



Islands Trust

A NOTICE OF A BUSINESS MEETING OF THE HORNBY ISLAND LOCAL TRUST COMMITTEE
to be held at 11:30 am on Friday, April 25, 2014
Room to Grow, 2100 Sollans Road, Hornby Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		11:30 am
2.	APPROVAL OF AGENDA		
3.	MINUTES		
3.1	Local Trust Committee Meeting Minutes of March 14, 2014 – <i>for adoption</i>	1-8	
3.2	Section 26 Resolutions Without Meeting Log dated April 15, 2014 - <i>attached</i>	9	
3.3	Advisory Planning Commission Meeting Minutes		
3.3.1	Adopted Minutes dated March 25, 2014 - <i>attached</i>	10-12	
3.3.2	Adopted Minutes dated March 27, 2014 - <i>attached</i>	13-15	
3.3.3	Adopted Minutes dated April 7, 2014 - <i>attached</i>	16-19	
3.3.4	Adopted Minutes dated April 9, 2014 - <i>attached</i>	20-23	
3.3.5	Draft Minutes dated April 14, 2014 - <i>attached</i>	24-26	
4.	BUSINESS ARISING FROM MINUTES		
4.1	Follow-up Action List dated April 15, 2014 - <i>attached</i>	27-28	
5.	CORRESPONDENCE <i>Correspondence specific to an active development application and/or project will be received by the Hornby Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
6.	TRUSTEES' REPORT		
7.	CHAIR'S REPORT		
8.	DELEGATIONS - none		
9.	TOWN HALL SESSION		12:30 pm
10.	APPLICATIONS AND PERMITS - none		12:40 pm
11.	LOCAL TRUST COMMITTEE PROJECTS		
11.1	HO-OCP-2009.1 (Official Community Plan/Land Use Bylaw Review)		
11.1.1	Staff Report dated April 14, 2014 - <i>attached</i>	29-38	
11.1.2	Official Community Plan Bylaw No. 149 - <i>attached</i>	39-150	
11.2	Riparian Areas Regulation Implementation		
11.2.1	Staff Report dated April 7, 2014 - <i>attached</i>	151-157	

12.	REPORTS	1:15 pm
12.1	Work Program	
12.1.1	Top Priorities Report and Projects Report dated April 15, 2014 - <i>attached</i>	158-161
12.2	Applications Log	
12.2.1	Report dated April 15, 2014 - <i>attached</i>	162-163
12.3	Trustee and Local Expenses	
12.3.1	Expenses posted to March, 2014 - <i>attached</i>	164
12.4	Policies and Standing Resolutions	
12.4.1	Report – <i>attached for information</i>	165
13.	NEW BUSINESS	
13.1	Gulf Islands Groundwater Protection - A Regulatory Toolkit	
13.1.1	Memorandum dated March 19, 2014 - <i>attached</i>	166-192
13.2	Denman Island Local Trust Area Bylaw Referral Request for Response regarding Bylaw No. 210 – <i>attached</i>	193-197
13.3	Denman Island Local Trust Area Bylaw Referral Request for Response regarding Bylaw No. 211 – <i>attached</i>	198-203
14.	BYLAWS	2:00 pm
14.1	Official Community Plan Bylaw No. 149 cited as “Hornby Island Official Community Plan Bylaw No. 149, 2014”. – <i>for consideration of first reading</i>	
15.	ISLANDS TRUST WEBSITE	
15.1	Hornby Pages – <i>for discussion</i>	
16.	NEXT MEETING DATE	
16.1	Friday, June 6, 2014 at 11:30 pm at Room to Grow, 2100 Sollans Road, Hornby Island, BC.	
17.	ADJOURNMENT	2:30 pm

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

DRAFT

Hornby Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting:	Friday, March 14, 2014
Location:	Room to Grow 2100 Sollans Road, Hornby Island, BC
Members Present:	David Graham, Chair Alex Allen, Local Trustee Tony Law, Local Trustee
Staff Present:	Rob Milne, Planner Vicky Bockman, Recorder
Media and Others Present:	Approximately three (3) members of the public Trystan Willmott, Madrone Environmental Services Ltd.

1. CALL TO ORDER

Chair Graham called the meeting to order at 11:30 am. He welcomed the public and introduced himself, the Local Trustees, Staff and Recorder.

2. APPROVAL OF AGENDA

The following change to the agenda was presented for consideration:

Move agenda item 13.2 to follow item 2.

By general consent the agenda was approved, as amended.

13.2 Hornby Island Riparian Areas Regulation (RAR) Mapping

13.2.1 Madrone Environmental Services Ltd. Report dated January 21, 2014 Presented by Trystan Willmott, Aquatic/Terrestrial Biologist, Madrone Environmental Services Ltd.

Biologist Willmott presented the report "Hornby Island Riparian Areas Regulation (RAR) Stream Identification – Beulah Creek and Three Un-Named Watersheds", prepared by Madrone Environmental Services Ltd. He outlined the scope of the project, commenting that the four watersheds had been targeted based on information from the Ministry of Environment. He noted that previously the Beulah Creek watershed had been partially mapped and

DRAFT

the Ford Creek watershed had been fully mapped. He advised that the three potential RAR watersheds had been field-verified to be applicable to RAR.

He explained the definition of a “stream” under the RAR, summarized the objective of the project, identified methods used and the fieldwork that was done to gather the data. He provided an outline of the results and summaries of the watersheds. He concluded his presentation with the reasons to protect riparian areas and welcomed local knowledge, as that can be valuable input.

A question and answer period followed and the following points were noted:

- the process for managing RAR-applicable roadside ditches was discussed;
- development within the Riparian Assessment Area (RAA) completed prior to 2006 technically would be legally non-conforming;
- changes occurring in RAAs, such as the significant meandering of Fords Creek over time, may necessitate sharing information with other jurisdictional agencies; and the development of a mechanism to update and maintain the system will be required;
- communication of the information and educating the community as to the value of the regulations was considered to be an important part of the process; and
- Trustee Law reported that he had been advised of an additional potential RAR-applicable watershed based on local knowledge, and indicated that he would provide this information for possible follow-up.

3. MINUTES

3.1 Local Trust Committee Meeting Minutes of February 7, 2014

The following amendments to the minutes were presented for consideration:

- Page 2, item 6, first line: Insert “Action” after “Community”;
- Page 3, item 9, fourth paragraph: replace “A member of the public” with “Dianne Chuoke”; and
- Page 3, item 9, sixth paragraph: replace “A member of the public” with “Carol Quin”.

By general consent the Local Trust Committee meeting minutes of February 7, 2014 were adopted, as amended.

3.2 Section 26 Resolutions Without Meeting – None.

3.3 Hornby Island Advisory Planning Commission Minutes – None.

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated March 4, 2014

The follow-up action list was reviewed.

4.2 Shoreline Protection Workshop Request

4.2.1 Memorandum dated January 8, 2014

Trustee Law reported that shoreline property owners who had not been able to attend the presentation in February, 2013 have been expressing interest in a shoreline protection workshop. He suggested that consideration might be given to facilitating a summer workshop.

Discussion followed and the following comments were noted:

- Trustee Allen indicated that directing attention to the relevant material that exists on the website might be a more suitable strategy to reach the small group of interested individuals; and
- Trustee Law conceded that the Committee has a full work program at this time and agreed that an approach that targets website information as a resource and consideration of the topic for a future project might be more effective.

HO-2014-005

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add to the Projects List the following item: "Provide information on shoreline protection".

CARRIED

Trustee Law offered to compile website links addressing the topic of shoreline protection and forward the information to staff for uploading to the Hornby Island webpage.

