order to protect the natural environment and maintain neighbourhood views, screening and natural landscaping should be maintained on all parcels and along all lot lines in accordance with land use bylaw regulations.
- 6.1.13 Materials that could contaminate water resources should not be stored unless with proper provision for preventing contact of potential contaminants with the ground.
- 6.1.14 The storage of hazardous wastes or dangerous goods should not be permitted except when stored in accordance with the Ministry of Environment regulations. Safe storage of material used in conjunction with normal agricultural practices should be permitted on land within the Agricultural Land Reserve.
- 6.1.15 The protection of the Island from fire hazard should be considered when developing land use regulations.

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

Advocacy Policies

- 6.1.17 The Local Trust Committee encourages all land owners to identify areas (including significant features) on each property to be left undisturbed before proceeding with any site development.
- 6.1.18 The Local Trust Committee encourages all land owners to discuss proposed developments and other land use activities with neighbours at an early stage of planning.
- 6.1.19 The Local Trust Committee encourages land owners to work with the Islands Trust Fund to fully protect special features and both natural and cultural values as identified in the Islands Trust Fund Regional Conservation Plan, 2011-2015. (The Islands Trust Fund, a conservation land trust established by the *Islands Trust Act*, can acquire land for nature reserves and hold conservation covenants on private land.)
- 6.1.20 The Local Trust Committee encourages all land owners to address potential impacts upon groundwater and surface water before proceeding with any site development.

6.2 Community Service Use

Background:

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

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

The areas previously designated "light industrial" land are now included in the "community service use" areas which could provide for future public institutions and community trades and services. The community will continue to work with the Ministry of Forests, Lands 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.

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to ensure that the central community service lands are managed as an integrated unit for the benefit of the community as a whole;
- (2) to protect the groundwater resource from degradation for purpose of water supply;
- (3) to design development to accommodate anticipated traffic and parking needs,
- (4) to encourage the clustering of public buildings in this area ;
- (5) to encourage the sharing of utilities such as parking, sewage and grey water systems, vehicle access, and water supply;
- (6) to encourage the continued use of building styles, materials, landscaping and the retention of treed areas which are in keeping with the rural landscape;
- (7) to ensure that there is ample sewage treatment and water supply for the anticipated uses;
- (8) to use community resources efficiently and to allow for development of community facilities as needed;
- (9) to ensure that the existing community use and service areas are maintained;
- (10) to recognize the importance of keeping long-term residents of the Island within the community by enabling community housing; and
- (11) to support community acquisition or lease of parcels of Crown lands in this area that may be required to provide public services.

Policies:

- 6.2.1 A Community Trades and Services Area, intended as an area where multiple businesses or other facilities for the creation of artisan products and the provision of services such as personal, business, food preparation, repair and professional services has been designated as Community Service Use Development Permit Area No. 2 as shown on Schedule E and will be regulated by development permit and land use bylaw regulations.
- 6.2.2 All land within the community service use designation and public utilities and services designation directly north of the GW/EPA designation on Schedule B is designated as part of Water Resource Protection Development Permit Area No.3 for the purpose of protecting the groundwater resource on Schedule E. A development permit will be required for any new development that involves: significant water use, sewage and grey water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building.
- 6.2.3 Community facilities, such as schools and recreational facilities should continue to be clustered in the central area near the Community Hall.
- 6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally.
- 6.2.5 The Royal Canadian Mounted Police should continue to be located in a central location, and should be requested to provide a structure in character with other public buildings on the Island.
- 6.2.6 The development of affordable rental housing or special needs housing for Island residents, including facilities for seniors, displaced year-round residents and summer workers, operated non-commercially, should be permitted on land designated community service use and be regulated land use bylaw regulations. Other residences should only be permitted for the purpose of accommodating a caretaker or operator.
- 6.2.7 Limited commercial activities such as a farmers' market for locally-produced foods and goods; community arts facility or a credit union, preferably operated under the jurisdiction of a community non-profit society, should be permitted on community service use lands subject to adequate off-street parking being provided and should be addressed through land use bylaw regulations.
- 6.2.8 Member use services provided non-commercially, such as community kitchens, gardens, public showers and laundry facilities should be permitted.
- 6.2.10 Signage and lighting should be regulated by bylaw to ensure maintenance of the rural landscape.
- 6.2.11 All buildings should be finished in natural products such as wood, stucco, stone or brick or other materials that would fit in with the ambience of the community and neighbourhood; roofing materials that are appropriate for water catchment may be utilized.
- 6.2.12 Off-road signage and lighting should be regulated to provide a safe environment in keeping with the rural landscape.
- 6.2.13 The Crown land parcel containing the gravel pit on Central Road should be considered for a mix of community service uses should this land no longer be required for use by the Ministry of Transportation and Infrastructure or subject to a final Treaty agreement.
- 6.2.14 As much as possible, natural forest vegetation should be retained or re-established throughout this area.

Advocacy Policies

- 6.2.15 Organizations involved in administering and using property in the area designated for "community service use" are encouraged to work together to develop a master plan for future facilities and uses in this area.
- 6.2.16 Ministry of Forests, Lands and Natural Resource Operations is requested to:
- a) only consider dispositions of land designated for community service use that are compatible with the objectives and policies of this Official Community Plan;
 - b) consult with the Local Trust Committee to ensure that any dispositions are in accordance with a master plan for the area;
 - c) retain this land in public community management; and
 - d) ensure public access to the Crown land is maintained.
- 6.2.17 The Ministry of Transportation and Infrastructure and Ministry of Forests, Lands and Natural Resource Operations are requested to make available for public use any unused portion of the gravel pit parcel on Central Road (and the whole of the remaining parcel when this is no longer required for gravel extraction).
- 6.2.18 The provision of facilities for junior and senior high school students is supported.
- 6.2.19 School District #71 is encouraged to make all educational facilities available for use by the whole community.
- 6.2.20 Availability of facilities such as the school and hall for a variety of functions is encouraged.
- 6.2.21 The acquisition of land in this area by a community land trust, in the context of an overall master plan is supported.
- 6.2.22 Studies that provide additional data on the groundwater and catchment flow system in this area is supported.

6.3 Residential

6.3.1 Residential—General

Background:

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

Historically, the Island has had a rural character with predominately large acreages. The small lot subdivisions were created prior to the Islands Trust assuming planning authority for the Island and all potential areas for subdivision into that lot size are already subdivided. By 1990, approximately 60% of all residential parcels on the Island were 0.2 hectares (about 0.5 acre) or less. In 2009 more than 95% of the private dwellings are single-detached and 18% are rented.

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

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

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

- a) a substantial proportion of the long-term resident population is now in the older age brackets; some may appreciate the availability of special housing in their senior years while others may wish to be supported while remaining in their own homes;
- b) property prices are out of scale with the incomes that can be derived on the Island, making it difficult for younger people to become established here; and
- c) the majority of properties are owned by non-residents and most of these are occupied and/or rented seasonally thereby limiting the availability of year-round rental accommodation.

Notwithstanding these challenges the location, amount, type and density of current residential lands; in conjunction with the designation of new lands for community housing and the addition of new policies enabling secondary suites and temporary housing; are deemed sufficient to meet anticipated housing needs over the next five years and beyond.

As a Local Trust Area designated under the *Islands Trust Act* this document has as its focus the preservation and protection of the Trust Area and is not premised on the unlimited accommodation of housing demands but rather places priority on the preservation and protection of the natural environment of the local trust area.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to ensure that a variety of housing options are available;
- (2) to ensure that the scale of residences and other buildings are appropriate to the Island and neighbourhood context;
- (3) to recognize the importance of keeping long-term residents in the community; and
- (4) to provide for community initiatives to address housing needs for the foreseeable future.

Policies:

Policies in subsection 6.3.1 apply to all subsections of subsection 6.3

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

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

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

6.3.2 Small Lot Residential

Background:

Lots in this category are smaller than 0.8 hectares (two acres) and generally range around 0.24 hectares (about 0.5 acre) in some subdivisions to 0.1 hectares in areas on the peninsula of the island. As these lots become increasingly developed and used, the already evident problems with sewage disposal and water supply could become more acute.

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

Area

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

Objectives:

The objectives of this subsection are:

- (1) to ensure that any construction on existing vacant lots can be supported by the land base and does not lead to health hazards or degradation of the environment;
- (2) to minimize the negative impacts associated with small lot development;
- (3) to protect the water resource in the Whaling Station Bay/Anderson Drive aquifers classified as heavily developed, highly vulnerable and
- (4) to ensure that the land uses do not have an adverse effect upon the quality and quantity of water draw down from the Whaling Station Bay Improvement District water collection system nor upon other wells on adjacent properties.

Policies:

- 6.3.2.1 The principal use should be residential with any accessory uses consistent with the residential character.
- 6.3.2.2 The minimum parcel size should be one hectare (2.5 acres).
- 6.3.2.3 Existing Small Lot Residential designations of Sandpiper, Galleon Beach and Whaling Station Bay/Anderson Drive, as shown on Schedule B, will not be expanded and no new small lots will be created except for the purposes of park dedication, neighborhood waste water treatment or to create ecological reserves.
- 6.3.2.4 One dwelling unit should be permitted on each lot.
- 6.3.2.5 The keeping of animals should be limited and regulated to protect the quiet of the neighbourhood and the quality of the groundwater resources and the well-being of wildlife populations.
- 6.3.2.6 Additional development of the groundwater resource should be strongly discouraged.
- 6.3.2.7 The use of water catchment and storage systems for household and garden use should be encouraged.
- 6.3.2.8 The Local Trust Committee supports the regular monitoring of the groundwater resource in these areas and should consider further restrictions upon land use if there is a documented threat of contamination or if aquifers become classified as "highly developed".
- 6.3.2.9 Consolidation of small lots should be encouraged. To recognize the reduction in density and other impacts resulting from the consolidation of lots, the following should apply for any lot over 1 hectare that is the product of the consolidation of smaller lots: the maximum floor area of a residential dwelling or an accessory building may be permitted to be one and a half times the size permitted on standard lots in the small lot residential designation.
- 6.3.2.10 Bed and Breakfasts home occupations and vacation home rentals may be permitted providing the number of guests does not exceed the design capacity of the approved sewage treatment system and with the number of guests limited based on lot size.
- 6.3.2.11 Home occupations should be permitted but limited by regulation to those having little impact on the neighbourhood character and environmental qualities.

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

- 6.3.2.12 The provision for shared water supply systems and/or sewage and grey water treatment involving two or more lots is supported where appropriate to local situations and in accordance with the Vancouver Island Health Authority standards.
- 6.3.2.13 One lot, Lot 11 Plan 25736, is adjacent to a water collection system that provides water to property owners in the Whaling Station Bay area. The following policies apply to Lot 11:
- a) residential development should be restricted to the north-western half of the property;
 - b) the south-eastern part of the property (as identified in hydrological report by Piteau Associates Engineering Ltd. (2002)" should remain in an undisturbed state (except for measures such as ditching that are required to protect the water resource) and should be protected by a covenant or through transference to local government for protection purposes; and
 - c) before any development is permitted, an impact assessment report setting out a site drainage plan should be prepared and implemented in accordance with recommendations from the Piteau Associates Engineering Ltd. (2002) report.

6.3.2.14 Home occupations should be limited to those occupations that would result in no increase in sewage treatment requirements.

6.3.2.15 Vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.

6.3.2.16 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.2.17 The Local Trust Committee should encourage and support initiatives to monitor and address impacts of concentrated development upon health, safety and the environment in this area.

6.3.3 Rural Residential

Background:

The Rural Residential designations are intended to promote the retention of large parcels of land, while still providing an opportunity for cooperative land sharing. These rural residential areas are intended to maintain rural aesthetic appeal while permitting home occupation and minimizing the impacts on surrounding land parcels.

In the previous Plan the Rural Residential designation was further divided into a Large Lot Residential designation that was used to identify properties that could be subdivided if there were two long-standing homes built and the owners were owners in common prior to 1991, and a Large Lot Residential/Water Resource Protection Area on a 6.5 acre parcel where one additional lot could be created and it was so designated to recognize its role in community water supply.

The retention of large parcels is now considered a primary objective. Property owners had the opportunity to resolve joint ownership issues in the past and it is now considered appropriate that the primary objective be to retain the large lots. Some options may still be available to allow subdivision in those situations of lots owned as tenants in common.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to promote retention of large parcels of land and existing densities;
- (2) to provide some limited opportunity for land sharing without encouraging subdivision;
- (3) to enable some residents to resolve existing land sharing challenges; and
- (4) to allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated rural residential and to ensure minimal negative impact on neighbouring properties.

Policies:

6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of 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.

6.3.3.2 Exceptions to policy 6.3.3.1 may apply on property described as Lot 10, Plan 48077 designated large Lot Residential / Water Supply Protection Area in the previous plan, a minimum lot size of

0.4047 hectare (1 acre) with an average lot size of one hectare (2.47 acres) may be considered for subdivision.

- 6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character.
- 6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.
- 6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities.
- 6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.
- 6.3.3.7 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.
- 6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported.
- 6.3.3.9 The use of water catchment and storage systems should be particularly encouraged where Bed and Breakfast home occupations and vacation home rentals are taking place.

6.3.4 Forest

Background:

Land in this category has high scenic, aesthetic and ecological value and includes some of Hornby's highly visible elevated land. It is made up of important forested water catchment areas and areas of very steep slope (which are identified on schedule F).

There are many long established and well-used trails enabling public enjoyment of the forest landscape and the scenic viewpoints on the escarpments. Potential for land slippage exists in the steeply sloping areas, evidenced by the closure of the shoreline road from Ford Cove to Shingle Spit due to persistent slides. Public access for recreation is of prime importance to the community. The uniqueness of these areas is intended to be preserved while allowing residential use. Because these areas are vital for water catchment, ground disturbance should be minimized and forest cover retained in order to protect the groundwater recharge function. The whole of the west side of Mt. Geoffrey, known as The Bench, is a slump area particularly vulnerable to earthquake activity.

Area

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

Objectives:

The objectives of this subsection are to:

- (1) preserve scenic, aesthetic and ecological values;
- (2) minimize ground disturbance and retain forest cover in order to protect water catchment areas;
- (3) preserve traditional public trail access through forested areas especially to escarpment view points;
- (4) promote retention of large parcels of land;
- (5) provide some limited opportunity for land sharing without encouraging subdivision,

- (6) maintain the visual quality of the residential neighbourhoods; and
- (7) allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated Rural Residential and to ensure minimal negative impact on neighbouring properties.

Policies:

Policies in subsections 6.1 and 6.3.1 apply to this subsection.

6.3.4.1 For any subdivision of properties in the Forest designation, an average lot size of 16 hectares (40 acres) should be maintained, with a minimum lot size of four hectares (10 acres) when subdivision averaging takes place unless the subdivision is for the purpose of creating a park, ecological reserve, other community service use or a community land trust.

6.3.4.2 Residential use of land should be permitted in the Forest designation.

6.3.4.3 Only one dwelling unit should be permitted per parcel and two dwellings if the parcel is over four hectares (10 acres).

6.3.4.4 Setbacks of buildings and uses from cliff edges and retention of vegetation should be required to protect the slopes from erosion.

6.3.4.5 Home occupations may be permitted subject to land use bylaw regulations and should be limited to those types having a low impact on the natural forested character of the area or other environmental qualities.

6.3.4.6 Public access to the existing trail system should be secured wherever possible through dedication, covenant or easement.

6.3.5 Housing

Background

A 2008 report entitled *Housing Needs on Hornby and Denman Island* prepared by Eberle Planning and Research notes that “the recent prolonged boom in vacation property sales has affected both islands with steadily rising house prices”. In the last census period, median house prices on Hornby Island increased by 116% while incomes increased by only 7%. (An income of \$60,000 is required to buy an average non-waterfront home. The median household income is \$37,689.) The number of rental units declined by 7% in this period and now only 18% of dwellings are rented compared with 30% for BC. The average Hornby renter has moved 12 times. While 90% of elders own their homes, almost half of these need repairs.