5. CORRESPONDENCE – None.

6. TRUSTEES' REPORT

Trustee Allen reported that he attended a meeting with members of the Ministry of Aboriginal Relations and Denman Island Trustees for a discussion of the K'omoks First Nation treaty negotiation process. He commented that he also attended a meeting with Comox Valley Regional District representatives to discuss various topics and share information. He commented briefly that Trust Council had been held on Hornby Island and had included another interesting presentation from Ministry of Aboriginal Relations with discussion of aquaculture and Crown Lands.

DRAFT

Trustee Law reported that the Ferry Advisory Committee (FAC) held meetings on Hornby and Denman Islands to brainstorm potential revisions to the ferry schedule changes proposed by the province. He noted that the FAC also had a working meeting with BC Ferries which has resulted in retention of some early and later sailings on Denman Island and assurances that they will continue to do research on suggestions that have been provided. He reported that, along with Chair Graham and Director Bruce Jolliffe, that they met with MLA Don McRae regarding Friday evening sailings on Hornby and commented that he continues to follow up on that meeting to solicit a response. He indicated that he will also continue to attempt to advocate for this at the provincial level.

Trustee Law reported that there has been some discussion in the community regarding the fuel loading on Mt. Geoffrey land in conjunction with the issue of the growing difficulty of obtaining firewood for residential use. He suggested that he might create a report that includes discussion of jurisdictional issues and incorporates information that has already been gathered on this topic for community discussion.

7. CHAIR'S REPORT

Chair Graham reported that at Trust Council a zero-percent budget for 2014/2015 was adopted. He also commented that there had been a good turnout for the ferry rally in Victoria on March 11, 2014 and thanked the organizers of that event.

8. DELEGATIONS – None.

9. TOWN HALL SESSION

Tony Quin commented on the following matters:

- He expressed interest in creating a comprehensive map of Hornby Island that includes information from various studies on forage fish habitat, eelgrass and key birding areas, showing features and identifying issues. He commented that the Hornby Conservancy Board supports the idea and noted that this might be a useful tool to assist the Local Trust Committee in future marine conversations with the community. He is hoping to approach the Trust Fund staff to discuss the project;
- He advised that the Hornby Island Residents and Ratepayers Association recently passed a motion asking for a meeting with the Minister and one late ferry sailing; and
- He expressed support for addressing the issue of woodcutting on Mt. Geoffrey, citing weather patterns that have created more blowdown and hazards, and suggested utilizing more community resources than outside agencies in the endeavor. He noted that Crown Land had been studied in the past and recommendations had been made. He suggested that the Fire Department might be asked to identify hazard zones and the community might be engaged to identify how to use the wood, perhaps for low income housing building materials.

Trustee Law commented that together they might initiate a visit with the Fire Chief and possibly the Regional Parks Committee to brainstorm practical solutions and develop a consensus for next steps.

Carol Quin had the following comments:

- She commented on the Public Notice of Alternative Approval Process for the Hornby Island Heritage Conservation Service Area that was published recently. She explained that the purpose is to restructure the existing services that currently combine the electoral areas of the Comox Valley Regional District to direct funds raised on Hornby Island to apply only to Hornby Island. If there are no objections, this will be automatically set up and she suggested that there are some heritage projects on Hornby Island that could benefit;
- She expressed support for utilizing the Crown Land report and other studies that have been done to find a way to use the fuel-loaded wood on Mt. Geoffrey in a way that is more beneficial than firewood while cleaning up the forest; and
- She observed that because Siting and Use Permits are not consistently obtained, determining legal non-conforming status can be difficult.

HO-2014-006

It was MOVED and SECONDED,

that the item on the Projects List "Information and education with respect to eelgrass, possibly in conjunction with Conservancy Hornby Island" be amended to read: "Information and education with respect to the marine environment".

CARRIED

10. APPLICATIONS AND PERMITS – None.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 HO-OCP-2009.1 (Official Community Plan/Land Use Bylaw Review)

11.1.1 Staff Report dated February 17, 2014

Planner Milne summarized the purpose of the staff report and complimented the Advisory Planning Commission (APC) on their diligence with the Official Community Plan review.

Trustees indicated their support of the recommendations and requested the following additional change:

- Policy 6.2, Background, 2nd paragraph, fifth line: insert "Farmers' Market" after "Kitchen" and correct "union" to "Union".

HO-2014-007

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee:

1. Direct staff to amend the draft Official Community Plan bylaw to include additional Advisory Planning Commission recommendations as identified in the February 17, 2014 Staff Report; and

DRAFT

2. Direct staff to send an early referral of the draft Official Community Plan to agencies and First Nations.

CARRIED

Trustees thanked the APC for their work on this project.

11.1.2 Draft Official Community Plan – Version 7.4 February, 2014

The Draft Official Community Plan – Version 7.4 February, 2014 was received.

12. REPORTS

12.1 Work Program

12.1.1 Top Priorities and Projects List Report dated March 4, 2014

The report was reviewed.

12.2 Applications Log

12.2.1 Report dated March 4, 2014

The report was reviewed and Planner Milne responded that he would research and report back on questions that arose.

12.3 Trustee and Local Expenses

12.3.1 Expenses posted to February, 2014

The report was received.

12.4 Policies and Standing Resolutions

12.4.1 Report

The report was received for information.

13. NEW BUSINESS

13.1 Eelgrass Mapping for the Hornby Island Local Trust Area

13.1.1 Islands Trust Fund Briefing – Memorandum dated February 13, 2014

Planner Milne explained that the memorandum was presented for information.

Trustees acknowledged the extent of eelgrass shown on the map to be located in Tribune Bay Provincial Park and expressed concern that there may

DRAFT

be a need to protect the eelgrass in this area given the boat moorage that occurs there.

HO-2014-008

It was MOVED and SECONDED,

that staff be requested to provide information on eelgrass mapping to BC Parks and the Hornby Island Provincial Parks Committee with a request that this be taken into consideration in the management of the marine component of Tribune Bay Marine Park with the goal of protecting the recently identified eelgrass beds.

CARRIED

13.1.2 Final Report – Nearshore Eelgrass Inventory 2012 - 2013

The report was received.

13.1.3 Eelgrass Presence Hornby Island Local Trust Area – Map 6

Map 6 was received.

14. BYLAWS – None.

15. ISLANDS TRUST WEBSITE

15.1 Hornby Page

Trustees requested that the most recent version of the draft Official Community Plan be posted on the Hornby webpage. Trustee Law indicated that he will forward information regarding links on the topic of shoreline protection to be added to the webpage.

16. NEXT MEETING DATE

16.1 Local Trust Committee Business Meeting

The next meeting of the Hornby Island Local Trust Committee will take place on Friday, April 25, 2014 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

Trustees requested that staff confirm that Room to Grow is available for meetings in order to avoid potential conflicts with other users.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:20 pm.

David Graham, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder



RWM From: January 31, 2014 To: April 15, 2014

Hornby Island

Resolution #	Action	Resolution Description	Resolution Date
2014-02	In Favour	That the Hornby Island Local Trust Committee request staff to provide comments to Fisheries and Oceans Canada on behalf of the Hornby Island Local Trust Committee with respect to the Integrated Geoduck Management Framework as follows: a) Conveying Official Community Plan "Marine Conservation" policies 3.6.2 to 3.6.6 b) Suggesting these changes to the draft Framework: - that 2.1 (Principles) be amended to reference the protection of all wild species and important habitat as a first priority; - that 3.6 (Federal/Provincial Co-operation) be amended to state that local land use designation and zoning be referenced early in a harmonized application process; - that 6.2 (Siting Matrix) be amended - to address other known values (such as wildlife habitat and existing fisheries) in addition to geoduck commercial landing history, - to identify locations where Official Community Plan and/or zoning amendments would be required before becoming available for aquaculture and - to replace the term "generally available" with "possibly available". c) Suggesting that the area around Hornby Island be excluded from being identified as "available" because: - the area is designated as an Important Bird Area of Canada; - the area is the most important herring spawning location in BC; - part of the area is within the marine component of Helliwell Provincial Park; - apart from a few specific sites the area is zoned for "Marine Conservation.	Mar 20, 2014

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Tuesday, March 25, 2014

Location: Green Room, Hornby Island Community Hall
Central Road, Hornby Island, BC

APC Members Present: Rudy Rogalsky, Chair
Ross Muirhead
Carol Quin

Recorder: Vicky Bockman

There were no members of the public in attendance.

1. CALL TO ORDER

By general consent the meeting was called to order at 1:00 pm.

2. APPROVAL OF AGENDA

By general consent the agenda was approved.

3. MINUTES

3.1 Advisory Planning Commission Minutes dated January 2, 2014

By general consent the minutes were adopted.

3.2 Advisory Planning Commission Minutes dated January 27, 2014

By general consent the minutes were adopted.

4. DISCUSSION OF WORK PROGRAM, MEETINGS

4.1 Discussion of Meetings

Members discussed the scope of this phase of the referral and scheduled future meetings with the completion of the review intended to be accomplished on or before

ADOPTED

April 16, 2014. They noted that Planner Milne is planning to attend the meeting of March 27, 2014 and suggested that in preparation for that meeting, members might identify issues to be considered at that time.

4.2 Work Program - Referral from Hornby Island Local Trust Committee – Review of the Draft Land Use Bylaw (LUB)

Members discussed the Concordance table and comments in the margins, noting that it appears there are a number of items that will be new to the community. Members decided to proceed with discussion of items from the beginning of the document and to consider a topic that might warrant discussion with Planner Milne as time allowed.

By General Consent the Advisory Planning Commission recommended the following changes and additions to the draft LUB:

HORNBY ISLAND LAND USE BYLAW Draft for Comment Version 6.1, November 2013

TABLE OF REVISIONS RECOMMENDED

No.	Section or Regulation	Identified Revisions Supported
1.	Page v - Preamble	Second line: change “the use of land, including” to “the use of land and”
2.	Part 1, 1.1 Definition – domestic unit	Add “related or” after “four”
3.	Part 1, 1.1 Definition – food processing and catering	Second line: delete “packaged”
4.	Part 1, 1.1 Definition – horticulture	Add “for” after “land”
5.	Part 1, 1.1 Definition – land	Add “not” after “ordinarily”

The following table lists topics that Members wished to “flag” for discussion with Planner Milne.

TABLE OF ISSUES REQUIRING FURTHER DISCUSSION AND/OR CLARIFICATION FROM STAFF

No.	Section or Regulation	Identified Issues and Revisions for Discussion And/or Clarification from Staff
1.	Part 1, 1.1 Definition – boarding house	Clarity requested vis-à-vis bed and breakfast accommodation and number of persons
2.	Part 1, 1.1 Definition –	Explanation requested for “park model homes”

ADOPTED

	campground	
3.	Part 1, 1.1 Definition – crafts	Should this reference works of art that are <i>locally</i> -created
4.	Part 1, 1.1 Definition – day care	Does “day care” only refer to in-home operations or does it include the school
5.	Part 1, 1.1 Definition – dwelling unit	Comment (RM 12): what are the liability issues

3.6 Home Occupation Regulations

There was considerable discussion of the categorization of Home Occupation regulations into Limited, Basic and Extended groupings and the following points were noted:

- the Limited Home Occupation permitted uses were supported based on a lots size of less than 0.1 hectare;
- the Basic Home Occupation category encompassing lots of 0.1 hectare or larger and less than 2.0 hectares was considered to be too broad of a range to accommodate permitted uses such as day care, manufacturing, welding, and rentals on the smallest lots in the category; and
- determining a strategy for a possible division of the Basic Home Occupation by changing the range of lot size or by changing the permitted uses was considered to be difficult without more information on the number and types of lots that fall into this category.

Members indicated that they would like to discuss this issue in more depth with Planner Milne at the next meeting.

5. NEXT MEETING DATE

The next meeting of the Hornby Island Advisory Planning Commission will take place on Thursday, March 27, 2014 at 1:00 pm at the Green Room, Hornby Community Hall, Central Road, Hornby Island, BC.

6. ADJOURNMENT

By general consent the meeting was adjourned at 3:40 pm.

Rudy Rogalsky, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Thursday, March 27, 2014

Location: Rogalsky Residence, Seawright Road,
Hornby Island, BC

APC Members Present: Rudy Rogalsky, Chair
Ross Muirhead
Carol Quin

Staff Present: Rob Milne, Island Planner

Recorder: Vicky Bockman

There were no members of the public in attendance.

1. CALL TO ORDER

By general consent the meeting was called to order at 1:00 pm. It was noted that the meeting location had been changed to accommodate another group's need for the Green Room at this time.

2. APPROVAL OF AGENDA

By general consent the agenda, presented verbally, was approved.

3. MINUTES

3.1 Advisory Planning Commission Minutes dated March 25, 2014

The following amendment was presented for consideration:

- Page 2, Table of Revisions Recommended, Item 4: delete "food processing and"

By general consent the minutes were adopted, as amended.

4. DISCUSSION OF WORK PROGRAM

ADOPTED

4.1 Continuation of Work Program - Referral from Hornby Island Local Trust Committee – Review of the Draft Land Use Bylaw (LUB)

Planner Milne distributed copies of the most recent version of the LUB, version 6.2 February, 2014, for use in this review. He explained the codes in the text box comments and remarked on the importance of the definition section, suggesting that today's meeting might be used to go through that section together. He outlined the general timeline of the LUB review process and, with Members' collaboration, scheduled his attendance at two future APC meetings to provide clarity and answer questions as needed.

By General Consent the Advisory Planning Commission recommended the following changes and additions to the draft LUB:

HORNBY ISLAND LAND USE BYLAW Draft for Comment Version 6.2, February, 2014

TABLE OF REVISIONS RECOMMENDED

No.	Section or Regulation	Identified Revisions Supported
1.	Part 1, 1.1 Definition – domestic unit	No change to draft. After clarification from the Planner, the change requested in the March 25, 2014 minutes was rescinded and the definition as written in the draft was supported.
2.	Part 1, 1.1 Definition – land	No change to draft. After clarification from the Planner, the change requested in the March 25, 2014 minutes was rescinded and the definition as written in the draft was supported.
3.	Part 1, 1.1 Definition – secondary suite	First line: change “an separate” to “a separate”
4.	Part 1, 1.1 New Definition	Add definition of “family”
5.	Section To Be Determined	Add wording to recognize the use of RVs and Caravans for residential use

Planner Milne provided clarification on the items listed in The Table of Issues Requiring Further Discussion and/or Clarification from Staff in the minutes of the March 25, 2014 meeting. The following key points were noted:

1. B&Bs are intended for temporary accommodation while a boarding house would be for permanent accommodation and is only referenced in the LUB in the definition of B&B;
2. “park model homes” referenced in the campground definition are a classification of small mobile homes;
3. the definition of “crafts” is appropriate as written in the draft; the term “locally created crafts” would be best specified in a particular situation rather than in the definition of crafts;
4. the definition of “day care” in the draft does not refer to the day care service provided at the school as that has its own regulations; and

ADOPTED

5. the liability issues referenced in comment v.6.1 RM 12 have been resolved.

The definition section was reviewed by Planner Milne and Members to its conclusion.

3.6 Home Occupation Regulations

Members summarized their concerns regarding permitted uses and lot size within Home Occupation Limited, Basic and Extended groupings, as outlined in the March 25, 2014 minutes.