The report estimated that at least 97 Hornby households were in need of housing . The report recommended that a) approximately 30 affordable housing units could address the needs of Hornby renter households in need who prefer ownership, b) ten elder housing units are required to meet anticipated need over the next 10 years, c) secondary suites / dwellings could address the housing requirements for the minimum 17 single-person renter households in need and renters without year-round accommodation and d) provision for emergency/temporary housing would help address housing shortages in the summer and housing crises in the winter. It also proposes support for renters, repair assistance for elder home-owners and home care for elders. The 2004 Hornby Island Advisory Housing Committee Report included recommendations with respect to secondary units, temporary summer accommodation and the formation of a community land trust.

In recognition of the findings of the 2008 report new lands have been designated for the development of community housing, and new policies which allow for both secondary suites and temporary housing have been included in this Plan to assist in addressing the identified housing needs.

There are two Hornby Island organizations with a housing focus: Hornby Island Elder Housing Society and the Islanders' Secure Land Association. Two properties are currently zoned for community housing.

For purposes of interpretation the following terms are used in this section:

“Affordable Housing” – housing that is by intent and policy more affordable than identical housing that is or could be provided elsewhere in the community and is housing that by design and size provides for residential accommodation that can be acquired with 30 per cent of the median gross income of families or individuals on Hornby Island.

“Rental Housing” is housing that is available by payment of rent for occupancy for a minimum of one month and can include any form of housing that is available for rent.

“Special Needs Housing” is housing to accommodate persons who may have special needs due to age, health, disability or other factors that may require special housing characteristics.

“Community Housing” is housing that is provided specifically by bylaw to address affordable or special needs housing requirements, including housing that is provided on land designated for community services use, but community housing does not include housing that may be provided as part of a land cooperative; as a secondary suite; as part of a mixed use development such as in association with a commercial land use or as a secondary dwelling on a property; even though such housing may contribute to the provision of housing that is affordable, available for rent or that accommodates the needs or persons with special needs. The Community Housing designation is intended to designate areas that are considered suitable for such housing.

Land Co-operatives involve co-operative ownership of some large parcels which have been viewed as consistent with the character of the community. The co-operative lifestyle on rural large parcels of land has required fewer roads, allowed sharing of resources, and made the acquisition of property more affordable for members. The Land Co-operative designation is intended to promote the retention of larger parcels and rural character, while still providing an opportunity for cooperative land sharing and the benefits it provides in terms of affordable housing. Land in this designation may be held by organizations such as community land trusts, co-operatives established under the *“Cooperative Association Act”* or under a corporate ownership structure owned by resident shareholders.

Area

All areas with the CH (Community Housing) and LC (Land Cooperative) designations are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to provide for a range of housing opportunities including the creation of affordable, rental and special needs housing;
- (2) to enable affordable, rental and special needs housing options that are compatible with the Island's environment and character;
- (3) to provide for community initiatives to address the housing needs associated with age, disability, and/or moderate and low income through the provision of community housing;
- (4) to provide opportunity for non-profit housing situations to meet the needs associated with age, disability, and/or moderate and low income; and
- (5) to support land cooperatives with the intention of providing opportunity for common ownership through co-operative land tenure.

Community Housing Policies

Policies in Section 6.1 and section 6.3.1 apply to this subsection.

- 6.3.5.1 The principal use of lands designated for Community Housing (CH) should be affordable or special needs residential.
- 6.3.5.2 Parcels designated Rural Residential (RR) that have demonstrated ability to meet Provincial Ministry standards of water, grey water (sewage and waste water) treatment and other health and environmental requirements, may be considered upon application for a site specific rezoning (See Section 7.3). A development plan is required upon application rezoning that includes information regarding future development phases, projected densities, impacts on the land and neighbourhood including the provision of waste supply, waste disposal and retention of natural vegetation.
- 6.3.5.3 A housing agreement may be required upon application for rezoning to Community Housing.
- 6.3.5.4 Criteria that should be addressed in the provision of community housing includes:
- (a) the form of tenure of the housing units;
 - (b) the availability of the housing units to persons whose special needs are to be accommodated;
 - (c) the administration and management of the housing units, including the manner in which the housing units may be made available to persons with special needs referred to in paragraph (b); and
 - (d) rents and lease, sale or share prices that may be charged, and the rates at which these may be increased over time, as specified in an agreement or as determined in accordance with a formula specified in an agreement.
- 6.3.5.5 Community housing developments should be encouraged to be located where there is compatibility with existing and potential land use on neighbouring parcels.
- 6.3.5.6 Community housing developments should be of a scale and character that is compatible with the neighbourhood ambience and the natural environment.
- 6.3.5.7 Lot A, Section 11, Hornby Island, Nanaimo District, Plan VIP87054, designated (AG), may be used to provide affordable or special needs housing.
- 6.3.5.8 Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.

Affordable Housing Policies

- 6.3.5.9 Shared land ownership is recognized as one means of providing a more affordable ownership of land and may be supported in land use regulation in lieu of subdivision of land where supported by policy in section 6.3.3 and section 6.3.6 of this Plan.
- 6.3.5.10 A non-commercial campsite may be considered within areas designated to permit Community Service Use as a means to provide temporary summer accommodation for summer workers, summer visitors and displaced residents who cannot otherwise find accommodation.
- 6.3.5.11 Housing should be permitted on land designated for community service use provided it is affordable housing or provides for persons with special needs.

Rental Housing Policies

- 6.3.5.12 Residential use should be an accessory use on land zoned commercial use and may be a means to provide rental housing opportunities.

- 6.3.5.13 A secondary suite, limited in size and contained within a permitted dwelling, may be permitted on larger rural lots (in accordance with policies in section 6.3.3 (Rural Residential) of this Plan), and despite section 6.3.3, on lots 2.0 hectares or larger in order to provide rental opportunities provided the owner or residential tenant occupies the principle residence.
- 6.3.5.14 A detached unit used to provide temporary accommodation for a relative or a care-giver or to provide temporary affordable rental accommodation under the *Residential Tenancy Act* may be permitted through a Temporary Use Permit (in accordance with guidelines specified in Section 6.10 (Temporary Use Permits)),

NOTE: The use of such a permit will only define the permitted use and the temporary nature of such use and cannot manage who man occupy the temporary accommodation.

Advocacy Policies for Rental Housing

- 6.3.5.15 Owners of land where a second dwelling is permitted are encouraged to provide the second dwelling as ongoing rental accommodation to increase the available rental housing supply unless the second dwelling is otherwise used or needed for use by the owner.
- 6.3.5.16 Written agreements under the *Residential Tenancy Act* are strongly encouraged for the rental of dwelling units.

Special Needs Housing (including housing for seniors) Policies

- 6.3.5.17 Lot B, Section 10, Nanaimo District, Plan 18085, which is zoned for elder housing, may be considered for zoning amendments to increase the number of units and may be expanded through the acquisition of adjoining land.
- 6.3.5.18 A supported living facility, a hostel and other facility for providing emergency and/or temporary accommodation should be permitted on land zoned for community service use (in accordance with policies in section 6.2 (Community Service Use) of this Plan).
- 6.3.5.19 The Local Trust Committee may explore opportunities for temporary accommodation for summer workers and/or displaced residents.
- 6.3.5.20 Parcels designated residential that have demonstrated ability to meet Provincial Ministry standards of water, grey water (sewage and waste water) treatment and other health and environmental requirements, may be considered upon application for a special needs housing site specific rezoning. A development plan should be provided with any application for rezoning and shall include information regarding future development phases including projected densities, impacts on the land and neighbourhood including the provision of waste supply, waste disposal and retention of natural vegetation. (See Section 7.3)

Advocacy Policies for Special Needs Housing

- 6.3.5.21 Hornby Island residents are encouraged to provide and support home care and home repair assistance initiatives for seniors as a means of extending the opportunities for independent living.
- 6.3.5.22 Where appropriate to personal needs and preferences, Hornby Island residents are encouraged to make available in their homes opportunities for boarding and other joint living arrangements to expand the range of living opportunities for persons with special needs or who seek affordable housing.

Land Co-operative Policies

- 6.3.5.23 Upon application, properties 4 hectares or greater may be considered for "land co-operative" rezoning supported by submission of an impact assessment plan. (See Section 7.3)

- 6.3.5.24 Two properties have been designated as Land Co-operatives in this Plan. Subsequent land use bylaw regulations may be created to address historical situations where parcels are in common ownership with each member owning a share believing the share granted him/her the right to build a house.
- 6.3.5.25 The principal permitted uses in this designation should be residential and agricultural.
- 6.3.5.26 Home occupations subject to land use bylaw regulations may be permitted but should be limited to those having little impact on the area's character and environment.

6.4 Agriculture

6.4.1 Agriculture

Background:

The early development of Hornby Island included agriculture as a primary occupation. However by 2009 the Assessment Authority listed 190 parcels with an agricultural assessment. Many of the largest holdings with good soil have now been subdivided or are vacant. Residential uses of agricultural land has increased pressure for subdivision. Small-scale farming operations serving primarily local needs are prevalent.

Policies in this section refer to the use of any land for agriculture and do not necessarily deal with issues of preserving land in the Agricultural Land Reserve. Section 6.4.2 of this Plan contains policies on the preservation of the Agricultural Land Reserve which is considered a natural resource of the Island. Land Use Bylaws in Agricultural areas have a traditionally established a minimum subdivision potential of 16 hectares (39.5 acres) or greater unless otherwise noted.

Agriculture on Hornby has been declining and many prime agricultural regions have previously been subdivided or are not being actively farmed.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to support continuing agricultural use of land and associated activities;
- (2) to ensure that the use of land in the Agricultural designation does not compromise the capability of the land for future food production;
- (3) to encourage retention of large parcels of land for agriculture; and
- (4) to ensure agricultural practices do not cause contamination of the groundwater resource.

Policies:

Policies in subsection 6.1 apply to this subsection.

6.4.1.1 For any subdivision of properties designated Agriculture a minimum parcel size of 16 hectares (39.5 acres) should be.

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

6.4.1.3 One dwelling (which may contain a secondary suite) may be permitted on lots smaller than 3.5 hectares (8.6 acres).

6.4.1.4 On parcels 3.5 hectares (8.6 acres) or greater the following should be permitted:

- a) one dwelling with a secondary suite within the dwelling; or
- b) two dwellings, with the second dwelling limited in size, and if the land is in the Agricultural Land Reserve the second dwelling should only be permitted if the second dwelling is necessary for farm use as determined by the Local Trust Committee in consultation with a Provincial Regional Agrologist and is otherwise consistent with the Agricultural Land Reserve related enactments; or if authorized as a non-farm use by the Agricultural Land Commission.

- 6.4.1.5 Home occupations which do not impinge upon the principal farm use and which will not cause any degradation of the land nor reduce its capability for agricultural production should be permitted, subject to bylaw regulations and should comply with Agricultural Land Commission regulations where applicable.
- 6.4.1.6 All agricultural activities should be conducted in accordance with the Agriculture Waste Control Regulation, *Waste Management Act*, the *Farm Practices Protection (Right to Farm) Act* and the *Health Act* administered by the Vancouver Island Health Authority.
- 6.4.1.7 Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) are be considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required.(See Section 7.3)

Advocacy Policy

- 6.4.1.8 The spreading of agricultural waste should be regulated such that water courses or groundwater resources are not contaminated.

6.4.2 Additional Policies for Land in the Agricultural Land Reserve

Background:

Agriculture is the traditional land-based economic activity of Hornby Island. There are about 824 hectares (2060 acres), 27% of the land base, in the Agricultural Land Reserve, and subject to the Agricultural Land Commission Act, which was intended to preserve land with agricultural potential to provide a secure source of food for the future residents of the Province. Farming is encouraged in parcels within the Reserve and non-farming use is regulated by the Commission.

There are 102 parcels on Hornby located within the Land Reserve. The average area of these parcels is 7.2 hectares (18 acres). This land is of high to medium capability for agriculture and is reserved for present or future production. Schedule C, the land status map, identifies land in the Agricultural Land Reserve and Schedule B, the land use designation map, shows land used primarily for agriculture, most Agricultural Land Reserve land falls in that category.

Area

The areas identified on Schedule B (Map Designations) as AG (Agriculture) and lands within the Agricultural Land Reserve are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to retain land with potential for agriculture;
- (2) to ensure that agricultural land in the land reserve is not degraded; and
- (3) to enable accessory uses that are compatible with farming and the preservation of agricultural land.

Policies:

- 6.4.2.1 The retention of the Agricultural Land Reserve and the Agricultural Land Commission to protect against the loss of the potential for self-sufficiency in agricultural production in the Province of British Columbia is supported.
- 6.4.2.2 Land designated agricultural which is proposed for non-agricultural uses deemed to be in the public interest by both the Agricultural Land Commission and the Local Trust Committee may be

considered for rezoning and for removal from the Reserve, the latter being preferred if other land of comparable or better agricultural potential being added to the Reserve.

- 6.4.2.3 The minimum parcel size within the Agricultural Land Reserve designation should be 16 hectares (39.5 acres) but smaller lots may be created where a portion of a parcel has been leased to another farm operation for at least the five previous consecutive years and such subdivision is approved by the Agricultural Land Commission.
- 6.4.2.4 To support existing agricultural operations, accessory uses should be permitted where such uses do not impinge on the principal farm use and will not degrade the land nor reduce its capability for agricultural production, provided such uses are authorized by the *Agricultural Land Commission Act*.
- 6.4.2.5 Temporary non-agricultural uses of existing buildings on agricultural land involving no impact upon the land itself or the principal farm use, may be considered upon application for a Temporary Use Permit which may include specific conditions to address impacts such as noise, parking, water, supply and waste disposal.
- 6.4.2.6 Uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts.
- 6.4.2.7 Soil removal except for purposes of improving the agricultural soil resource on Agricultural Land Reserve lands subject to provisions of the *Agricultural Land Commission Act* should not be permitted.
- 6.4.2.8 The processing and sale of farm products together with the retailing of some off-farm products as authorized by the Agricultural Land Commission should be permitted.
- 6.4.2.9 Farm Use as defined by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation is permitted within the Agricultural Land Reserve and may be regulated by land use bylaw.
- 6.4.2.10 Education and research facilities except schools under the *School Act*, should be permitted, provided that the buildings and structures necessary for education and research do not exceed 100 m² on any parcel.

Advocacy Policies

- 6.4.2.11 The Ministry of Energy, Mines and Petroleum Resources is requested to ensure there is no extraction of gravel in areas designated agricultural.

6.5 Commercial and Home Occupations

Background:

Commercial use policies are classified into retail and personal service and visitor accommodation. In 2010 there were 14 properties zoned commercial on the Island. The two main classifications have very different criteria for location as defined in the objectives. Schedule B includes designations for three types of commercial land use: retail and personal service (CS), visitor accommodation (VA) and commercial general (CRG).

Home occupations also provide some opportunity for commercial activity and may involve the sale of products produced on site or provision of personal services. These uses are permitted in residential areas and so are not designated as a separate land use on Schedule B. Home occupations are permitted only if the residential character of the property is maintained and the product or service is produced by the resident. When a business retails products not produced on-site or at such a large scale that the impact on the property changes the residential character, then appropriate commercial zoning is required.

6.5.1 Retail and Personal Service

Background:

The three existing retail commercial areas on the Island (Co-op Corner, Shingle Spit, and Ford Cove as well as one limited commercial area {Syzygy}) are shown on the land use map, Schedule B. The Co-operative store, which has a large community membership, is located centrally on the Island near Tribune Bay. This is the busiest commercial area on the island and its services include groceries and hardware departments, post office, liquor outlet, gas bar and independent local merchants operating small-scale food and retail businesses. Ford Cove dock provides the only sheltered moorage on Hornby Island and historically this area has developed to provide marine-related services. It is accessed from land by a steep and narrow heritage road and the location imposes constraints, including for parking. Ford Cove store provides grocery and other retail services. The Shingle Spit commercial area is located at the ferry terminal and provides a restaurant, pub, liquor store and visitor accommodation units. A co-operative bakery operates at Syzygy on Central Road, with a number of associated small businesses including a popular pizza outlet.

Area

The areas identified on Schedule B (Map Designations) as CS (Retail and Personal Service) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to support the existing pattern of one major and three lesser centres for general or limited commercial uses;
- (2) to protect the environment from degradation and resources from depletion while providing opportunity for commercial activities;
- (3) to protect the integrity of quiet residential and rural neighbourhoods;
- (4) to prevent commercial strip development; and
- (5) to ensure the scale, form and character of all commercial developments harmonize with the natural surroundings and the rural character of the Island.