Planner Milne concurred with the general consensus that the Home Occupation section needs further consideration for possible adjustments to address concerns about appropriate use versus lot size. He proposed that he would conduct research on the breakdown of lot sizes and recommended that the APC members might discuss permitted uses so that the issues can be addressed at a future meeting.

Topic Submitted for Consideration

Planner Milne distributed correspondence regarding the Ford's Cove Marina property owner's request for bylaw changes and requested the APC's consideration of the proposal.

5. NEXT MEETING DATE

The next meeting of the Hornby Island Advisory Planning Commission will take place on Monday, April 7, 2014 at 10:00 am at the Green Room, Hornby Community Hall, Central Road, Hornby Island, BC.

6. ADJOURNMENT

By general consent the meeting was adjourned at 3:40 pm.

Rudy Rogalsky, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Monday, April 7, 2014

Location: Green Room, Hornby Island Community Hall
Central Road, Hornby Island, BC

APC Members Present: Rudy Rogalsky, Chair
Ross Muirhead
Carol Quin

Recorder: Vicky Bockman

There were no members of the public in attendance.

1. CALL TO ORDER

By general consent the meeting was called to order at 10:15 am.

2. APPROVAL OF AGENDA

By general consent the agenda was approved.

3. MINUTES

3.1 Advisory Planning Commission Minutes dated March 27, 2014

By general consent the minutes were adopted.

4. NEW BUSINESS

4.1 Discussion regarding Ford Cove Store's Wish for OCP/LUB Wording regarding Selling of Liquor

As requested by Planner Milne at the March 27, 2014 APC meeting, Members considered the request from Ford's Cove Marina for bylaw changes to permit the retail sale of liquor at that location.

ADOPTED

There was discussion of the proposal and concerns were expressed regarding additional parking needs in an already congested area, impact on neighbouring residential properties and increase in traffic on the rural Heritage road.

Based on these concerns, the APC supported the existing draft LUB regulation 8.13 Permitted Uses (1) (c) retail, excluding liquor sales.

4.2 Work Program - Referral from Hornby Island Local Trust Committee – Review of the Draft Land Use Bylaw (LUB)

APC Members continued their discussion and review of the draft LUB, made recommendations and identified issues for follow-up with Planner Milne.

By general consent the Advisory Planning Commission recommended the following changes and additions to the draft LUB:

HORNBY ISLAND LAND USE BYLAW Draft for Comment Version 6.2, February, 2014

TABLE OF REVISIONS RECOMMENDED

No.	Section or Regulation	Identified Revisions Supported
1.	3.2 (1) (i) and (j)	Retain “Airports other than float plane bases” and “Heliports” as prohibited uses to indicate intention; however defer to legal advice on ultra vires and unenforceability if staff prefers that approach.
2.	3.2 (1) (o)	Include definitions of “waste” and “salvage material” as these can be open to interpretation.
3.	3.2 (1) (t)	“screening” is defined elsewhere, however “modification” should be specifically addressed for clarity.
4.	3.3 (6)	Increased setback for pit toilets was supported.
5.	3.3 (10)	Recognizing the heavy impact of a commercial feedlot, it was recommended that “commercial feedlot” be removed from this section and added as a new 3.2 (x) “Uses Prohibited in All Zones”.
6.	3.6 (1) (g)	Add “delivery” so it would read: “extraction, sale or delivery of groundwater”.
7.	3.6 (1) Comment RM 68	Do not add auto repair and salvage as auto repair is addressed as Permitted in 3.6 (20) and salvage is already prohibited in 3.6 (1) (c).
8.	3.6 (7) RM 71 3.6 (18) RM 73 3.6 (28) RM 75	Recommended retaining these noise level regulations in the LUB to indicate intent.

The following table lists topics that Members wished to “flag” for discussion with Planner Milne.

ADOPTED

TABLE OF ISSUES REQUIRING FURTHER DISCUSSION AND/OR CLARIFICATION FROM STAFF

No.	Section or Regulation	Identified Issues and Revisions for Discussion And/or Clarification from Staff
1.	2.8 Comment SZ 40	Why are Siting and Use Permits (SUPs) excepted from the requirement? SUPs provide proof of the construction date for verification of legally non-conforming status if necessary in the future.
2.	3.2 (1) (a) and 8.26 (1) (g)	Residential use of a moored boat for this timeframe is supported in Ford's Cove; however the Shingle Spit lease might not allow for this length of time. If not, then it is recommended that the LUB be silent on this use in Shingle Spit.
3.	3.2 (1) (f)	What are the regulations for non-private club golf courses?
4.	3.2 (1) (o)	This references permitted storage of waste and salvage material in Part 5 (parking regulations). What type of storage of waste and salvage material would be permitted in Part 5?
5.	3.2 (1) (v) Comment IU 58)	Why is the lot size for commercial raising of domestic animals or poultry being reduced from 2.5 to 1.0 hectares? How does this relate to ALR land regulations for this use?
6.	3.3 (6)	Are all outdoor toilets (outhouses, composting toilets etc.) covered in this setback requirement? If not, where are the setback requirements for outdoor toilets that may not be considered "pit toilets"?
7.	8.13 (1) (e)	Are liquid fuel sales for boats appropriate or permitted at Ford Cove?

3.6 Home Occupation Regulations

There was continuation of discussion of the Home Occupation regulations from previous meetings where it was the general consensus that Home Occupation regulations need adjustments to address concerns about appropriate use versus lot size.

Members suggested that neighbourhoods with similar lot sizes should be grouped together and placed in the same category in order to provide clarity and encourage compliance. Discussion followed on a possible strategy for an additional tier, noting that information to be provided by Planner Milne on the breakdown on lot sizes may add to the refinement of the adjustments to be made.

Following is a proposed restructuring of the Basic Home Occupation category for discussion purposes only:

Basic Home Occupation – New Tier #1

Subsections apply to home occupations conducted on lots .1 hectare or larger and less than .4 hectares in area

ADOPTED

Permitted uses as outlined in the draft LUB with the following uses deleted and not permitted in this category:

- (e) Day care;
- (f) Manufacture, assembly and repair of goods, including incidental sales;
- (g) Welding shops, including incidental sales;
- (k) Rental of un-motorized boats and kayaks; and
- (l) Rental of bicycles and tools.

Basic Home Occupation – New Tier #2

Subsections apply to home occupations conducted on lots .4 hectare or larger and less than 2.0 hectares in area

Permitted uses as outlined in the draft LUB including the uses not permitted in New Tier #1.

Members indicated that they would like to discuss this issue in more depth with Planner Milne at the next meeting.

4.3 Review of Member Questions for Planner Rob Milne

It was noted that Planner Milne is scheduled to attend the April 9, 2014 meeting and Members proposed that discussion at that meeting include the issues identified for clarification at today's meeting as well as a continued discussion on Home Occupation regulations.

5. NEXT MEETING DATE

The next meeting of the Hornby Island Advisory Planning Commission will take place on Wednesday, April 9, 2014 at 10:15 am at the Green Room, Hornby Community Hall, Central Road, Hornby Island, BC.

6. ADJOURNMENT

By general consent the meeting was adjourned at 1:02 pm.

Rudy Rogalsky, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder

ADOPTED

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Wednesday, April 9, 2014

Location: Green Room, Hornby Island Community Hall
Central Road, Hornby Island, BC

APC Members Present: Rudy Rogalsky, Chair
Ross Muirhead
Carol Quin

Staff Present: Rob Milne, Island Planner

Recorder: Vicky Bockman

There were no members of the public in attendance.

1. CALL TO ORDER

By general consent the meeting was called to order at 10:15 am.

2. APPROVAL OF AGENDA

By general consent the agenda was approved.

3. MINUTES

3.1 Advisory Planning Commission Minutes dated April 7, 2014

The following amendment was presented for consideration:

- Page 2, Table of Revisions Recommended: Delete #8 and renumber accordingly

By general consent the minutes were adopted, as amended.

4. NEW BUSINESS

4.1 Discussion regarding Ford Cove Store's Wish for OCP/LUB Wording regarding Selling of Liquor

ADOPTED

Members discussed the matter with Planner Milne and summarized their recommendation regarding the request from Ford's Cove Marina for bylaw changes to permit the retail sale of liquor at that location. They outlined their concerns including additional parking needs in a congested area, impact on neighbouring residential properties and increase in traffic on the rural Heritage road and reported that they do not support the retail sale of liquor at that location.

4.2 Work Program - Referral from Hornby Island Local Trust Committee – Review of the Draft Land Use Bylaw (LUB)

With Planner Milne in attendance there was discussion of the recommendations made in previous meetings, responses to issues requiring clarification, and a review of sidebar comments in the draft LUB for possible feedback. This discussion resulted in several recommended revisions, some changes to previous recommendations and further questions for follow-up.

By general consent the Advisory Planning Commission recommended the following changes and additions to the draft LUB:

HORNBY ISLAND LAND USE BYLAW Draft for Comment Version 6.2, February, 2014

TABLE OF REVISIONS RECOMMENDED

No.	Section or Regulation	Identified Revisions Supported
1.	1.1 bed and breakfast	Add "breakfast" before "meals"
2.	1.1 community facility	Support was expressed for definition as written
3.	1.1 floor area	Support was expressed for interior measurement
4.	1.1 new definition	Add definition of family: "means one or more persons related by blood, marriage, common law, adoption or foster parenthood; or not more than five unrelated persons sharing a dwelling unit."
5.	2.7(1)	Delete from LUB
6.	3.2(1)(f)	Delete this prohibited use
7.	3.2(1)(o)	Superseding recommendation of April 7, 2014 #2, add "and sale of salvage material" ..."
8.	3.2(1)(o)	Reference expressly permitted in screening, not parking section
9.	3.2(1)(t)	Delete "or modified"
10.	3.2(1)(v)	Support was expressed for change in lot area to less than 1.0 hectare
11.	3.2 new prohibited use	Add wrecking or storage of derelict automobiles, vessels or mechanical equipment to this section, see 3.12(1)
12.	3.3(10)	Further to recommendation of April 7, 2014 #5 change to read: "Buildings, structures and areas used for the commercial growing of mushrooms, the commercial raising of livestock or more than 100 birds must be set back at least 30.0 metres..."

ADOPTED

13.	3.6(30)	Delete from LUB
14.	3.6(37)(d)	Delete “, and may serve other meals”
15.	3.6(40)	The reference to “Sewage System Regulations under the <i>Public Health Act</i> ” was considered to be a helpful inclusion
16.	8.26(1)(g)	Add “excepting Shingle Spit”

The following table lists topics that Members wished to flag for further discussion with Planner Milne.

TABLE OF ISSUES REQUIRING FURTHER DISCUSSION AND/OR CLARIFICATION FROM STAFF

No.	Section or Regulation	<i>Identified Issues and Revisions for Discussion And/or Clarification from Staff</i>
1.	8.13(1)(e)	Planner to research liquid fuel sales for boats as a permitted use in the Commercial 5 zone
2.		Planner to research if caravans and RV's are included as dwelling units for calculation of permitted density on the island

Home Occupation Regulations Discussion

There was continuation of discussion of the Home Occupation regulations from previous meetings where it was the general consensus that Home Occupation regulations need adjustments to address concerns about appropriate use versus lot size.

Planner Milne presented the results of his research on lot sizes and neighbourhoods and indicated his support for categories based on lot size. Discussion followed on possible approaches, with the restructuring of lot sizes and permitted uses as proposed in the April 7, 2014 minutes being the preferred option at this time. A recap of that proposal is as follows:

Basic Home Occupation – New Tier #1

Subsections apply to home occupations conducted on lots .1 hectare or larger and less than .4 hectares in area

Permitted uses as outlined in the draft LUB with the following uses deleted and not permitted in this category:

- (e) Day care;
- (f) Manufacture, assembly and repair of goods, including incidental sales;
- (g) Welding shops, including incidental sales;
- (k) Rental of un-motorized boats and kayaks; and
- (l) Rental of bicycles and tools.

Basic Home Occupation – New Tier #2

Subsections apply to home occupations conducted on lots .4 hectare or larger and less than 2.0 hectares in area

ADOPTED

Permitted uses as outlined in the draft LUB including the uses not permitted in New Tier #1.

Planner Milne advised that he will request the production of a colour-coded map with the proposed Home Occupation categories identified to assist with further discussion on this topic.

5. NEXT MEETING DATE

The next meeting of the Hornby Island Advisory Planning Commission will take place on Monday, April 14, 2014 at 10:15 am at the Green Room, Hornby Community Hall, Central Road, Hornby Island, BC.

6. ADJOURNMENT

By general consent the meeting was adjourned at 1:40 pm.

Rudy Rogalsky, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder

DRAFT

Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Monday, April 14, 2014

Location: Green Room, Hornby Island Community Hall
Central Road, Hornby Island, BC

APC Members Present: Rudy Rogalsky, Chair
Ross Muirhead
Carol Quin

Recorder: Vicky Bockman

There were no members of the public in attendance.

1. CALL TO ORDER

By general consent the meeting was called to order at 10:15 am.

2. APPROVAL OF AGENDA

By general consent the agenda was approved.

3. MINUTES

3.1 Advisory Planning Commission Minutes dated April 9, 2014

By general consent the minutes were adopted.

4. NEW BUSINESS

4.1 Continuation of Work Program - Referral from Hornby Island Local Trust Committee – Review of the Draft Land Use Bylaw (LUB)

APC Members continued their discussion and review of the draft LUB, made recommendations and identified issues for follow-up with Planner Milne.

By general consent the Advisory Planning Commission recommended the following changes and additions to the draft LUB:

**HORNBY ISLAND LAND USE BYLAW
Draft for Comment Version 6.2, February, 2014**

TABLE OF REVISIONS RECOMMENDED

No.	Section or Regulation	Identified Revisions Supported
1.	3.10 Screening	Move text in subsection (1)(e) to follow first line to read: (1) "Screening must be provided in the form of a wood..."
2.	3.11 subsection typo	Correct fourth subsection letter from "(b)" to "(d)"
3.	3.11	First line and new (d): add "or existing structure" after "travel trailer"
4.	4.2(1)(d)	Recommend a definition of third party signs be provided
5.	4.4(1)	Change to read: "A sign permitted in Part 4 may be located anywhere on the subject property including within a required front yard setback area or exterior side yard setback area."
6.	6.5(1)	Members were divided as to whether 8 hectares minimum lot area for Section 946 subdivisions is too high and recommended that this regulation be highlighted for community comment.
7.	New 6.13	Add new information Note for Waste Water Standards
8.	8.2(1)(b)	Add "permitted" before "dwelling"
9.	8.2(9)	Members supported the new subdivision lot area requirement
10.	8.3-R3 Zone	Elder Housing should be provided an opportunity to discuss their request for an increase in density with this bylaw review as outlined in the LTC minutes of February 7, 2014.
11.	Map Schedule B	Members identified errors and changes to be made and will point these out to Planner Milne at the April 16 meeting

Members discussed the 8.1 Site Specific Regulations (8) R1(b) Comment (SZ100) and deferred a decision on the requested increased dwelling floor area and accessory buildings in order to assess if the request is appropriate and consistent with other zones.

The following table lists topics that Members wished to "flag" for discussion with Planner Milne.