Policies:

- 6.5.1.1 The commercial development at the intersection of Central Road and Shields Road as part of the Co-op property should be retained as the major commercial service centre for Hornby Island.

- 6.5.1.2 Existing smaller commercial service centres with accommodation facilities should be retained at Fords Cove and at Shingle Spit Road near the ferry terminal (currently known as the Hornby Island Resort property).
- 6.5.1.3 Limited expansion of commercial zoning to allow for small scale retail and personal service use with secondary residential use may be considered based upon the following criteria:
- a) close proximity to the major commercial service centre for the island to reduce travel requirements and greenhouse gas emissions or in locations as provided for in policy 6.2.7 (Community Service Use) of this plan;
 - b) protection of the rural character of the island and the area of proposed development;
 - c) minimization of impacts upon adjacent lands;
 - d) provision of a sustainable water supply, waste treatment and parking;
 - e) retention of trees and green space;
 - f) utilization of low-energy technologies; and
 - g) safe traffic pedestrian and vehicle traffic patterns and promotion of pedestrian friendly and bicycle use facilities and other green initiatives where practical such as home delivery.
- 6.5.1.4 The degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new commercial development shall be regulated through Development Permit.
- 6.5.1.5 The minimum parcel size should be one hectare (2.5 acres) for any subdivision of property designated for commercial use.
- 6.5.1.6 The principal land use should be small-scale commercial business.
- 6.5.1.7 Residential use may be permitted as a use secondary to a commercial use.
- 6.5.1.8 Regulations for any commercially-zoned lot may provide for a mix of compatible uses to enable a clustering of services on land designated as commercial.
- 6.5.1.9 Ribbon or strip development is not supported.
- 6.5.1.10 Temporary Use Permits may be permitted for:
- a) temporary use;
 - b) a period of evaluation of a new commercial venture (that does not involve significant new development) prior to application for rezoning;
 - c) uses for a period of time to enable impacts to be assessed before any further permitting of the use; or
 - d) seasonal activities.
- 6.5.1.11 Land may be rezoned to supply an off-site parking lot to a commercial use within 100 meters of the property containing the commercial use without an amendment to this Plan provided the zone does not permit structures or habitation of vehicles.
- 6.5.1.12 To encourage small scale commercial operations that comply with community health and safety regulations and Islands Trust objectives.

6.5.2 Visitor Accommodations and Tourism

Background:

Hornby Island has become widely known for its scenery, recreational opportunities, ambience, and locally created crafts and art. The Island's increasing popularity as a summer destination has made tourism both a key component of the local economy and a cause for concern because of its impacts. Island services, such as ferries, roads and the recycling depot, become heavily loaded in the summer. Fragile ecosystems are susceptible to degradation. The greatest demand for water is generated at the time of declining groundwater availability while the adequacy of existing systems to handle the volume of sewage and grey water is questionable. The large influx of people can be stressful to a small community and can present safety and law enforcement problems.

This creates the challenge of providing visitor accommodation in a manner and at a level that caters to visitors and provides much-needed employment while protecting the Island's environment, sustaining its resources and amenities and preserving the ambience and character of the community.

Unsupervised and unserviced camping is not considered desirable because of the impact on quiet residential or rural neighbourhoods, the risk of fire, and because public services are not readily available. The provision of such facilities as public washrooms and waste disposal sites could place a burden on the available water supply and thereby threaten the availability of those resources for use by the local community population. Currently, the Island is supplied with visitor accommodations in the form of five campgrounds, three resorts with rental cabins and a restaurant, and several Bed and Breakfasts. Short-term rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impacts, both in neighbourhoods and cumulatively. One existing property, Lot A Plan 38493 Section 13, known as "Bradsdadslands", is designated rural residential but has a historical legal non-conforming use as a campground. The use would cease to be lawfully non-conforming if it is discontinued for more than 6 months during its regular seasonal use. As with any other property, legal and conforming campground use for this property could only be considered upon application for redesignation and rezoning.

The Whaling Station Bay/Anderson Drive area and other small lot areas have been identified as having ground water supply problems due to density of development and vulnerability of the aquifer. Limiting occupancy for any visitor accommodations (e.g. Bed and Breakfasts) to levels of an average household size (four persons according to Statistics Canada) may help address such water supply issues.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to provide an appropriate range of accommodation for visitors without incurring undue cost to the local taxpayers in providing basic facilities for visitors.

Policies:

- 6.5.2.1 Accommodation for visitors should be environmentally sensitive, small-scale and low density and may be dispersed around the Island. Convention centers or multi-room hotels should not be permitted.
- 6.5.2.2 "Destination resort" type development, designed to draw large numbers of tourists at one time, is considered inappropriate on Hornby Island and should not be permitted.
- 6.5.2.3 Applicants for visitor accommodation zoning should provide an impact assessment report, as defined in 7.3.1(f), to demonstrate that there is sufficient available water supply (including utilizing rainwater catchment and storage systems), effective and approved sewage and grey water treatment, waste disposal capability and adequate provision for parking to serve the business and clientele both at the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource.
- 6.5.2.4 Campgrounds and other tourist facilities should be permitted only by rezoning. Only campgrounds without individual hook-up of power and water services are considered appropriate.
- 6.5.2.5 Visitor accommodation may be considered in the following situations if enabled by other policies of this Plan:
 - a) Small resorts, hostels, lodges, cabins and camping facilities, guest houses or vacation home rentals on non-Agricultural Land Reserve land; and
 - b) vacation home rentals and agri-tourism accommodation on Agricultural Land Reserve Land in accordance with Agricultural Land Reserve policy and regulations if zoning allows such a use.
- 6.5.2.6 Small-scale Bed and Breakfasts should be permitted as a home occupation and should be regulated to ensure that the residential character of the site is maintained and that there is sufficient provision for parking, water supply and approved waste disposal and minimal impact on adjacent properties.
- 6.5.2.7 Due to the limited availability of restaurants at certain times of the year Bed and Breakfasts may be allowed to provide a full complement of meals to overnight guests only, subject to Vancouver Island Health Authority standards for water supply, food preparation and waste disposal.

Advocacy Policies

- 6.5.2.8 Rainwater catchment and storage systems and water conservation are encouraged for all types of visitor accommodation.
- 6.5.2.9 New developments and promoted events are encouraged to focus upon year-round and off-season activity rather than upon attracting more visitors during the summer peak season.
- 6.5.2.10 A position of "welcome with information" to tourism use of the Island is encouraged as a means to inform visiting tourists about best practices when visiting the island.

- 6.5.2.11 Information provided to visitors should emphasize the fragility of the environment, the limited resources (particularly the need to conserve water) and the appropriateness to the Island of low impact recreational activities.
- 6.5.2.12 Toilet facilities at beaches and the provision of safe fresh water from community wells is supported for the use of visitors to the Island.
- 6.5.2.13 The RCMP is requested to provide adequate policing on the Island particularly in the summer months to address issues of safety and public disturbance.

6.5.3 Vacation Home Rental

Background

Given the island's increasing popularity as a summer destination, there has been increasing demand for visitor accommodation and a tradition has been established of some home owners renting their cottages or homes for short periods of time predominantly during the summer months.

Property owners benefit from the opportunity to raise funds whether to assist with property costs or as a means to augment income while retaining their residence for its primary residential use for most of the year. Visitors benefit from a range of accommodation options to experience the Island's environment and amenities. The community benefits from the economic inputs from these visitors.

Area

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

Objectives:

The objectives of this subsection are:

- 1) to allow vacation home rental use while ensuring that the residential use of property and its residential character are retained; and
- 2) to address potential impacts of vacation home rentals.

Policies:

6.5.3.1 Where a dwelling is permitted on a parcel by the land use regulations, the rental of that dwelling as a vacation home rental should be permitted in the zoning regulations:

- a) provided that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or
- b) where the owner or a residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or
- c) where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring

6.5.3.2 Vacation home rental use should be subject to regulations which:

- a) require a level of continuous occupancy that allows visitors to experience and develop an awareness of the local community and Hornby Island in general through a vacation experience;
- b) limit the portion of year that a vacation home rental use may be in operation so as to ensure that the residential use of the property is retained;

- c) limit the total number of bedrooms and beds which may be accommodated based on the area of the lot on which the dwelling is located so as to ensure that the scale of vacation home rental occupancy does not exceed what might otherwise be accommodated by normal residential use;
 - d) require adequate off-street parking spaces to limit vehicle crowding on public roadways;
 - e) ensure that the residential appearance and character of a property is not altered by the vacation home rental use; and
 - f) require that accommodation be within the permitted dwelling and prohibit camping or use of tents or recreational vehicles for vacation home rental use.
- 6.5.3.3 Owners of vacation home rentals, especially those located in the Whaling Station Bay/Anderson Drive area and other small lot areas are strongly encouraged to minimize impacts upon groundwater resources by:
- a) utilizing a rainwater catchment and storage system;
 - b) installing water-saving fixtures; and
 - c) providing information about water conservation practices to all guests.
- 6.5.3.4 Vacation home rentals that do not comply with limitations imposed by land use regulations may be considered upon application for Temporary Use Permit.
- 6.5.3.5 Owners of vacation home rentals are encouraged to form an association to establish bylaws or best practices that would be required of all members in good standing and to consider informing owners, visitors and other interested persons of Local Trust Committee regulations. Any such association is encouraged to augment such regulations with other requirements that would assist in resolution of any potential issues that may arise such as requiring on-island contact information of association members or managers who could respond in a timely manner to neighbourhood issues.
- 6.5.3.6 Owners of vacation home rentals are encouraged, in the absence of any association membership, to provide contact information to visitors and neighbours and to provide timely response to issues that may be presented to them in relation to the vacation home rental use.
- 6.5.3.7 The Local Trust Committee should monitor the rate of use of vacation home rental development and be satisfied that such use is not increasing the commercial use of the housing stock so as to effectively displace the ability to provide residential housing.
- 6.5.3.9 The Local Trust Committee should consider reviewing with the community the regulations for vacation home rentals in 2017.

6.5.4 Commercial/Residential General

Background

The Fords Cove area contains three properties that have historically been zoned for broad range of commercial uses, ranging from retail to resort use. The properties are not generally used for these commercial purposes at the present time and the zoning reflects a historical circumstance. The current owners have secured the properties with the commercial zoning, generally use their properties for residential purposes and may be reluctant to relinquish the commercial zoning unless it is done in a fair manner and is equitably applied to all affected landowners. The Local Trust Committee also faces the challenge of seeking to balance the needs of the larger community regarding commercial land use and that of the individual property owners and to also think of the needs of future generations.

Area

The areas identified on Schedule B (Map Designations) as CRG (Commercial/Residential General) are subject to the following objectives and policies.

Objectives

The objectives of this subsection are:

- (1) to recognize the historical commercial zoning of this area; and
- (2) to encourage residential land use for this area with limited or no commercial use in consultation with all of the affected land owners.

Policies

6.5.4.1 Zoning regulations should allow for residential use and limited retail and personal service or visitor accommodation.

6.5.4.2 An increased density of residential development may be considered if other commercial land uses currently permitted by zoning are removed from the list of permitted uses in the zone applicable to this area or from a particular property that is subject to the rezoning application.

6.5.5 Home Occupations

Background:

Home Occupations are allowed to various degrees in most designations that permit residential uses. A home occupation is a type of commercial activity involving limited services and the sale of products crafted in the home or upon a property. General retail sale of fabricated products produced off the Island is not considered a home occupation. The retail sales of materials used in a home occupation (such as lumber, fabric and potting clay) is considered part of the home occupation. Home occupations must be clearly secondary to residential use and the character of the property must remain residential in appearance. There has not been any distinction in the type of permitted home occupation based upon lot size in zoning regulations to date but policies have existed that provide guidance in the development of new home occupation regulations.

Another form of home occupation is provision of accommodation as a Bed and Breakfast home occupation or as a second dwelling vacation rental home occupation on lots with more than one legal dwelling. There has been a tradition of offering Bed and Breakfast accommodation or the rental of one's home for short periods of time (a week or two). The Bed and Breakfast use and rental of a second dwelling on a property is addressed as a home occupation and vacation home rental of a primary residence is addressed in section 6.5.3 (Vacation Home Rental).

In order to provide a range of possible activities that are compatible with the neighbourhood and environment home occupations can be regulated differently on different sizes of lots or in different areas if the island. Furthermore as opportunities for affordable housing develop, opportunities for home occupations that are unique to the needs of such housing might be considered.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to encourage small businesses to enhance the economy and self-reliance of the Island community;
- (2) to allow opportunities for residents to carry out limited businesses on the property of their residence;
- (3) to ensure that there is no degradation of the environment or depletion of natural resources; and
- (4) to retain a rural and/or residential character in all neighbourhoods.

Policies:

- 6.5.5.1 Home Occupation means an occupation or profession conducted for gain by a full-time or part-time resident of the lot on which the dwelling is located. Home Occupation use should be clearly incidental to the use of the dwelling or parcel for residential purposes. The types of home occupation uses are:
- a) Limited Home Occupations are home occupations that are conducted entirely within a dwelling. They should be allowed on properties of any size including properties less than 0.1 hectares;
 - b) Basic Home Occupations are home occupations that are conducted entirely within a dwelling or in a permitted accessory building, or outdoors on the property if the use is screened. They should be allowed on all properties 0.1 hectare or larger; and
 - c) Extended Home Occupations, which should be allowed on all properties 2.0 hectares or larger designated on Schedule B for residential use, should be conducted within the dwelling, a permitted accessory building or outdoors on the property if the use is screened.
- The conditions of use specific to the types of home occupations listed about may be found in the land use bylaw.
- 6.5.5.2 Home Occupations should be permitted as a secondary use to a permitted residential use and should be regulated by land use bylaw.
- 6.5.5.3 Any occupation involving significant use or production of toxic, odour causing or flammable materials and/or conducted at a scale or in a manner that may cause public or environmental health risks should not be permitted as a Home Occupation use.
- 6.5.5.4 Home Occupations should be regulated according to the nature of the enterprise and the potential impacts to the environment and surrounding properties such as water supply, waste disposal, noise, odours and visual impact.
- 6.5.5.5. Basic and Extended Home Occupation regulations should be designed as follows:
- a) to protect groundwater catchment areas from pollutants;
 - b) to require screening that ensures that wide buffers of native vegetation are left along roads and property lines;
 - c) to ensure that no activity involving emission of toxic or irritant material should be permitted that does not conform to the Provincial regulations and guidelines;
 - d) to require that occupations that generate on-going noise (such as machine shops and woodworking shops) are conducted in fully enclosed and insulated buildings with sufficient setbacks from adjacent properties;
 - e) to require that operations that potentially create significant noise are restricted to larger lots with appropriate setbacks and/or buffering;
 - f) to address the size of buildings used for Home Occupations;
 - g) to ensure signage and lighting are compatible with the rural landscape; and
 - h) to exclude certain activities that may require a significant water supply, generate waste disposal, odour or noise or involve other potential environmental impacts.
- 6.5.5.6 Bed and Breakfasts operated within a dwelling should be permitted as a home occupation use and should be operated in accordance with land use bylaw regulations.
- 6.5.5.7 The rental of a second permitted residential dwelling unit for the temporary accommodation of paying guests while the first dwelling unit is occupied by the resident of the property should be permitted as an extended home occupation.
- 6.5.5.8 Coaching and teaching facilities with minimal environmental impact may be allowed as extended home occupations and should be operated in accordance with land use bylaw regulations.

- 6.5.5.9 Excluded activities may be considered following an application for a Temporary Use Permit which would carry certain conditions to address potential impacts.
- 6.5.5.10 Limited home occupations may be permitted on lots zoned for community housing and basic or extended home occupations may be established by site specific zoning.

6.6 Recreational

6.6.1 Outdoor Recreation

Background:

Most of the outdoor recreation opportunity is provided by the natural features of Hornby: the coastal waters, shoreline areas and the forested interior accessed through a long-established system of traditional trails. The Island is endowed with a rich variety of recreation options—from kayaking, sailing or scuba diving off shore, hiking, biking or riding on Mount Geoffrey, strolling along the trails of Helliwell, to relaxing on Tribune Bay's beaches. In addition to the Provincial and Regional Parks and properties under Ministry of Transportation and Infrastructure jurisdiction noted in subsection 3.3.12, the Community School playing field and the Joe King Park (Hornby Island Athletic Association) also provide opportunities for outdoor recreation.