**TABLE OF ISSUES REQUIRING FURTHER DISCUSSION
AND/OR CLARIFICATION FROM STAFF**

No.	Section or Regulation	Identified Issues and Revisions for Discussion And/or Clarification from Staff
1.	Part 4	The bylaw appears to be silent about private directional signposts along the roadways.

DRAFT

2.	6.1 Lot Area Calculations	Are the road dedications required for subdivision included in the calculation to arrive at the average number of lots.
3.	6.11 Highway Standards	Staff should ensure that the Heritage Road designation provision is included in one of these two documents.
4.	8.1 Comment IU96	An update is requested on the select Ford Cove properties that are referenced.
5.	8.1 Comment BB97	Should caravans be included in these references throughout the zones.
6.	8.2(2)(b)	Should there be a clause stating how many secondary suites are permitted per lot.
7.	8.2(6)	Is 100 square metres too restrictive for total combined floor area of all accessory buildings on lots in the R2 zone? Permitted Home Occupation uses are higher in this zone than in R1 and the lots are larger, possibly requiring other uses for an accessory building.
8.	8.2(9) Comment BB108	Should this be stated as "all lots with areas >4 ha." rather than "<4 ha"

5. NEXT MEETING DATE

The next meeting of the Hornby Island Advisory Planning Commission will take place on Wednesday, April 16, 2014 at 10:15 am at the Green Room, Hornby Community Hall, Central Road, Hornby Island, BC.

Members noted that Planner Milne is scheduled to attend the April 16, 2014 meeting. They discussed the possibility of requiring an additional APC meeting to conclude the LUB review and tentatively planned a meeting for April 17, 2014 if needed.

6. ADJOURNMENT

By general consent the meeting was adjourned at 1:30 pm.

Rudy Rogalsky, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder



Islands Trust

Follow Up Action Report w/ Target Date

Hornby Island Nov-22-2013

No.	Activity	Responsibility	Target Date	Status
1	that the Hornby Island Local Trust Committee refer the draft Land Use Bylaw and associated schedules to the Advisory Planning Commission for their review and comment and refer the draft Official Community Plan and associated schedules for any comments arising from changes made from the previous draft. Draft OCP with APC recommendation on March 14 agenda for LTC review.	Rob Milne		Done
1	that the Hornby Island Local Trust Committee request staff to research options for a shoreline protection workshop in the summer for waterfront property owners. Memo seeking clarification on intent on March 14 agenda for LTC consideration.	Rob Milne		Done

Feb-07-2014

No.	Activity	Responsibility	Target Date	Status
1	Forward the draft minutes of the Local Trust Committee's February 7, 2014 meeting to the APC for their information	Becky McErlean		Done

Mar-14-2014

No.	Activity	Responsibility	Target Date	Status
1	HO-2014-005 that the Hornby Island Local Trust Committee add to the Projects List the following item: "Provide information on shoreline protection".	Rob Milne		Done

1	HO-2014-007	Rob Milne	Done
	that the Hornby Island Local Trust Committee:		
	1. direct staff to amend the draft Official Community Plan bylaw to include additional Advisory Planning Commission recommendations as identified in the February 17, 2014 staff report; and		
	2. direct staff to send an early referral of the draft Official Community Plan to agencies and First Nations.		
1	HO-2014-008	Rob Milne	On Going
	that staff be requested to provide information on eelgrass mapping to BC Parks and the Hornby Island Provincial Parks Committee with a request that this be taken into consideration in the management of the marine component of Tribune Bay Marine Park with the goal of protecting the recently identified eelgrass beds.		



STAFF REPORT

Date: April 14, 2014 **File No.:** HO-OCP- 2009.1

To: Hornby Island Local Trust Committee
For meeting of April 25, 2014

From: Rob Milne, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: **Hornby Island Official Community Plan and Land Use Bylaw Review**

PROBLEM/ISSUE:

This project was initiated in 2009 as a targeted review of the Hornby Island Official Community Plan and Land Use Bylaw.

The purpose of this report is to:

- 1) Confirm the status of draft version 7.4 of the Hornby Island Official Community Plan (OCP);
- 2) Introduce Draft Bylaw No. 149 for consideration of first reading ;and
- 3) Provide a status update on the Land Use Bylaw.

BACKGROUND:

The Hornby Island Official Community Plan and Land Use Bylaw review process began in 2009. The early stages of the review process identified four key areas of the OCP for the review to focus upon. These were:

1. Changes to the housing policies (Section 6.3.5), which include new provisions for secondary suites and the use of detached dwelling units for temporary housing;
2. A revised policy (6.3.3.1) regarding the subdivision of rural residential lots;
3. A revised policy (6.5.1.3) which specifies criteria to be considered for the possible limited expansion of commercial zoning for small scale retail and personal service use; and
4. A renamed and revised Section 6.2 "Community Service Use" which contains new policies to encourage community based tenants and businesses.

Since that time the draft OCP document has evolved as input has been sought and received on these topic areas through community information meetings, town hall sessions and Advisory Planning Commission (APC) reviews. The most recent community review opportunity was the October 27, 2013 community information meeting the results of which were reviewed and discussed at the LTC's November 22, 2013 meeting.

At that meeting the Trustees noted that the APC had already completed a detailed review of a prior draft of the OCP and suggested that the review of the current draft of the OCP be limited to changes that have occurred since that previous review. The following motion was adopted at that meeting.

HO-044-2013**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee refer the draft Land Use Bylaw and associated schedules to the Advisory Planning Commission for their review and comment and refer the draft Official Community Plan and associated schedules for any comments arising from changes made from the previous draft.

At their February 7, 2014 meeting the LTC gave consideration to the results of the Advisory Planning Commission's (APC) review of the current draft (7.4) of the revised Official Community Plan (OCP). It was the direction of the LTC to make a number of revisions to the draft document based upon the APC's review. The following motion was adopted.

HO-2014-002**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee request staff to incorporate the Advisory Planning Commission revisions including the Local Trust Committee comments as captured in the February 7, 2014 meeting.

At the March 14, 2014 meeting of the LTC consideration was given to a staff report on the draft document and the following motion adopted.

HO-2014-007**It was MOVED and SECONDED,**

that the Hornby Island Local Trust Committee:

1. Direct staff to amend the draft Official Community Plan bylaw to include additional Advisory Planning Commission recommendations as identified in the February 17, 2014 Staff Report; and
2. Direct staff to send an early referral of the draft Official Community Plan to agencies and First Nations.

It should be noted that draft Official Community Plan was reviewed by the Islands Trust solicitors for legal conformity with common law and statute law respecting land use within the Islands Trust in early 2013.

POLICY STATEMENT CHECKLIST:

Section 1.6 of the Policy Statement Implementation Policy holds the primary responsibility for demonstrating that an official community plan or regulatory bylaw is not contrary to or at variance with the Islands Trust Policy Statement resides with each local trust committee.

Staff has assessed the draft OCP bylaw against the Policy Statement Directives Only Checklist and includes the review as Attachment No.2. The LTC is requested to pass a formal resolution to indicate agreement with these assessments.

CONSULTATION AND REFERRALS:

As noted in this report this OCP/LUB review process began in 2009. In the intervening years input has been sought and received through community information meetings, town hall sessions and APC reviews. Most recently as directed through resolution **HO-2014-007**,

discussed above, the document was referred to a number of First Nations and agencies which are listed below.

Cowichan Tribes	shishalh (Sechelt) First Nation
Halalt First Nation	Sliammon First Nation
H'ul'qumi'num Treaty Group	Snaw'Naw'As Nation
K'omoks First Nation	Nanwakolis First Nations Referral Office
Laich-kwil-tach Treaty Society	Stz'uminus First Nation
Lake Cowichan First Nation	Te'Mexw Treaty Association
Lyackson First Nation	We Wai Kai Nation
Penelakut Tribe	Wei Wai Kum First Nation
Qualicum First Nation	Xwemalxkwu (Homalko) First Nation
Comox Valley Regional District	Vancouver Island Health Authority
Ministry of Transportation and Infrastructure	

It is recommended that in addition to the agencies listed in the table above that the statutory referral also includes BC Assessment, Ministry of Agriculture, Ministry of Forests, Lands and Natural Resources Operations and the Denman Island Local Trust Committee.

SUMMARY OF EARLY REFERRAL RESPONSES		
Agency	Response	Synthesis of response
Ministry of Transportation and Infrastructure	Interests unaffected by Bylaw	Interests unaffected
Xwemalxkwu (Homalko) First Nation	At this time we do not object to your proposal. The Homalko First Nation is however, continuing our Land Use Plan our Tradition Use Plan and an Archaeological Overview of our Traditonal Lands. These works are ongoing, we reserve the right to provide further comment as new information becomes available.	Interests unaffected by the Bylaw at this time.
Halalt First Nation	Thank you for informing us of your contemplated decision. At present, Halalt does not take issue with this particular decision as having significant adverse effects upon our Aboriginal Rights and Title.	Interests unaffected by the Bylaw at this time
Cowichan Tribes	...we will not be responding to this one because Hornby Island is out of our core territory.	Interests unaffected

TIMELINES

A project charter for the OCP and LUB review process was prepared in early 2012. That charter anticipated an early 2014 adoption of those documents. It is now anticipated that will occur in late summer or early fall. An expected timeline is provided in the table below.

Deliverable / Milestone	Target Completion Date
Early First Nations referral of draft bylaws	March, 2014
First reading of bylaws and statutory referrals sent	April, 2014
Community Information Meeting	May, 2014
Referral comment review and scheduling of public hearing	June, 2014
Public hearing and bylaw amendments as required	July, 2014
Submission of bylaws to EC and Minister (for OCP)_	July, 2014
Final adoption	October, 2014

As the LTC will be aware the companion document to the OCP in this review process is the LUB. Due to circumstances beyond the control of the APC their review of the LUB was delayed for a month which had the effect of putting the LUB review process out of sync with that of the OCP. The APC is scheduled to have their last review meeting on April 16th. If circumstances allow, staff will endeavour to have a report and draft bylaw available at the April 25th meeting for consideration for first reading by the LTC so that the review process articulated above can include consideration of both documents in tandem.

STAFF COMMENTS

The draft OCP has undergone significant community review and consultation. The current draft of the document has been referred to a number of stakeholders groups and agencies in order to identify any external concerns or issues prior to its moving forward for first reading. The early referral has not revealed any substantive issues or concerns. As such the draft OCP document may be considered a mature document which is ready to enter the final stages of community consultation prior to commencing the statutory process that leads to final adoption.

RECOMMENDATIONS:

THAT the Hornby Island Local Trust Committee:

1. Give first reading to Draft Bylaw No. 149 cited as the "Hornby Island Official Community Plan Bylaw No. 149, 2014"
2. Review the Directives Only Policies and confirm by resolution that Bylaw No. 149 is not contrary to or at variance with the Islands Trust Policy Statement; and,
3. Refer proposed Bylaw No. 149 cited as the "Hornby Island Official Community Plan Bylaw No. 149, 2014" to agencies and First Nations

Prepared and Submitted by:

Rob Milne

April 14, 2014

Rob Milne
Island Planner

Date

Concurred in by:

Courtney Simpson

April 15, 2014

Courtney Simpson, MCIP, RPP
Regional Planning Manager

Date

Attachments:

1. Policy Statement Directives Only Checklist for Bylaw No. 149



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: HO BL 149

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
✓	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
✓	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
✓	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
✓	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
✓	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
✓	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources

✓	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.
---	-------	--

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
✓	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
✓	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
✓	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
✓	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation

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

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



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	DAY OF	, 201X
PUBLIC HEARING HELD THIS	DAY OF	, 201X
READ A SECOND TIME THIS	DAY OF	, 201X
READ A THIRD TIME THIS	DAY OF	, 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	DAY OF	, 201X
---	--------	--------

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

TABLE OF CONTENTS

SCHEDULE A	1
SECTION I— BACKGROUND.....	1
1.1 Context and Interpretation	1
1.2 Purpose	1
1.3 Islands Trust Authority.....	1
1.4 Historical Perspectives.....	2
1.5 The Natural Setting	4
1.6 Socio-economics of Hornby Island	6
1.7 Principles	6
SECTION II — PRIMARY OBJECTIVES AND POLICIES	8
2.1 Broad Community Objectives.....	8
2.2 Objectives and Policies for All Land Use	9
SECTION III—OBJECTIVES AND POLICIES FOR PROTECTION OF THE ENVIRONMENT	11
3.1 Environmental Stewardship.....	11
3.2 Environmentally Sensitive Areas	13
3.3 Parks and Protected Areas	18
3.4 Groundwater Protection-Sustainable Ecosystem Management Area (Mount Geoffrey Area)	22
3.5 Groundwater Protection—Gravel Pit Area	25
3.6 Marine Conservation.....	26
3.7 Heritage Features	28
3.8 Hazard Areas	30
SECTION IV—OBJECTIVES AND POLICIES FOR THE STEWARDSHIP OF RESOURCES	31
4.1 Farming	31
4.2 Forestry	32
4.3 Mariculture	33
4.4 Energy	35
4.5 Water	36
SECTION V — OBJECTIVES AND POLICIES FOR A SUSTAINABLE INFRASTRUCTURE	39
5.1 Water Supply Systems	39
5.2 Water Supply Protection Areas	41
5.3 Sewage Treatment and Disposal	42
5.4 Recycling and Disposal of Solid Waste	44
5.5 Public Utilities and Services	46
5.6 Air Transport.....	47
5.7 Water Transport	48
5.8 Roads	50
SECTION VI — OBJECTIVES AND POLICIES FOR SUSTAINABLE LAND USE.....	53
6.1 Objectives and Policies for Development	53
6.2 Community Service Use	56
6.3 Residential	59
6.3.1 Residential—General	59
6.3.2 Small Lot Residential.....	60
6.3.3 Rural Residential	62

6.3.4	Forest	63
6.3.5	Housing	64
6.4	Agriculture	69
6.4.1	Agriculture	69
6.4.2	Additional Policies for Land in the Agricultural Land Reserve	70
6.5	Commercial and Home Occupations	72
6.5.1	Retail and Personal Service	72
6.5.2	Visitor Accommodations and Tourism.....	74
6.5.3	Vacation Home Rental	76
6.5.4	Commercial/Residential General	77
6.5.5	Home Occupations	78
6.6	Recreational.....	81
6.6.1	Outdoor Recreation	81
6.6.2	Recreation Facilities	82
6.7	Marine.....	84
6.7.1	Foreshore	84
6.7.2	Marine Conservation	85
6.8	Climate Change Adaptation and Mitigation.....	86
6.9	Development Permit Areas	89
6.9.1	Development Permits to Define the Form and Character of Commercial Development	89
6.9.2	Development Permits for the Protection of the Natural Environment, its Ecosystems and Biological Diversity and for Promotion of Water Conservation	89
6.9.3	Form and Character of Community Housing Development Permit Area	91
6.10	Temporary Use Permits.....	93
SECTION VII—ADMINISTRATION		96
7.1	Interpretation	96
7.2	Implementation.....	96
7.3	Development Approval Information	97
7.4	Amendment Procedure.....	97
7.5	Update and Revision.....	98
7.6	Public Facilities	98

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.