In 2010 the Ministry of Transportation and Infrastructure divested beach access parks at Sandpiper, Hidden Beach, Grassy Point and Clamshell Place to the Comox Valley Regional District. The Hornby Island Residents and Ratepayer's Association is under contract with the regional district to manage these beach access parks.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to retain the traditional accesses to shoreline, beach areas, crown land, trails, parks, and viewpoints; and
- (2) to ensure that outdoor activities are compatible with the natural environment and with the rural ambience of a small island.

Policies:

6.6.1.1 Present public accesses to the waterfront and Crown land, as shown on the Schedule C, should be continued and maintained in a safe condition and additional accesses should be obtained, where possible, as park at time of subdivision, or rezoning.

6.6.1.2 No activities that would restrict public access to or across the beaches should be permitted.

6.6.1.3 Overnight parking or camping on public land or beaches should be discouraged for health and fire protection reasons.

6.6.1.4 Viewpoints and access to them should be protected in any way possible.

6.6.1.5 Outdoor recreation activities that pose a threat to the environment or to public enjoyment of public amenities should not be permitted.

Advocacy Policies

6.6.1.6 The Ministry of Transportation and Infrastructure is requested to:

- a) maintain and sign public accesses;
- b) ensure that they are not used for camping, overnight parking or obstructed by adjacent land owners;
- c) where required and formally requested by the community, construct and maintain safe steps made from natural materials such as stone and wood to access public beach areas;

- d) prevent unauthorized encroachment upon or disturbance of these areas (such as structures, tree cutting, garbage dumping or obstruction of access);
- e) support local stewardship arrangements for the water accesses and allowances not in use for roads.

6.6.1.7 Motorized outdoor recreation activities on the land, on the water adjacent to the shoreline and in the air above or adjacent to the Island are not considered appropriate and should be discouraged or restricted by bylaw where such restrictions can be enacted.

6.6.1.8 Organizers of outdoor recreation activities or events should ensure that these do not unduly interfere with the public access and enjoyment of the land and should provide adequate toilet facilities that comply with Provincial regulations.

6.6.1.9 Activities that have little or no impact upon the environment are considered preferable forms of outdoor recreation.

6.6.1.10 Initiatives to educate the public to prevent damage of natural features should be developed and supported.

6.6.1.11 The landing of seaplanes and helicopters in parks or public swimming areas should be discouraged.

6.6.2 Recreation Facilities

Background:

Because of the Island's distance from the nearest town, some residents of Hornby Island wish to have a range of recreational facilities of an appropriate scale provided on the Island. Residents are not able to use regional facilities without the additional cost of transportation and sometimes overnight accommodation off-Island. It is anticipated that if the year-round population grows, and as more people move to Hornby from urban areas, there will be an increased focus in the community upon providing additional recreational facilities. In particular, there has been continuing interest in establishing a public swimming pool. An increase in summer residents and visitors may generate requests for the provision of commercial recreational activities.

Area

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

Objectives:

The objectives of this subsection are:

- (1) to encourage appropriate use of natural recreational opportunities rather than develop significant artificial infrastructure;
- (2) to minimize the impact of recreation facilities on the natural environment;
- (3) to ensure that any recreational facility is of a scale appropriate to the rural nature and size of the Island;
- (4) to ensure that any new facilities are broadly supported and do not place a heavy burden upon taxpayers; and
- (5) to ensure that facilities, if located on Crown land or publicly funded, be accessible to all of the community.

Policies:

6.6.2.1 All recreation facilities should be so located and of such scale that they do not stress the fragile ecology and limited water resource.

- 6.6.2.2 All public facilities should be within the ability of the taxpayers to pay for such services and subject to public involvement in planning and implementation.
- 6.6.2.3 Planning for recreational facilities should ensure that they do not alienate existing public uses nor involve significant removal of natural vegetation and should allow for re-habilitation or re-establishment of native vegetation where this has been disturbed.
- 6.6.2.4 Public recreational facilities should be located in the area designated for community service use near the Community Hall and any exceptions should be subject to a rezoning.
- 6.6.2.5 Commercial recreational facilities are not currently supported in this Plan. Any applications for such facilities should be carefully evaluated to ensure that they do not:
- a) require an excessive supply of water;
 - b) include a land use that is likely to put additional stress upon transportation systems, Island resources and local infrastructure;
 - c) have adverse impacts upon the ecosystem, groundwater recharge areas and riparian areas (for example through the use of pesticides and fertilizers); and
 - d) have an adverse impact upon the neighbourhood and adjacent properties (including public areas) or upon Island character.
- 6.6.2.6 Activities that are noisy, potentially dangerous, polluting, or incompatible with the natural landscape such as amusement parks, shooting ranges, water slides or go-cart tracks should not be permitted.
- 6.6.2.7 Destination gaming facilities such as casinos and commercial bingo halls should be prohibited.

Advocacy Policy

- 6.6.2.8 Efforts to provide information that will encourage knowledgeable and minimal impact use of natural areas should be supported.

6.7 Marine

6.7.1 Foreshore

Background:

The foreshore zone is defined as the land located between the highest tide line and the lowest tide line. This is public land managed by Ministry of Forests, Lands and Natural Resource Operations. Although the Crown is not bound by local bylaws, any occupiers must comply with the bylaws. From time to time commercial operators acquire leases for part of the foreshore or other land covered by water for the cultivation of shellfish such as oysters. It is recognized that commercial oyster operators do not rely on naturally occurring stocks and by reserving areas between leases for use of the public, the commercial operators actually contribute to maintenance of the naturally occurring resource.

Area

The areas of the Hornby Island Local Trust area that are located between the highest tide line and the lowest tide line of the sea of Hornby Island, including areas designated MA (Mariculture) and MT (Marine Transport) and MC (Marine Conservation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure any use of the foreshore and ocean does not result in damage to the natural systems;
- (2) to minimize the impact of uses and users on upland owners;
- (3) to ensure owners of property on the shoreline do not pollute the foreshore areas;
- (4) to ensure public opportunity to use the foreshore areas;
- (5) to protect the scenic values of the foreshore areas; and
- (6) to prohibit further alienation of the foreshore for private or commercial use.

Policies:

- 6.7.1.1 Foreshore zoning should be designed to protect against disruption of natural beach systems and pollution of the foreshore zone.
- 6.7.1.2 Any marine industrial operation that would alter or damage the foreshore such as boat ways or log dumps should be prohibited by regulation.
- 6.7.1.3 The use of structures, pens, cages, or other apparatus on the foreshore for mariculture or aquaculture operations should be regulated through zoning.
- 6.7.1.4 Private and commercial wharves, docks and/or breakwaters should be prohibited by regulation except as permitted at Shingle Spit.

Advocacy Policies

6.7.1.5 The Ministry of Environment and Ministry of Forests, Lands and Natural Resource Operations are requested to:

- a) ensure commercial leases fronting on residential areas are located to permit public access to the water at regular intervals, and to ensure public right-of-way along all beaches is preserved;
- b) designate community beaches to permit community cultivation of oysters and clams for recreational harvesting only; and
- c) encourage and protect marine life by opposing any filling or excavation of sand, gravel or any natural deposit on the foreshore.

6.7.1.6 The Ministry of Forests, Lands and Natural Resource Operations is requested to refer any new shellfish lease applications or proposals for expansions of shellfish lease sites to the Local Trust Committee for consideration.

6.7.1.7 The Ministry of Forests, Lands and Natural Resource is requested to ensure that foreshore areas between leases and containing naturally occurring oyster populations be kept accessible for harvest by the general public.

6.7.2 Marine Conservation

Background:

The Hornby Local Trust Area extends out 1000 metres from the shoreline of Hornby except where it overlaps another jurisdiction such as Denman Island, when the boundary becomes a line mid-channel.

Area

The areas of the Hornby Island Local Trust area that are below the natural boundary of the sea of Hornby Island, including areas designated MA (Mariculture) and MT (Marine Transport) and MC (Marine Conservation) are subject to the following objectives and policies.

Objectives:

The objectives of this subsection are:

- (1) to ensure that coastal uses are compatible with protecting the environment and amenities; and
- (2) to protect the right of the public to access over waterways.

Policies:

Policies in subsections 3.8 (Hazard Lands) and 4.3 (Mariculture) apply to this subsection.

6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

6.7.2.2 Permanent anchoring of floating camps or houseboats and the residential use of any vessel moored or beached should not be permitted.

6.7.2.3 Temporary residential use of vessels should be permitted by regulation at the Ford Cove Marina provided there are adequate toilet facilities in place.

6.7.2.4 The Local Trust Committee should assist the Coast Guard in assessing effects of developments on rights protected by the *Navigable Waters Protection Act*.

6.8 Climate Change Adaptation and Mitigation

Background:

Although it is recognized climate change can occur as a result of naturally occurring phenomena, in the context of this Plan climate change refers to the impact of increasing concentrations of heat-trapping greenhouse gases in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change states that between 1970 and 2004, greenhouse gas emissions have increased by 70%. According to this report, this dramatic rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe.

In response to concerns about human-induced climate change, the provincial government gave Royal Assent to Bill 27 [*Local Government (Green Communities) Statutes Amendment Act, 2008*] on May 29, 2008. Bill 27 amends the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 requires that all local governments include greenhouse gas emission reduction targets—and policies and actions to achieve those targets— in their Official Community Plans.

The following targets, objectives, policies and actions are the first step to ensuring that the reduction of greenhouse gas emissions specifically and the impact of climate change in general become part of the planning process for Hornby Island.

This part of the Plan contains objectives and policies relating to the reduction of greenhouse gas emissions and the broader topic of climate change adaptation and mitigation.

This Plan sets the following interim target:

- *Target: to reduce greenhouse gas emissions by 25% by 2020 and 80% by 2050 based on 2007 levels. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.*

Area

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

Objectives:

The objectives of this subsection are:

- (1) to give consideration to the impacts of climate change in all land use decisions;
- (2) to support actions in land use, site planning, and construction that will result in the reduction of greenhouse gas emissions;
- (3) to focus on those actions that can be taken locally to mitigate and adapt to global changes; and
- (4) to protect the natural landscape and minimize the carbon footprint of residents and guests on Hornby Island.

Policies:

- 6.8.1 The Local Trust Committee should work with the community to regularly review greenhouse gas emission targets to ensure targets (are locally based and that have a capacity for being monitored.
- 6.8.2 The Local Trust Committee should consider the development of new criteria for assessing official community plan or zoning amendment applications from the perspective of climate change adaptation and mitigation.

- 6.8.3 This Plan strongly encourages the retention of forest cover except for the clearing of land for farming in the Agricultural Land Reserve. Trees on private property should be maintained where possible to sequester carbon and provide habitat, although it is understood that some clearing is necessary for growing food to guard against forest fires and to create protected house sites.
- 6.8.4 The Local Trust Committee should consider any proposals for new development potential in the context of the overall development potential of the Island, and the global dynamics of climate change.
- 6.8.5 This Plan supports limitations on the size of buildings and opportunities for attached dwelling units and visitor accommodation units.
- 6.8.6 This Plan strongly encourages the incorporation of green building techniques and alternative energy systems (solar, wind, geothermal, or water based) into residential housing, whether it is new construction or renovations.
- 6.8.7 This Plan encourages the development and maintenance of safe multi use trails and bike lanes to facilitate non-motorized forms of travel.
- 6.8.8 The Local Trust Committee should consider supporting the local provision of services that residents presently travel off-island to access.

Advocacy Policies

- 6.8.9 This Plan encourages residents to participate in ride sharing and carpooling as simple but effective ways to reduce greenhouse gas emissions.
- 6.8.10 A number of Climate Change adaptation and mitigation actions are identified that can only be achieved through cooperation and initiatives resulting from individuals and the community, the actions of other levels of government, technological changes, and changes to land use policies and regulations. In order to foster such actions the Local Trust Committee should:
 - a. develop improved methods of determining and assessing the energy efficiency and climate change impacts of proposed development when it is processing land use applications. Application checklists should be revised to include climate change mitigation and adaptation criteria, such as energy efficiency, renewable energy and carbon sequestration impacts;
 - b. support opportunities for incentives to encourage “climate wise” actions, including water conservation, storm water retention, the use of alternative energy sources for home use, and the use of alternative transportation methods;
 - c. review land use regulations to provide for community gardens and community food processing and storage facilities in appropriate locations and encourage residents to pursue the establishment of such gardens and facilities;
 - d. encourage local food production and explore with the community options for creating a Farm Plan;
 - e. encourage residents, community groups, businesses and other entities to pursue alternative transportation options, such as a bus service or green bicycle program;
 - f. encourage the Province to reduce the maximum speed limit on Hornby Island to 50 kph and to consider measures that will enable and support the use of alternatively-powered vehicles;
 - g. encourage the Insurance Corporation of British Columbia to link insurance rates to the mileage actually driven in the previous year by means of a tamper proof odometer. This would also offer valuable information for the calculation of greenhouse gas emissions across British Columbia;

- h. encourage BC Ferries and the Province to consider pricing strategies and services that will support car-pooling, the use of small energy-efficient vehicles and passenger travel on ferries;
- i. encourage School District 71 to allow for the use of the school bus by residents of Hornby Island for traveling to and from the Island, should extra space be available on the bus;
- j. encourage the Province to amend policies and legislation and allow rainwater collection as a source of potable water, and to require that all new development include systems for water catchment and treatment; and,
- k. work with Trust Council to develop a web based carbon neutral calculator to assist residents in calculating their personal and household greenhouse gas emissions.

6.9 Development Permit Areas

Background:

Section 920 of the *Local Government Act* provides that in areas designated as Development Permit Areas in an official community plan; land shall not be subdivided, and construction of, addition to or alteration of a building or structure shall not be commenced unless the owner first obtains a Development Permit. . In some development permit areas, s. 920 of the *Local Government Act* prohibits any alteration of land, and/or buildings or structures, without a development permit.

Development Permits may be issued by resolution of the Hornby Island Trust Committee for land in designated Development Permit Areas. Each designation must include a description of the special conditions or objectives that justify the designation and must specify guidelines on how the objectives will be fulfilled. Guidelines are listed in the Hornby Island Land Use Bylaw No. **XX, 201X.**

Development Permits for this purpose may vary or supplement bylaw regulations, include requirements and conditions or set standards and impose conditions respecting the sequence and timing of construction in accordance with the adopted guidelines contained in this Plan or the land use bylaw that is applicable on Hornby Island.

Development Permits should be monitored by the Local Trust Committee on annual review basis as resources and priorities allow.

6.9.1 Development Permits to Define the Form and Character of Commercial Development

The Commercial Development Permit Areas are designated to identify and apply objectives and guidelines for the form and character of the commercial development permitted on the parcels in this area.

Areas: Commercial Centers (Retail and Visitor Accommodations)

The Commercial Centres (Retail and Visitor Accommodations) Development Permit Area is designated as the area shown on Schedule E.

Objective:

To ensure that the form and character of commercial development are compatible with the quiet rural atmosphere of the community and to encourage continuation of that trend and to maintain the island's rural atmosphere.

6.9.2 Development Permits for the Protection of the Natural Environment, its Ecosystems and Biological Diversity and for Promotion of Water Conservation

Development Permits for this purpose may vary or supplement bylaw regulations, include requirements and conditions or set standards and impose conditions respecting the sequence and timing of construction in accordance with the adopted guidelines contained in this Plan or the land use bylaw that is applicable on Hornby Island.

6.9.2.1 Water Supply Protection Development Permit Area

Purpose:

The Water Supply Protection Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Area

DPA 1 - Water Supply Protection Development Permit Area as shown on Schedule E.

Objective:

This area has a heavily developed, highly vulnerable aquifer. The objective of this development permit area is to ensure that any development and land uses do not negatively impact the water resources in this area, or any nearby water supply sources.

6.9.2.2 Community Service Use Development Permit Area

Purpose:

The Community Service Use Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Area

DPA 2: Community Service Use Development Permit Area as shown on Schedule E.

Objective:

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

6.9.2.3 Water Resource Protection Development Permit Area

Purpose:

The Water Resource Protection Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity and to establish objectives to promote water conservation.

Area:

DPA 3: Water Resource Protection Development Permit Area as shown on Schedule E.

Objective:

This area has been identified as a being within an IIA Aquifer (moderately developed – high vulnerability) and within a potential groundwater recharge zone. The objective of this development permit area is to protect groundwater resources, by maintaining the quantity and quality of ground water in this area.

6.9.2.4 Mt. Geoffrey Escarpment Development Permit Area

Purpose:

The Mt. Geoffrey Escarpment Development Permit Area is designated for the protection of the natural environment, its ecosystems and biological diversity, to establish objectives to promote water conservation and for protection of development from hazardous conditions.

Area

DPA 4: Mt. Geoffrey Escarpment Development Permit Area as shown on Schedule E.

Objective:

The Mt. Geoffrey escarpment area contains watershed, wetlands, areas of land slip, areas of high visibility and high scenic values. Any development could affect the water catchment capabilities and other natural values. The removal of tree cover could adversely affect all values and be hazardous for development in the area, as well as above and below the area.

6.9.3 Form and Character of Community Housing Development Permit Area

Area

DPA 5: Property described as Lot 1, Section 11, Hornby Island, Nanaimo District, Plan VIP87990 (5040 Central Road)

Justification

The intent of this development is to provide opportunities for ownership housing for community members for whom this would not otherwise be accessible. The build-out of this development is expected to occur in a series of phases. The designation of this property and the following guidelines are intended to ensure a consistent quality and form and character of development over the build-out period as well as provide the general community with an assurance as to the vision for the project.

Guidelines

1. Form and Character

- a. All buildings and structures shall be architecturally coordinated and shall give consideration to the relationship between buildings and open areas, circulation systems, visual impact and design compatibility within the development.
- b. The siting and location of all buildings and structures shall be in compliance with the drawings and schedules approved by the Hornby Island Local Trust Committee.

2. Landscaping

All landscaping shall be required to be in general compliance with the landscaping provisions identified on any schedules approved by the Local Trust Committee.

3. Construction Phase

- a. All construction must be completed in accordance with an approved site/building plan and an erosion and sediment control plan.
- b. Construction of the development shall take place during the working hours of 7:00 a.m. to 7:00 p.m.

4. Outside storage

- a. Centrally located recycling facilities shall be provided for the use of all residents within the development.

5. Screening

- a. The character of the development shall be enhanced by landscaping of substantial proportions incorporating existing native vegetation,

- b. Buildings shall be sited to ensure that any adjacent residential structures have visual privacy, as well as protection from site illumination and noise. Security and other lighting shall not be placed so as to shine directly into adjacent residential structures or to reduce the separation effectiveness of any landscaped buffer.
- c. All waste disposal bins shall be completely screened within a solid walled enclosure not less than 2 metres (6.6 feet) in height.

6. Parking

- a. The location and number of parking spaces for the use of the residents shall be provided on the site development plans for the approval of the Hornby Island Local Trust Committee and shall be in compliance with the provisions of the Hornby Island Land Use Bylaw.
- b. Any visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in parking areas.
- c. Any paved parking areas or roadways shall be included within the context of the required stormwater management plan.
- d. Automobile parking areas may be covered with a select granular base approved by the Ministry of Transportation and Infrastructure and provide storm water controls by means of perimeter curtain drains.

7. Stormwater

- a) It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns. In recognition of this fact; and the presence of Beulah Creek alongside the development; a stormwater management plan that strives to protect water quality, and to maintain post-development peak flows to those of pre-development flow patterns and volumes over the entire water season shall be required. This stormwater plan shall be prepared by a Professional Engineer and should make use of such devices as permeable surface treatments, wet or dry detention ponds, constructed wetlands or other devices as deemed suitable and consistent with best management practices. Stormwater runoff from storage areas shall be controlled to prevent contamination of watercourses.

6.10 Temporary Use Permits

Background:

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

Objectives:

The objectives of this subsection are:

- (1) to consider allowing a temporary event as per policy 6.5.1.10;
- (2) to allow for a period of evaluation of new commercial ventures that do not involve significant new development prior to an application for rezoning as per policy 6.5.1.10;
- (3) to allow particular uses for a period of time to enable impacts to be assessed before any further permitting of the use as per policy 6.5.1.10;
- (4) to consider allowing transport of ground water off a lot where the water is extracted as per policy 5.1.4;
- (5) to consider allowing temporary seasonal or emergency accommodations as per policies 6.3.5.18 and 6.3.5.19;
- (6) to consider allowing a temporary secondary suite or detached housing for a relative or caregiver of occupants of the residence as per policy 6.3.5.14 in association with a housing agreement or by such other means as are available to encourage occupancy by a relative or caregiver;
- (7) to consider allowing temporary nonagricultural uses on land within the Agricultural Land Reserve or on land used for agriculture where there is minimal negative impact upon the agricultural land values and where applicable approval has been received from the Agricultural Land Commission as per policy 6.4.2.5;
- (8) to allow light industrial home occupations that require a more rigorous permitting process than provided for under land use regulations for extended home occupations as per policy 6.5.5.9; and
- (9) to allow vacation home rental use that does not comply with limitations imposed by land use regulation pursuant to OCP policy 6.5.3.4.

Guidelines:

- 6.10.1 Upon application, Temporary Use Permits may be considered for all parcels of land within the Hornby Island Local Trust Area, with the following exclusions:
 - a) properties less than one quarter of a hectare (0.63 acre), except when the application is for vacation home rental use,
 - b) land designated as Park, , as shown on Schedule B, and
 - c) a parcel identified as containing an environmentally sensitive area, as shown on Schedule D1 or D2, unless information is provided by the owner that establishes that the proposed land use does not negatively impact the environmentally sensitive features or is located outside of the sensitive area on the parcel.
- 6.10.2 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

- 6.10.3 Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.
- 6.10.4 A professional assessment of hydrological impacts may be required when the proposed use is within an identified groundwater recharge area or an aquifer classified as heavily developed as shown on Schedule B or D2 and if the proposed use involves more than minimal potential impacts upon the groundwater resource.
- 6.10.5 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.
- 6.10.6 The general conditions for issuing a Temporary Use Permit are as follows:
- a) adequate off-road parking should be provided;
 - b) there should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
 - c) commercial uses (other than very short term uses or vacation home rentals) should be screened from adjacent residential uses;
 - d) industrial uses should be screened from adjacent properties and roads;
 - e) there should be adequate setbacks of the use to minimize impacts upon adjacent properties;
 - f) noise generation should be addressed to prevent disturbance of the neighbourhood and to ensure compliance with regional district regulations;
 - g) the use should be conducted so as to not risk contamination of the land, surface water or groundwater, including by making adequate provision for the safe storage of toxic materials;
 - h) water supply should be addressed so as to not create negative impacts upon existing common water sources;
 - i) other potential impacts upon the neighbourhood should be mitigated, including by limitations upon the hours of operation where appropriate;
 - j) the owner of the property may be required to provide a security to guarantee the performance of the terms of the permit and should be required to provide an undertaking to demolish or remove any building or structure and to restore the land to a condition specified in the permit, especially in circumstances where temporary housing is provided and such housing is no longer used for the temporary purposes; and
 - k) lands with good agricultural potential should not be compromised by any use permitted by a Temporary Use Permit.
- 6.10.6 Applicants for Temporary Use Permits should address the issues identified in these policies in their applications and are strongly encouraged to consult with neighbours about the proposed use prior to making application.
- 6.10.7 Light Industrial activities require specific consideration of impacts with respect to environmental protection, water use, waste generation, noise, odour, parking, or neighbourhood character, but may be allowed upon application for a Temporary Use Permit that contains specific conditions to address these impacts.
- 6.10.8 The Local Trust Committee should consider the climate change impacts of any proposed temporary use when reviewing temporary use permit applications.
- 6.10.9 In consideration of applications for vacation home rentals the Local Trust Committee may consider the following:
- a) The cumulative effects, both positive and negative, on the neighbourhood and island of all temporary use permits issued for vacation home rentals;
 - b) Limitations on any signage that may be placed on the property;

- c) A requirement for information to be posted that will inform guests regarding the location of property lines by way of a map, any applicable noise bylaws, measures to address water conservation, fire safety, storage and management of garbage, septic system care and control of pets (if pets are permitted) in accordance with standards applicable by bylaw, as stated in the permit or as determined by the owner or manager to effectively manage the site;
- d) The proposed maximum number of occupants;
- e) The proposed time periods that the dwelling will be available for rental or months of the year when the rental will occur; and.
- f) Other requirements that the Local Trust Committee may consider appropriate.

SECTION VII—ADMINISTRATION

7.1 Interpretation

The final interpretation as to the location of boundaries on any map schedule shall be defined by:

- a) Where boundaries coincide with lot lines, the boundaries are the lot lines.
- b) Where a boundary is shown as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream the centerline of that feature is the boundary.
- c) Where land based and water based boundaries coincide, the common boundary shall be the natural boundary of the sea.
- d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.

7.2 Implementation

7.2.1 Section 884 of the *Local Government Act* specifies that:

"An official community plan does not commit or authorize a municipality, regional district (includes a Local Trust Committee pursuant to Section 27 of the *Islands Trust Act*) or improvement district to proceed with any project that is specified in the plan."

and

"All bylaws enacted or works undertaken by a council, board or greater board (includes a Local Trust Committee pursuant to Section 27 of the *Islands Trust Act*), or by the trustees of an improvement district, after the adoption of an official community plan must be consistent with the relevant plan."

7.2.2 The Hornby Island Local Trust Committee may use available regulatory tools as defined in the *Local Government Act* to implement this Plan.

7.2.3 The following instruments may be used to implement this plan: Development Permits, the Land Use Bylaw, Siting and Use Permits, Temporary Use Permits and covenants.

7.2.4 The Local Trust Committee may formally communicate with the Comox Valley Regional District, Ministries of the Provincial government, departments of the Federal government and any other agencies mentioned in this Plan to advocate the policies of this Plan.

7.2.5 The Local Trust Committee may use every opportunity to work co-operatively with other governments and non-government organizations, or through the Islands Trust Council, to support policies of this Plan.

7.2.6 The Local Trust Committee may actively promote the policies of this Plan to residents, businesses, community organizations, non-resident property owners and visitors.

7.2.7 To promote compliance with the instruments used to implement this Plan, the Local Trust Committee may, among other things:

- a) make information available on policies, regulations and permit requirements to property owners and residents;

- b) encourage real estate agents to inform prospective buyers about policies, regulations and permit requirements;
- c) encourage building contractors to ensure that appropriate permits are in place before undertaking work on a property;
- d) encourage voluntary compliance with regulations and support neighbourhood resolution of problems;
- e) make property owners and residents aware of the bylaw investigation and enforcement process, including procedures for initiating investigation; and
- f) consider adopting bylaw enforcement policies to establish priorities for enforcement resources.

7.3 Development Approval Information

7.3.1 The Hornby Island Local Trust Area is designated as an area under which development approval information may be required for the following purposes:

- (a) Development Permits as specified in s. 6.9 of this plan in relation to the areas and objectives, and subject to the conditions, stated in that section;
- (b) Temporary Use Permits as specified in s.6.10 of this plan in relation to the area and objectives, and subject to the conditions, stated in that section;
- (c) The development of renewable energy sources (s. 4.4.2) that allow for the sale of power to the Hydro grid, to ensure that there are not environmental impacts or increased safety risks
- (d) Rezoning applications for the purpose of obtaining consistent and comprehensive information on the impacts of changes to permitted siting, structures, use or density, to ensure achievement of the objectives stated in this plan as they apply to the parcel proposed to be rezoned and the surrounding areas, vegetation, environment and infrastructure, including, without limitation, for the purposes of the policies stated in s. 6.5.2.3 of this Plan.
- (e) Commercial land-based aquaculture operations should be regulated by zoning. Before any application for a rezoning to allow upland aquaculture (using freshwater or saltwater ponds or tanks) are considered, a site specific analysis of the potential impacts of water consumption, waste disposal, drainage or potential spills on the surrounding land and upon surface water and groundwater may be required.
- (f) Upon application, properties 4 hectares or greater may be considered for a “land co-operative” or “community housing” rezoning supported by submission of an impact assessment plan that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities where possible. Approval from the Agricultural Land Commission will also be required if the property is within the ALR.

7.3.2 Trust Council may consider adoption of a development approval information bylaw pursuant to s. 920.1 of the Local Government Act.

7.4 Amendment Procedure

This Bylaw may be amended by the Hornby Island Trust Committee at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Trust Committee.

Where an application for amendment of this bylaw has been refused, no application for the same amendment should be considered within twelve months of the date of refusal, unless the Hornby Island Trust Committee waives this requirement.

7.5 Update and Revision

The Local Trustees, in consultation with the Advisory Planning Commission and the community, may initiate review of the Community Plan at any time. The bylaw should be updated on a periodic basis and changes in legislation or other issues arise and should be reviewed in its entirety at least every ten years from the adoption date.

All amendments of the Community Plan shall comply with the mandate and policies of the Islands Trust, as well as with procedures specified in the *Local Government Act*, and be accompanied by public review and discussion.

Whenever the Policy Statement is amended by Islands Trust Council, the relevant sections of the community plan shall be reviewed and if necessary amended to ensure compliance.

7.6 Public Facilities

Any designation or policy for proposed public facilities on private lands including but not restricted to roads, parks, trails, parking facilities, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation and that are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility, shall be deemed to be a community goal of this Bylaw.

Schedule G

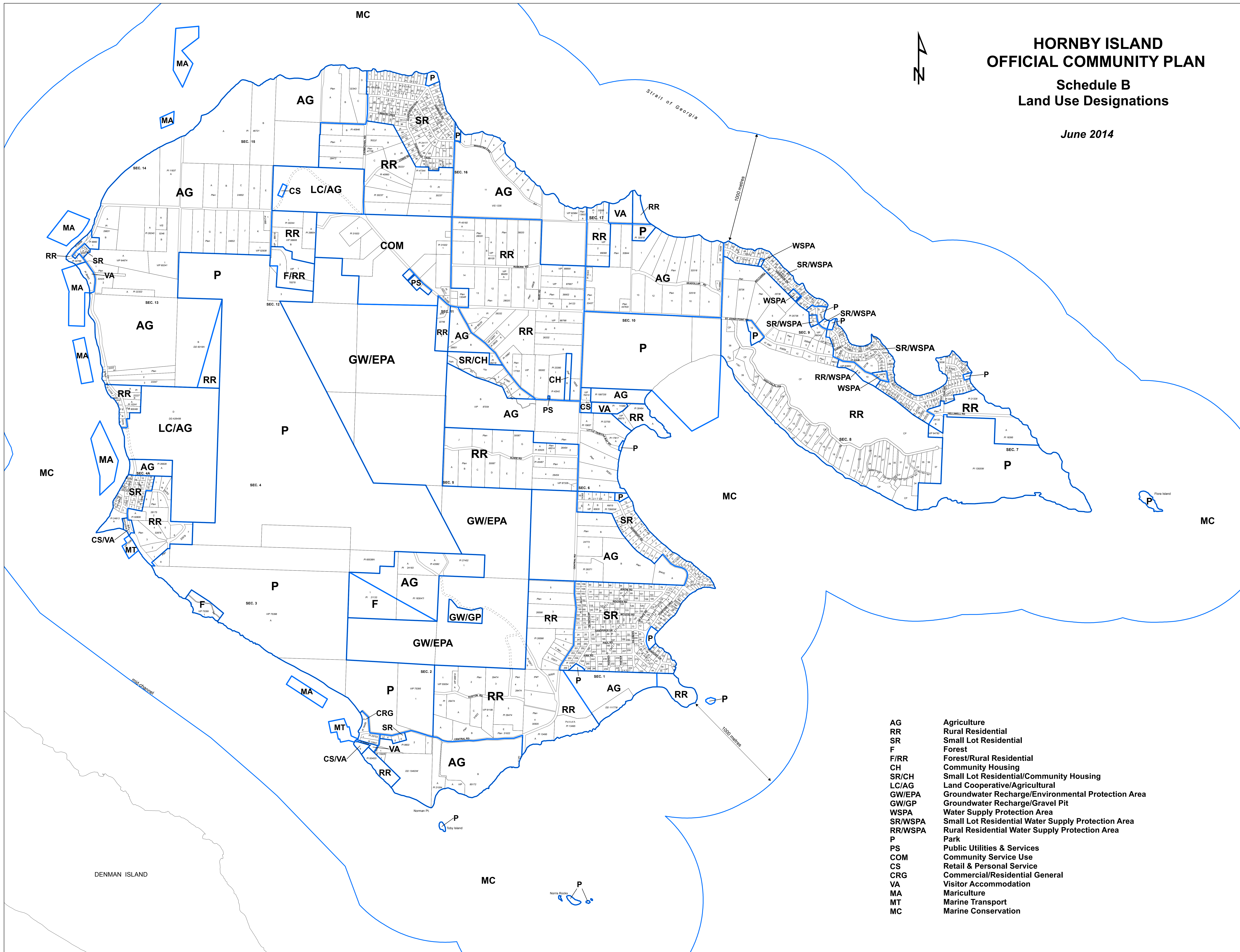
List of Community References

1. *Amending Agreement to the Letter of Agreement between the Ministry of Transportation and Highways and the Islands Trust. Subject: Road Standards, Classification and the Consultative Process in the Islands Trust Area Dec, 1996.*
2. *An Ecosystem Approach to Groundwater Management in the Gulf Island—Henderson, 1997* stated that "there is a need for management of the groundwater resources to ensure a sustainable supply for the present and future on the islands."
3. *Bedrock Aquifers on Hornby Island—Ministry of Water, Land and Air Protection, 2001* provides a classification of the aquifers on Hornby Island using a provincial classification system. The four aquifers on Hornby Island are all classified as having "high vulnerability" (the highest of three categories). The aquifer in the Whaling Station Bay peninsula east of Tribune Bay is classified as "highly developed" (the highest of three categories) while aquifers in the central and western part of the island are classified as "moderately developed". The aquifer in the southern part of the island (south of the Mount Geoffrey escarpment) is classified as "lightly developed" (the lowest category).
4. *Coastal Douglas Fir Ecosystems, Flynn—BC Ministry of Environment, Lands and Parks, 1999* notes that only one half of one percent of the original Coastal Douglas Fir forest remains in a relatively undisturbed state. It suggests that "even if efforts to protect all remaining old growth stands are successful, additional areas of older second-growth forest will have to be protected and allowed to recover to an old-growth state in order to ensure adequate representation of these forest types in future."
5. *Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006.* Ministry of Environment.
6. *"Ecological Inventory of Proposed Woodlot #0032" (1998) – Environmental Consultants.*
7. *Garry Oak Ecosystems, Erickson—BC Ministry of Environment, Lands and Parks, 1993* states that Garry oak ecosystems "have been identified as a hot spot of biological diversity" and reports that Garry oak vegetation types are being rated provincially as "endangered" or "threatened".
8. *Groundwater Conditions on Hornby Island, B.C. (Chwojka), 1989* reported that groundwater demands in three areas of the Island were approaching 71 to 83 per cent of the annual replenishment.
9. *The Heart of Hornby Island—A Forest, a Watershed (2000)* Hornby Island Residents and Ratepayers Association.
10. *Hornby Island Community Profile, March 2010.*
11. *Hornby Island Domestic Well Monitoring Study, September 2010* Ministry of Environment, Water Stewardship Division, Vancouver Island Regional Operations Branch.
12. *The Hornby Island Groundwater Pilot Project—Final Report, 1994* noted that heavily developed neighbourhoods on the Island "experience limited availability of groundwater" and that there are "significant water quality concerns". It recommended that management of groundwater must "ensure that the rate and use of the groundwater resource does not exceed the rate of replenishment" and "ensure that human activity does not degrade the quality of the groundwater resource".
13. *Hornby Island Vacant Crown Land Profile, July, 2004.*
14. *Hornby Island Water Stewardship Project Report, 1996-1999* reported that 20% of sampled wells tested positive for fecal coliform at a level that does not meet the standard for safe drinking water.
15. *Housing Needs on Hornby and Denman Island* prepared by Eberle Planning and Research, 2008.

16. *Letter of Agreement between the Ministry of Transportation and Highways (Moth) and the Islands Trust (It). Subject: Road Standards, Classification and Moth/It Consultative Process In The Islands Trust Area Dec 1992.*
17. *Nature Conservancy of Canada Inventory of the Trust Area, November 1975 designed "to select area priorities for an anticipated program of preservation and protection by the Islands Trust who administered the Inventory and by the Nature Conservancy of Canada who funded the Inventory".*
18. *A Preliminary Groundwater Assessment of a Crown Parcel on Hornby Island—BC Environment, 1994* concluded that "the upland recharge area including the subject Crown land is likely vulnerable to groundwater contamination" and provided examples of land use activities that should be restricted to sustain groundwater quantity and quality".
19. *A Preliminary Review of Groundwater Conditions on Hornby Island, B.C. (Chwojka), 1984* stressed the importance of preventing contaminants from entering the groundwater by exercising care in placing septic fields and regulating land use in upland recharge areas and recommended that "serious consideration be given to limiting any future groundwater development" in areas with poor water quality and high density of wells.
20. *Protected Areas on Vancouver Island: An Analysis of Gaps in Representation for Conservation Purposes, Eng—BC Ministry of Forests and Range, 1992* reports that the Coastal Douglas Fir zone—within which Hornby Island is located—has received the greatest amount of impact per unit area than any other biogeoclimatic subzone in the Province.
21. *Results of the Groundwater Geochemistry Study on Hornby Island, B.C.—Allen and Matsuo, SFU, 2001* recommended that "water conservation, proper waste disposal and placement of human development should be a priority in land use planning. This should be done so as to protect sensitive groundwater recharge areas in upland locations." This study delineated two recharge areas on the Island— one large one in the main part of the Island and a smaller one in the Whaling Station Bay peninsula east of Tribune Bay. The recharge areas are generally above the 20 metre contour (the 40 metre contour in the western part of the Island).
22. *The Sensitive Ecosystem Inventory of Vancouver Island and Gulf Islands 1993-1997* has documented the rare and fragile ecosystems of this area and notes that "loss of natural ecosystems in the Georgia Basin is of national concern". The inventory records examples of the following sensitive ecosystems on Hornby Island: older forest, woodland (Garry oak), terrestrial herbaceous, wetland, coastal bluff and sparsely vegetated; there are also areas of older second growth forest. (The ecosystem types are briefly described in Section 1.2 The Natural Setting.)
23. *The Pilot Voluntary Groundwater Protection Project on Hornby Island* (initiated by the Islands Trust and the Ministry of Water, Land and Air Protection), a community-based "Groundwater Protection Strategy" is being developed.
24. *Water Stewardship and Wastewater Management on Hornby Island—Third Eye Consultants, RRU, 2000* recommended "protection of the groundwater recharge area and wells".

**HORNBY ISLAND
OFFICIAL COMMUNITY PLAN**
**Schedule B
Land Use Designations**

June 2014

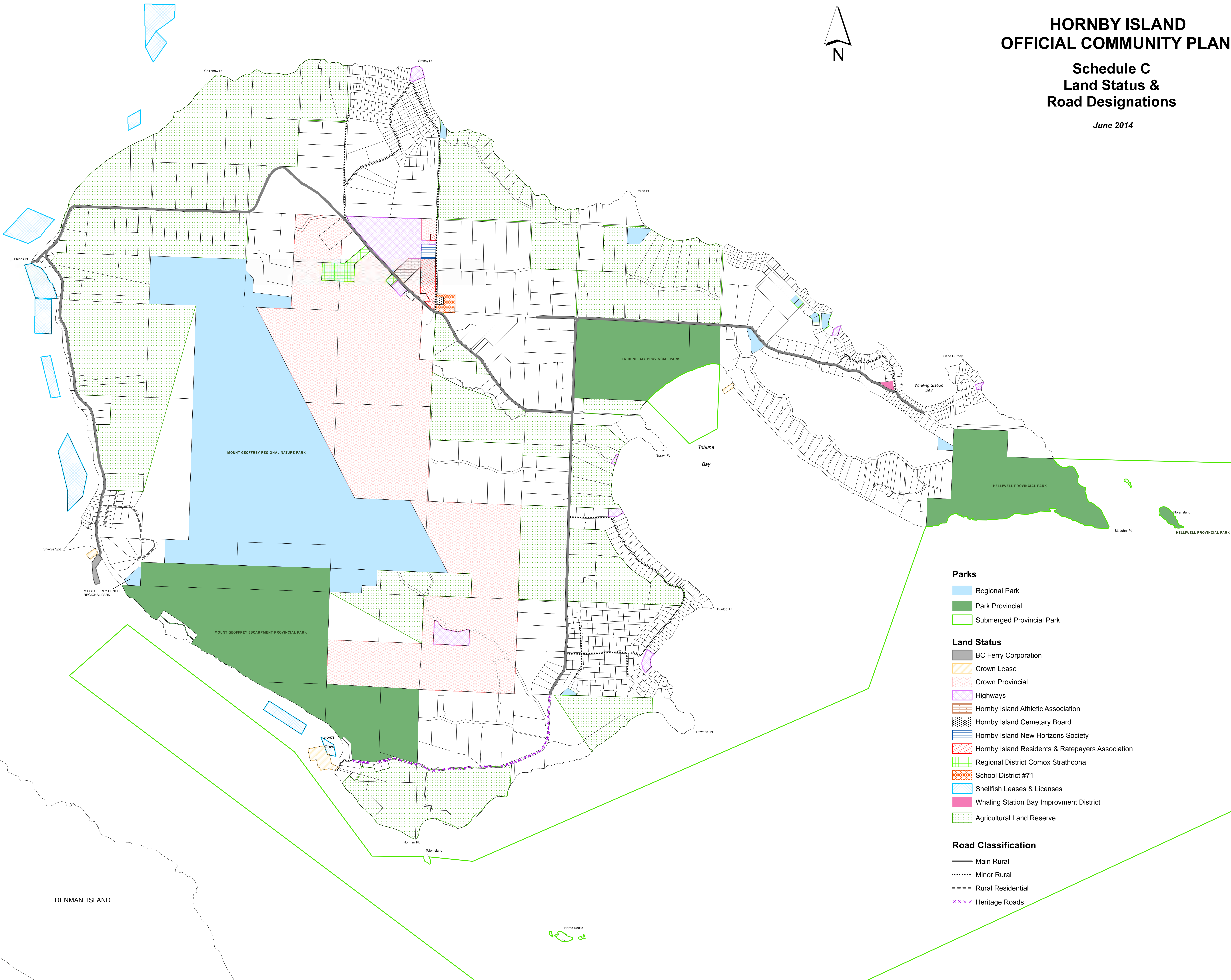
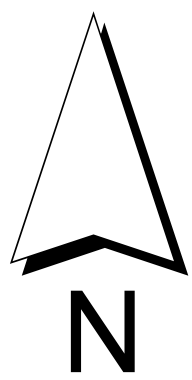


- AG Agriculture
- RR Rural Residential
- SR Small Lot Residential
- F Forest
- F/RR Forest/Rural Residential
- CH Community Housing
- SR/CH Small Lot Residential/Community Housing
- LC/AG Land Cooperative/Agricultural
- GW/EPA Groundwater Recharge/Environmental Protection Area
- GW/GP Groundwater Recharge/Gravel Pit
- WSPA Water Supply Protection Area
- SR/WSPA Small Lot Residential Water Supply Protection Area
- RR/WSPA Rural Residential Water Supply Protection Area
- P Park
- PS Public Utilities & Services
- COM Community Service Use
- CS Retail & Personal Service
- CRG Commercial/Residential General
- VA Visitor Accommodation
- MA Mariculture
- MT Marine Transport
- MC Marine Conservation

**HORNBY ISLAND
OFFICIAL COMMUNITY PLAN**

**Schedule C
Land Status &
Road Designations**

June 2014



Parks

- Regional Park
- Park Provincial
- Submerged Provincial Park

Land Status

- BC Ferry Corporation
- Crown Lease
- Crown Provincial
- Highways
- Hornby Island Athletic Association
- Hornby Island Cemetary Board
- Hornby Island New Horizons Society
- Hornby Island Residents & Ratepayers Association
- Regional District Comox Strathcona
- School District #71
- Shellfish Leases & Licenses
- Whaling Station Bay Improvment District
- Agricultural Land Reserve

Road Classification

- Main Rural
- Minor Rural
- Rural Residential
- Heritage Roads



0 250 500 1,000 Meters

HORNBY ISLAND

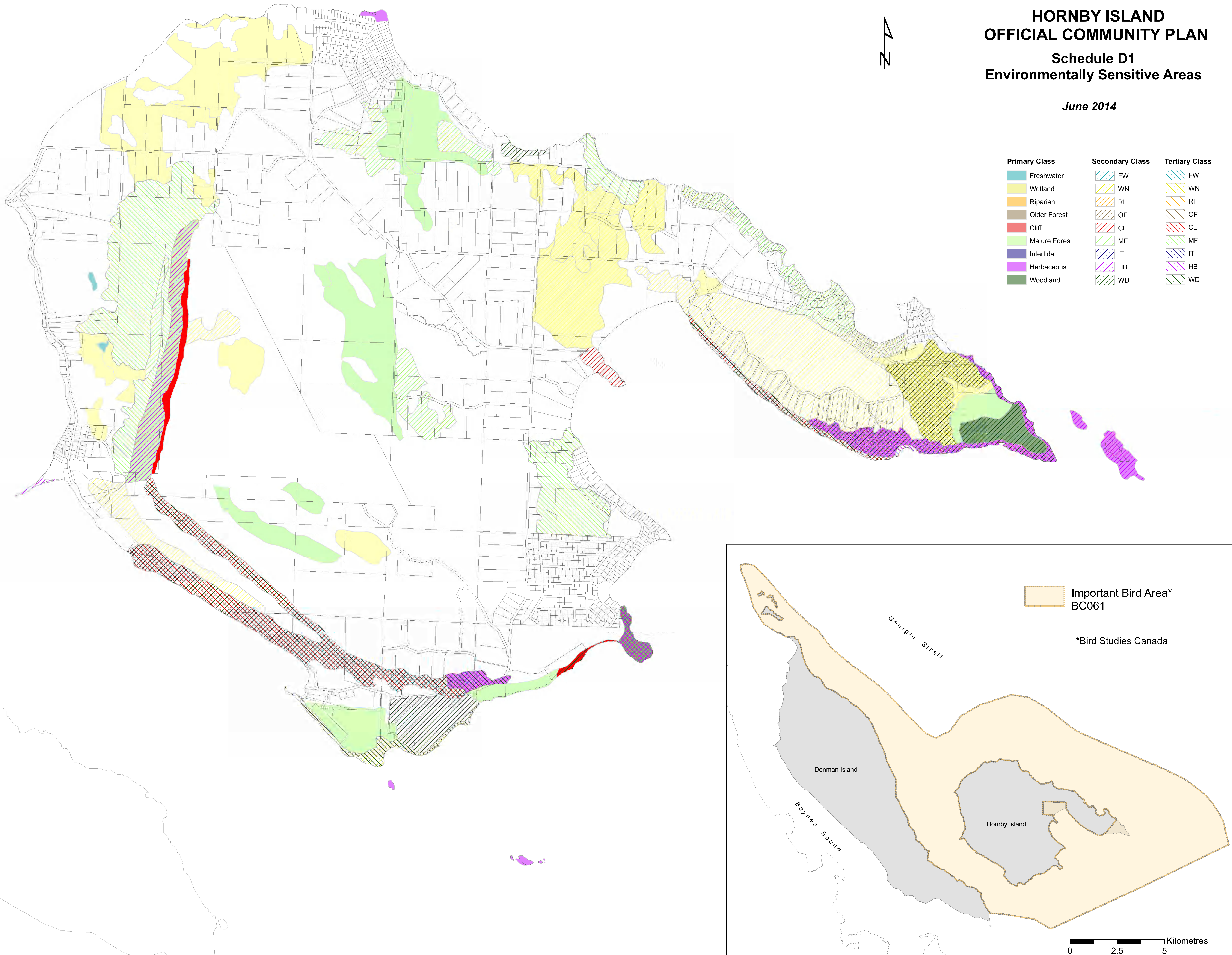
**HORNBY ISLAND
LOCAL TRUST COMMITTEE**

**Schedule C
LAND STATUS**

Schedule D1

Environmentally Sensitive Areas

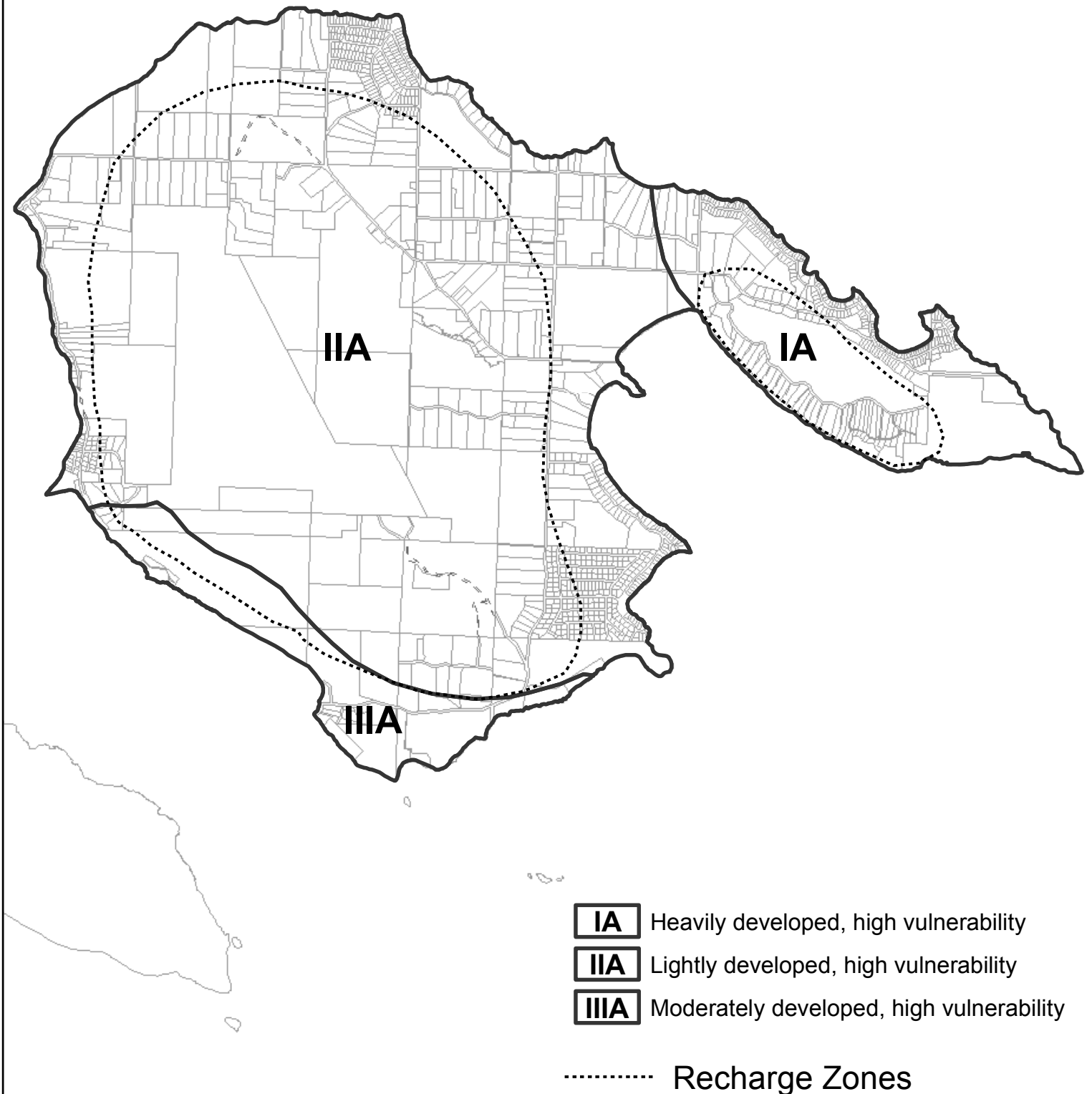
Primary Class	Secondary Class	Tertiary Class
Freshwater	FW	FW
Wetland	WN	WN
Riparian	RI	RI
Older Forest	OF	OF
Cliff	CL	CL
Mature Forest	MF	MF
Intertidal	IT	IT
Herbaceous	HB	HB
Woodland	WD	WD



HORNBY ISLAND OFFICIAL COMMUNITY PLAN

Schedule D2 Environmentally Sensitive Areas Aquifers

June 2014



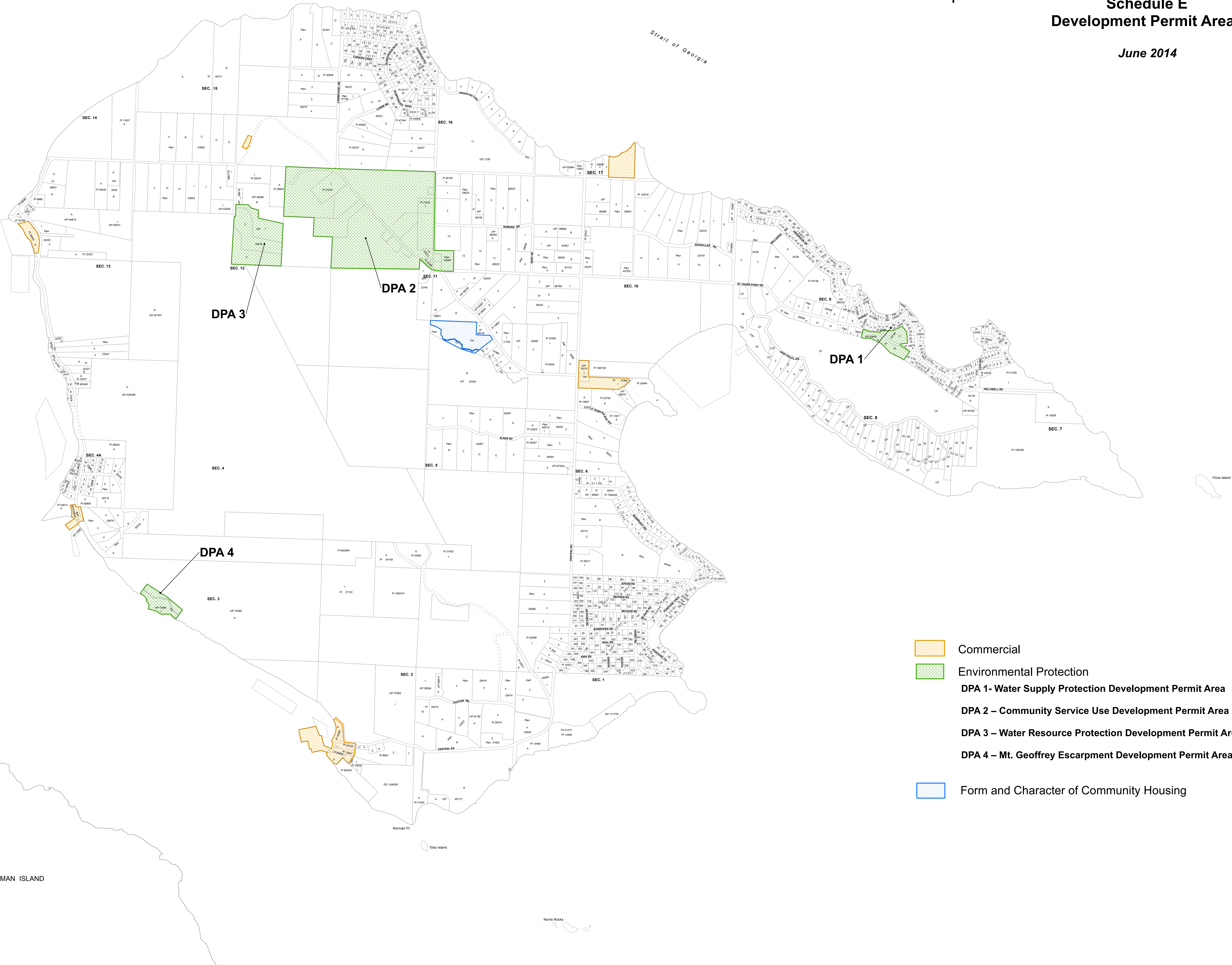
**HORNBY ISLAND
OFFICIAL COMMUNITY PLAN**

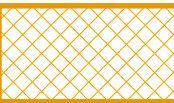
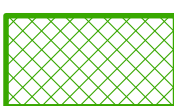
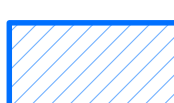
**Schedule E
Development Permit Areas**

June 2014



Strait of Georgia



-  Commercial
-  Environmental Protection
- DPA 1- Water Supply Protection Development Permit Area**
- DPA 2 – Community Service Use Development Permit Area**
- DPA 3 – Water Resource Protection Development Permit Area**
- DPA 4 – Mt. Geoffrey Escarpment Development Permit Area**
-  Form and Character of Community Housing



0 250 500 1,000 Meters

HORNBY ISLAND

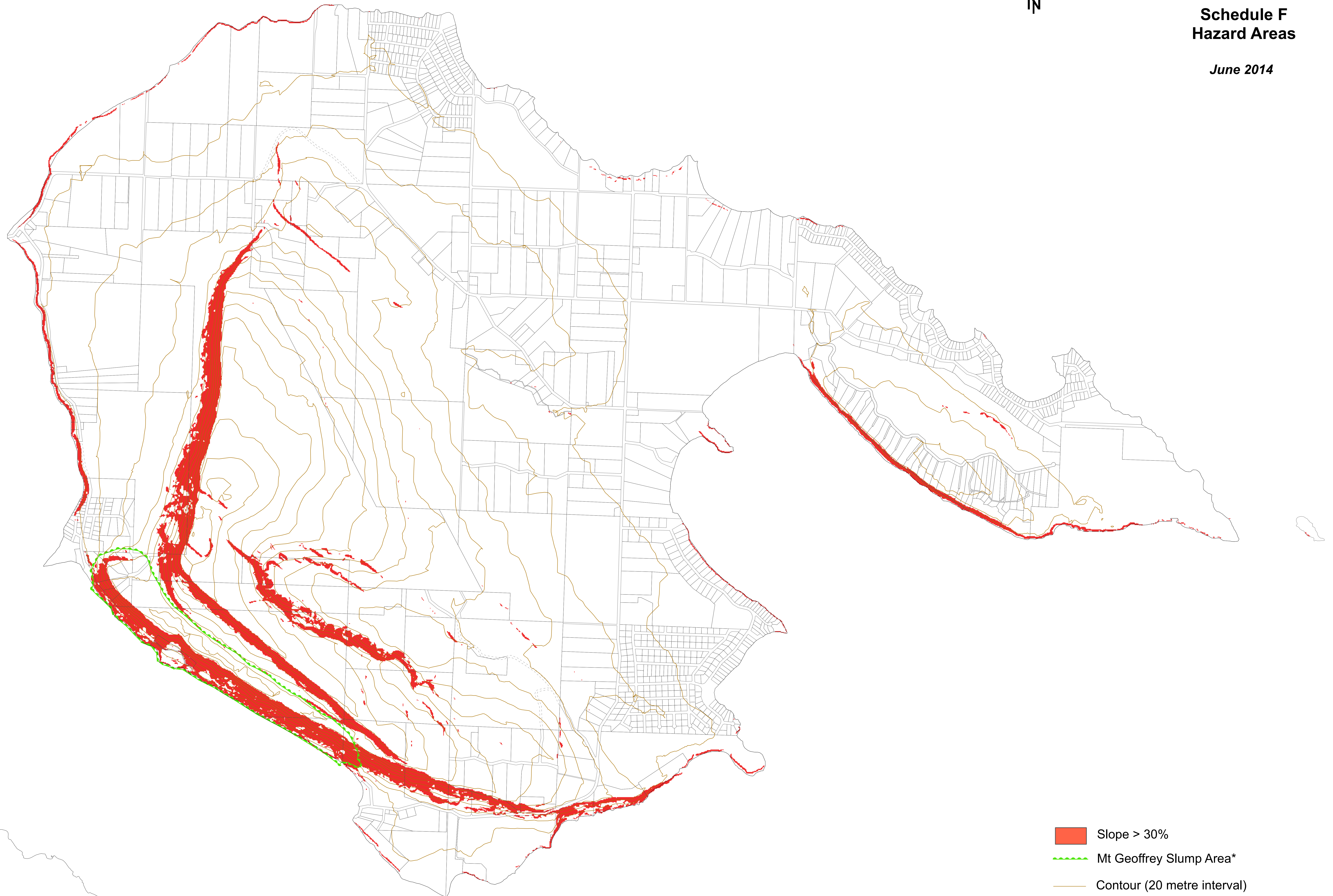
**HORNBY ISLAND
LOCAL TRUST COMMITTEE**

**SCHEDULE E
DEVELOPMENT PERMIT AREAS**

**HORNBY ISLAND
OFFICIAL COMMUNITY PLAN**

**Schedule F
Hazard Areas**

June 2014



- Slope > 30%
- Mt Geoffrey Slump Area*
- Contour (20 metre interval)

*Geological Survey of Canada

DENMAN ISLAND

0 250 500 1,000 Meters

HORNBY ISLAND

**HORNBY ISLAND
LOCAL TRUST COMMITTEE**

**SCHEDULE F
HAZARD AREAS**



STAFF REPORT

**For
Meeting**

of: July 17, 2015

To: Hornby Island Local Trust Committee

File No.: HO-OCP-2009.1

From: Rob Milne, M.C.I.P.
Island Planner

CC:

Re: Hornby Island Land Use Bylaw Review

Issue:

Bylaw No. 150, the proposed revised Land Use Bylaw for Hornby Island, is currently sitting at Third Reading awaiting Ministry of Community, Sport and Cultural Development approval of Bylaw No. 149, the proposed Official Community Plan. The Hornby Island Local Trust Committee (LTC), at a Special Meeting held on June 4, 2015, requested staff to prepare a report that reviews the various options available with respect to implementing minor changes to Bylaw No. 150.

BACKGROUND:

The LTC has been waiting for over eight months for the Ministry to complete its review and consultation process for the proposed Official Community Plan (OCP). In that time a number of small housekeeping items have emerged with respect to proposed Bylaw No. 150. The LTC is considering how best to approach the implementation of these minor changes. As part of their consideration the LTC adopted the following motion at their June 4, 2015 Special Meeting:

HO-2015-030

that the Hornby Island Local Trust Committee request staff to provide advice on options for addressing the following issues with respect to proposed Bylaw No. 150:

- removing any reference to liquor sales;
- including "Community Trades and Services" as a permitted use in the Public Use Zone [PU];
- specifying location descriptions for PU(a) and PU(b); and
- including "hostel" and/or "temporary housing facility" as a permitted use in the Public Use Zone;

with the options including:

- abandoning Bylaw No. 150 and introducing a new bylaw;
- amending Bylaw No. 150; and
- Initiating a bylaw to amend Bylaw No. 150 (or its replacement).

The purpose of this report is to respond to that direction. This review will begin by examining the three options outlined in the resolution above before discussing the prospective changes.

ISSUES SUMMARY:

Option #1: Abandoning Proposed Bylaw No. 150 and Introducing a New Bylaw

Abandoning proposed Bylaw No. 150 would necessitate that the LTC pass a resolution to proceed no further with the proposed bylaw. The LTC would then have to initiate a new bylaw which could be based upon the current bylaw as written with specific amendments added to address the issues included in the LTC resolution. The new bylaw would have to be given First and Second Readings and then sent out for referral. The referral would likely be sent to all of the agencies to which the original proposed Bylaw No. 150 was sent with information identifying the specific changes to the original bylaw. After consideration of any referral comments received the bylaw could be amended at Second Reading as deemed necessary. A statutory public hearing would then have to be conducted and the proposed new bylaw amended, or not, after consideration of the findings of the public hearing by the LTC. The bylaw would then require Third Reading and submission to the Executive Committee for their review and approval prior to any final adoption by the LTC. This option could easily take in excess of six months to complete.

Option #2: Amending Proposed Bylaw No. 150

To amend proposed Bylaw No. 150 Third Reading of the bylaw would have to be rescinded and the bylaw amended at Second Reading to include the addition or deletion of the wordings deemed necessary to address the issues identified in the LTC resolution. If the ultimate changes are minor in nature, it is possible that no referral of the bylaw would be required with the exception of a referral to the Agricultural Land Commission. If the changes are deemed to be minor in nature, and if the proposed changes are not in conflict with the proposed OCP, then the LTC could, by resolution, waive a public hearing pursuant to Section 890 of the Local Government Act (LGA) at the same meeting where the bylaw is amended at Second Reading. Notice of the intent to waive the public hearing would have to be posted in accordance with Section 893 of the LGA. The posting of the public notice could be timed to allow the LTC to consider Third Reading of the bylaw at the next regular LTC meeting. Any amendment to proposed Bylaw No. 150 will require re-submission of the bylaw to the Executive Committee, even one minor in nature, after Third Reading and prior to final approval by the LTC. Of the issues listed in the LTC resolution, and discussed below, it is the opinion of staff that only the removal of the references to liquor sales and the inclusion of identifiers for the PU sub-zones would be considered to be minor in nature.

If the amendments to proposed Bylaw No. 150 at Second Reading are not minor in nature, then the Bylaw would have to be sent out to all of the agencies to which the original version of Bylaw No. 150 was sent with information identifying the specific changes to the original bylaw. Upon consideration of any referral comments received, the LTC would need to hold a statutory public hearing and, following consideration of the findings of the public hearing, amend the new proposed bylaw if deemed appropriate. The bylaw would then require Third Reading and submission to the Executive Committee for their review and approval prior to any final adoption by the LTC. This option, assuming a public hearing, could take three months or longer.

Option #3: Initiating a Bylaw to Amend Bylaw No. 150 (or its replacement).

This option is understood as an enquiry as to the process to amend Bylaw No. 150, or a replacement, after that bylaw has been adopted. This option would look much like the first option dealing with the introduction of a new bylaw. A staff report would be brought forth

reviewing proposed changes along with a draft amending bylaw. At such time as that bylaw is given First Reading by the LTC it would be referred out to the relevant agencies and First Nations. Upon consideration of any referral comments received, the bylaw would be amended as deemed appropriate and given Second Reading. The LTC would need to hold a statutory public hearing and, following consideration of the findings of the public hearing, amend the proposed new bylaw if deemed appropriate. The bylaw would then require Third Reading and submission to the Executive Committee for its review and approval prior to any final adoption by the LTC. The time requirement for this option will be consistent with the amount of time required to introduce and adopt a replacement bylaw for Bylaw No. 150.

Specific Issues and Possible Amendments

The resolution from the June 4th Special Meeting identifies a number of potential amendments to the language of the current proposed Bylaw No. 150 or a possible successor bylaw. This section of the report will review each of the potential items identified.

1. Removing any reference to liquor sales

References to liquor sales occur in three zones in the proposed bylaw, specifically the Commercial 1 (C1), Commercial 3 (C3) and the Commercial 5 (C5) zones. In the C1 and C3 zones the reference occurs in relationship with retail use and makes specific reference to the inclusion of liquor sales as part of the retail use. In the C5 zone the reference to liquor sales is also in relationship to retail sales but in this case the language specifically excludes liquor sales as part of retail sales.

The removal of these references is a simple matter of removing all words except “retail” in the three locations that use is identified. It should be noted that the provincial oversight and licensing process for liquor sales does include an opportunity for public involvement and input.

2. Include “Community Trades and Services” as a permitted use in the Public Use Zone

The Public Use (PU) zone currently lists 17 specific uses which are permitted within the zone. Many of these could be considered to provide “community trades and services” uses. Given the specific consideration and inclusion of the current listed uses, and the exclusion of others, identification of the perceived gap between the uses currently listed as belonging within the term “Community Trades and Services” and other excluded uses would be helpful in assessing the value of including this term as a permitted use. The development of a definition of this term which should be included in the Part 1, “Interpretation” section of the proposed bylaw, if it is to be added as a use, might help achieve that clarity. Based upon this definition it may be possible to either delete a number of the uses listed and add “Community Trades and Services Use”, or add the specific uses which are deemed to be missing from this category to the existing list of uses and not add “Community Trades and Services” to the list of uses.

3. Specify location descriptions for PU(a) and PU(b)

The PU(a) zone is a subset of the PU zone which is located on the southwest side of Central Road and allows only four specific uses and includes nine properties. This area could be identified by a generalized location description or by property descriptions.

A review of Schedule ‘B’, the zoning map, for Bylaw No. 150 reveals that the PU(b) zone is no longer included on that map. The PU(b) zone as shown in the PU zone allowed only an electric substation as a permitted use. That use is now addressed in Section

3.1, “Uses Permitted in all Zones” of the “General Regulations” section of the bylaw in item (a) Public Service Uses” the definition of which includes “electrical services”. This is a very typical approach to addressing necessary public infrastructure in zoning bylaws. As such, the reference to PU(b) can be deleted.

4. Include “hostel” and/or “temporary housing facility” as a permitted use in the Public Use Zone.

The inclusion of these uses could be considered as part of the discussion suggested in point 2 above. As with the proposed “Community Trades and Services” use, it would be necessary to develop a definition for these terms to establish their fit within the Public Use zone.

STAFF COMMENTS:

Both the option of abandoning proposed Bylaw No. 150 and introducing a new bylaw to replace it, or amending the current proposed Bylaw No. 150 are viable alternatives for incorporating the specific issues identified in the LTC resolution from the June 4th meeting. The potentially significant difference relates to the amount of time that may be required before final adoption which might differ based upon the extent of the referral process required and the possibility of waiving the public hearing. Options 1 and 3 would require a full referral and the need to hold a statutory public hearing, and Option 2 may require the same unless the proposed changes are minor in nature as reviewed in the Option 2 discussion above. In these cases, one could expect that the adoption process would take approximately three months longer than introducing a minor amendment which is not in conflict with the OCP. This increased time estimate assumes that no other new issues will be introduced which necessitate a more extensive community consultation process.

There is always a risk involved with abandoning a bylaw and initiating a new public consultation process for a replacement bylaw as it presents an opportunity for emergent issues to be raised and introduced into the process. The risk in this particular circumstance may be evaluated against the perceived urgency of the need to adopt a revised zoning bylaw for Hornby Island. Would the delay of the adoption of a zoning bylaw have any sort of significant community impact? Are there any new provisions in the current proposed Bylaw No. 150 that make it desirable to adopt the bylaw as early as possible?

Evaluation of this risk may be one lens with which to evaluate the best option to address the issues which form the content of the June 4th LTC resolution. If it is considered desirable to adopt a revised zoning bylaw as early as possible then it may be best to address only those changes which would not require an extensive referral and would allow the LTC to waive the public hearing requirement.

RECOMMENDATIONS:

It is the recommendation of staff:

THAT the Local Trust Committee choose an option which allows for amendments which do not require a statutory public hearing prior to their adoption and then proceed with a subsequent bylaw to allow for any further amendments deemed desirable or necessary.

Prepared and Submitted by:

Rob Milne

June 10, 2015

Rob Milne, M.C.I.P.
Island Planner

Date

Concurred in by:

Aleksandra Brzozowski

June 17, 2015

Aleksandra Brzozowski
Acting Regional Planning Manager

Date

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Riparian Areas Regulation mapping and implementation. To include Development Approval Information bylaw as per approved Project Charter	Project charter revised at April 25, 2014 LTC meeting. Draft DAI bylaw to be presented at May, 15/2015 LTC meeting	Feb-03-2012	Rob Milne	Dec-31-2012	On Going
2	Official Community Plan and Land Use Bylaw Review.	Targeted review and update of the OCP and LUB. OCP bylaw awaiting Ministerial approval.	Feb-03-2012	Rob Milne		On Going
3	Appointments to the Advisory Planning Commission.		Nov-21-2014	Rob Milne		On Going

Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
1	Development Procedures Bylaw	<i>Consider options prepared by staff for amending the development procedures bylaw to include requirements for posting of signs on property with respect to significant applications.</i>	Feb-03-2012	On Going
1	Review of home occupation regulations to allow the rental of accessory building space to a non-resident of the property for commercial use.			On Going
1	Review of Siting and Use Permit Bylaw No. 52 regarding applicability to the construction of secondary suites within a dwelling and research requirements for proof of adequate water and septic capability.		Feb-01-2013	On Going
1	Review and update 'Building on Hornby Island' brochure and include HPO information.		Feb-01-2013	On Going
1	Review of environmentally sensitive areas OCP map schedule (D2) as a stand alone mapping project or addition to the community profile.		Apr-26-2013	On Going
1	Establish a community process to review residential density to address community housing needs following the completion of the official community plan and land use bylaw reviews.		Jun-07-2013	On Going
1	Inventory and assessment of beach access and other unopened road allowances		Jul-12-2013	On Going
1	Information and education with respect to the marine environment and shoreline protection		Feb-07-2014	On Going

1	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.			On Going
1	Develop and implement a project to support accessible opportunities for small-scale farming involving consultation with relevant agencies and review of applicable policies and regulations.			On Going
1	Conduct a consultative process for the Ford Cove area			On Going
1	Relationship building with K'omoks First Nation including considering content of Official Community Plan as it relates to K'omoks First Nation interests.		Aug-15-2014	On Going
1	Support collaborative planning process for Public Use area.		Mar-27-2015	On Going
3	Review of vacation home rental regulations by 2017		Sep-13-2013	On Going
3	GHG Emissions Reduction	Facilitate community communications regarding greenhouse gas emissions in collaboration with community organizations.	Feb-03-2012	On Going
4	Communications strategy for revised OCP and LUB		Feb-03-2012	On Going
5	Review community profile by adding further information on environmentally sensitive areas and important habitat and including information in Schedule D2 of OCP.		Nov-23-2012	On Going



Applications w/ Status - Hornby Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
HO-DP-2015.1	Simcic & Uhrich Architects Planner: Rob Milne	Jun-18-2015	Parcel ID 249, Section 11 LND Dist 32, Crown grant, see License #114434, Hornby Island. The proposed use is for the new Hornby Island Fire Hall.

Planning Status

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2013.2	Zaharko Land Surveying Inc. Planner: Marnie Eggen	Sep-17-2013	to vary Lot 5 front lot line

Planning Status

Status Date: Feb-03-2015

Applicant confirming septic capability before moving forward with DVP.

Status Date: Nov-19-2013

Applicant revising subdivision plan; DVP put on hold

Status Date: Nov-05-2013

Mailout sent Nov 5, 2013 / Hand Delivery Nov 8 - Statutory Notice Period Nov 8 - 21, 2013

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2013.1	Zaharko Land Surveying Inc.	Jun-13-2013	4115 Roburn Road, Hornby Island 2 lot subdivision, Section 946 Local Government Act

Planner: Marnie Eggen

Planning Status

Status Date: Feb-03-2015

no change

Status Date: Jul-29-2013

Referral report emailed to MOTI; requires variance and 946 covenant

Status Date: Jun-25-2013

Planner reviewing

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2014.1	Peter Mason Planner: Teresa Rittermann	Jul-02-2014	To create 2 parcels under sec. 946

Planning Status

Status Date: Apr-29-2015

No change in status.

Status Date: Mar-11-2015

No change in status.

Status Date: Feb-03-2015

File remains on Hold. No change in status.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2015.1	Jennifer Scott Planner: Teresa Rittermann	Dec-24-1900	S.946 Subdivision (2 lot subdivision)

Planning Status

Status Date: May-07-2015

Blank copy of covenant emailed to applicant and her notary as a .pdf. Instructions given to print and sign four copies, have the bank sign all four copies, and then courier all four copies to the Victoria office for signature by the Trustees.

Status Date: May-05-2015

RWM completed to grant signing authority of the covenant.

Status Date: Apr-29-2015

Cost recovery agreement has been signed by applicant. Cost recovery in process. Legal services has drafted the covenant and it has been reviewed by staff. LTC now needs to appoint signatories (likely by RWM) to sign the covenant.

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2015.8	Simcic & Uhrich Architects Planner: Rob Milne	Jun-18-2015	Parcel ID 249, Section 11 LND Dist 32, Crown grant, see License #114434, Hornby Island. The proposed use is for the new Hornby Island Fire Hall.

Planning Status

Islands Trust
LTC EXP SUMMARY REPORT F2016
Invoices posted to Month ending May 2015

635 Hornby	Invoices posted to Month ending May 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,500.00	275.15	2,224.85
65210-635	LTC - Local Exp - APC Meeting Expenses	750.00	157.54	592.46
65220-635	LTC - Local Exp - Communications	300.00	80.00	220.00
65230-635	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>512.69</u>	<u>3,787.31</u>
Projects				
73001-635-3009	Hornby RAR	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>2,500.00</u>	<u>0.00</u>	<u>2,500.00</u>

Hornby Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	November 22, 2013	HO-O43-2013.	Enforcement Actions related to rentals of Accessory buildings by non-residents	It was MOVED and SECONDED, 1. that whereas the Land Use Bylaw and Official Community Plan for the Hornby Island Local Trust area are currently undergoing a community review process which amongst other items includes a review of home occupation AND THAT whereas neither document addresses the rental of accessory buildings for non-commercial use it is resolved that enforcement actions related to the rental of accessory buildings shall be considered to be a low priority; 2. that nothing in this enforcement policy should be interpreted as giving permission to any party to violate the Land Use Bylaw and the Hornby Island Trust Committee may change this policy at any time and may give direction to commence enforcement activities without notice; and 3. that unless the Hornby Island Local Trust Committee extends the effective period on this enforcement policy it expires on September 30, 2014 or when the Land Use Bylaw and Official Community Plan review is complete, whichever is the sooner.
2.	September 19, 2014	HO-IC-2014-001	Amend Expiration date of Resolution No. HO-043-2013	During Rise and Report in the regular business meeting Chair Graham reported the following resolution: It was MOVED and SECONDED, that the Hornby Island Local Trust Committee amend the expiration date of Resolution No. HO-043-2013 to September 30, 2015.

Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality May 2015

ITF Name Change – Meeting with Assistant Deputy Minister

Trust Fund Board Chair Tony Law joined the Executive Committee for a meeting with Jay Schlosar, an Assistant Deputy Minister with the Ministry of Community, Sport and Cultural Development. The main topic was the long-standing request for a legislative amendment to the *Islands Trust Act* to re-name the Islands Trust Fund to Islands Trust Conservancy. Mr. Schlosar agreed that the existing name presents a barrier to fundraising and marketing and that a new name that reflects what we do could make a significant difference for us. Although the proposed change is minor, Mr. Schlosar cautioned those attending that there are always many competing priorities for the legislative agenda. The ADM indicated his willingness to move our request forward and will keep us informed about timelines and process. The Trust Fund Board appreciates the support of Trust Council and the Executive Committee in advancing the name change request, something that has been on the Board's agenda for several terms.

Lasqueti Crown Land Acquisition

Representatives of TFB and staff will be meeting with the Chief and Councillors of Qualicum First Nation to begin discussing a possible Sponsored Crown Grant application on Lasqueti Island. The parcel in question is north of Mount Trematon, an existing Islands Trust Fund nature reserve encompassing the highest point on Lasqueti. The acquisition would contribute to a significant network of protected areas for the island.

Islands Trust Fund Annual Report – A good read!

TFB has approved our annual report for 2014-15 to be included as a section in the Islands Trust Council's annual report to the Minister. While this report meets a statutory requirement, it also offers a good read that provides interesting information about our work. We encourage trustees who want to be more familiar with our activities to read our section when the draft comes to Trust Council's meeting for approval in June 2015.

Conservation Covenants on Salt Spring Island

In February we registered a conservation covenant on 0.3 hectares of a private Salt Spring Island property, providing legal protection to a First Nations burial site, as well as forest ecosystem values. A covenant has also been registered on our Cyril Cunningham Nature Reserve by the Habitat Acquisition Trust and the Salt Spring Island Conservancy, adding a new layer of protection.

Howe Sound Science and Knowledge Workshop

Kate Emmings, Ecosystem Protection Specialist, attended a workshop co-hosted by the Squamish Nation, Vancouver Aquarium, and David Suzuki Foundation to "bring knowledge holders together to identify and share observations, information, experiences, and future knowledge priorities related to the aquatic biophysical features of Howe Sound." Kate shared eelgrass and forage fish data for the area and identified potential resources for the Gambier Island Local Trust Committee.

Strategic Plan

Trust Fund Board has submitted its input for the Islands Trust Strategic Plan. All our suggestions relate to the Policy Statement goal of Ecosystem Preservation and Protection and to achieving objectives of the Regional Conservation Plan. Our input supports activities to protect coastal and marine areas, including utilizing land use planning tools for shoreline protection.

More information?

Please contact any of the three trustees who are members of the Board – Tony Law, Susan Morrison and Kate-Louise Stamford – who will be glad to help answer any questions you may have.