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

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

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

The K'omoks First Nation have been in treaty process since 1993 and signed an Agreement In Principle (AIP) in March 2012 with the governments of Canada and British Columbia. A Final Agreement (Treaty) is anticipated to protect the rights of the K'omoks members.

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

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

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

To avoid more indiscriminate carving up of the Island, a policy restricting subdivision to a ten-acre minimum lot size was introduced. 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 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 used 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 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 maintain the well and to post water quality analysis information.

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 Vancouver Island Health Authority is requested to prohibit outfalls for sewage and used water on Hornby Island.
- 3.6.10 Transport Canada is encouraged to require holding tanks for sewage and used water in all commercial and recreational vessels.
- 3.6.11 The designation and enforcement of Tribune Bay as a no sewage discharge area under Federal Sewage Pollution Prevention Regulations is supported. The designation of additional areas where sewage discharge problems have been identified is also supported.
- 3.6.12 The Federal 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 should be located away from areas of known archaeological sites wherever possible until an archaeological assessment has been done and suitable management options are developed.
- 3.7.3 Development Permits should be required and guidelines developed once heritage areas are accurately identified and designated or otherwise protected.

Advocacy Policies

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

- 3.7.7 The Ministry of Transportation and Infrastructure is requested, 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.

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 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 used water and improper utilization, storage and disposal of chemicals used domestically or in trades, crafts, agriculture, industry and transportation. Where water supply is a problem, bottled water is purchased, water is obtained from other public or private wells or water is trucked for a fee from productive wells elsewhere on the Island. Household treatment of water also takes place. Irrigation can be a significant use of water in the summer with potential impacts upon availability during the low flow period.

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 used water; and
- (7) to encourage protection of water in wells.

Policies:

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

Advocacy Policies:

- 4.5.9 The Vancouver Island Health Authority is requested to ensure that surface or groundwater is not contaminated by deleterious liquid discharges.
- 4.5.10 The Ministry of Forests and Range and the 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 used water treatment to allow for re-use and recycling of water.

Policies:

- 5.1.1 Piping of water from a source off-island should be prohibited.
- 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. 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 conventional septic systems these wastes are treated and disposed of together. Other systems, such as composting toilets, are designed to treat only human waste (fecal matter) and this requires separate treatment for grey water. Water is a precious resource and can often be recovered and recycled with appropriate treatment. To reflect this, the terms "fecal matter" and "used water" are used in this plan rather than "liquid waste".

The disposal of sewage is governed by the Ministry of Health through the Public Health Act Regulations and administered by the Vancouver Island Health Authority. The Ministry of Environment and the Ministry of Agriculture 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 used water must therefore be dealt with on each lot. A program of testing for fecal coliform in wells, ditches, creeks and beaches (carried out by the Water Stewardship Project in 1996 to 1999) indicates that there is a widespread lack of adequate treatment which is already causing contamination and could lead to serious health problems. There has never been an assessment made by the Vancouver Island Health Authority of the impact of all the septic systems on the area as a whole.

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

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

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 the disposal of sewage and used water does not lead to a health hazard through pollution of the groundwater or the waters surrounding the Island.

Policies:

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

Advocacy Policies

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

- 5.3.4 The Vancouver Island Health Authority and the Ministry of Environment are requested to enable the use of proven innovative technologies for sewage and used water treatment methods where conventional systems are not appropriate.
- 5.3.5 The 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.
- 5.3.6 The Federal Government departments with authority are requested to require the use of holding tanks for sewage on vessels docked or moored in the waters surrounding the Island.
- 5.3.7 Provincial Ministries are requested to support research, development and application of alternative waste treatment systems through community-based pilot projects.
- 5.3.8 Public sewerage and sewage treatment systems are considered a remedial measure in existing high-density residential areas.
- 5.3.9 Consideration should be given to securing appropriate land (vacant Crown land or vacant private lots) that may be used in future for neighbourhood full treatment systems in the small lot subdivisions.
- 5.3.10 The Land Title and Survey Authority, the Real Estate Board and local realtors are encouraged to require from land owners disclosure of septic and well conditions and locations before property transfer so that prospective buyers are informed of the water/septic situation.
- 5.3.11 Programs designed to educate the public on appropriate approvable methods and management of sewage and used water disposal systems are encouraged.
- 5.3.12 Efforts to provide information to visitors that there are no pump-out facilities for recreational vehicles or boats on the Island are supported.

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, used water and solid waste disposal for users of all marine facilities according to Provincial Health standards;
- (5) to encourage measures to reduce the number of vehicles that travel on the ferry; and
- (6) to support the continuing provision of wharfage at Ford Cove or at Shingle Spit.

Policies

- 5.7.1 Private wharfs and/or breakwaters should be prohibited by regulation.
- 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 Vancouver Island Health Authority and the Ministry of Environment;
 - d) consult on a regular basis with a local advisory committee (or in the absence of such a committee, the Hornby Island Local Trust Committee) with respect to future planning for and any changes to ferry service between Hornby Island and Vancouver Island; and
 - e) consider the impact of the level and structure of tariffs upon the social and economic viability of the community.
- 5.7.11 All marine fuel services should meet all federal and provincial requirements.

5.8 Roads

Background:

Hornby's roads fall into 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 used water systems, vehicle access, and water supply;
- (6) to encourage the continued use of building styles, materials, landscaping and the retention of treed areas which are in keeping with the rural landscape;
- (7) to ensure that there is ample sewage treatment and water supply for the anticipated uses;
- (8) to use community resources efficiently and to allow for development of community facilities as needed;
- (9) to ensure that the existing community use and service areas are maintained;
- (10) to recognize the importance of keeping long-term residents of the Island within the community by enabling community housing; and
- (11) to support community acquisition or lease of parcels of Crown lands in this area that may be required to provide public services.

Policies:

- 6.2.1 A Community Trades and Services Area, 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 used water treatment, alteration of the land or vegetation, or use of potential contaminants, including residential, commercial, industrial or trades and service developments, new recreational or service facilities such as a swimming pool or fire hall and road building.
- 6.2.3 Community facilities, such as schools and recreational facilities should continue to be clustered in the central area near the Community Hall.
- 6.2.4 Fire protection, clinic, ambulance and other public services should continue to be located centrally.
- 6.2.5 The Royal Canadian Mounted Police should continue to be located in a central location, and should be requested to provide a structure in character with other public buildings on the Island.
- 6.2.6 The development of affordable 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 used water treatment involving two or more lots is supported where appropriate to local situations and in accordance with the Vancouver Island Health Authority standards.
- 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, used 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, used 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 Ministry of Environment.
- 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 used water is questionable. The large influx of people can be stressful to a small community and can present safety and law enforcement problems.

This creates the challenge of providing visitor accommodation in a manner and at a level that caters to visitors and provides much-needed employment while protecting the Island's environment, sustaining its resources and amenities and preserving the ambience and character of the community.

Unsupervised and unserviced camping is not considered desirable because of the impact on quiet residential or rural neighbourhoods, the risk of fire, and because public services are not readily available. The provision of such facilities as public washrooms and waste disposal sites could place a burden on the available water supply and thereby threaten the availability of those resources for use by the local community population. Currently, the Island is supplied with visitor accommodations in the form of five campgrounds, three resorts with rental cabins and a restaurant, and several Bed and Breakfasts. Short-term rental of residential units has been a long-standing means of providing visitor accommodation, but there is also concern about impacts, both in neighbourhoods and cumulatively. 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 used water treatment, waste disposal capability and adequate provision for parking to serve the business and clientele both at the time of application and at ultimate projected growth levels. A hydrological study may be required in situations where there is reason to be concerned about impacts upon the groundwater resource.
- 6.5.2.4 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.

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

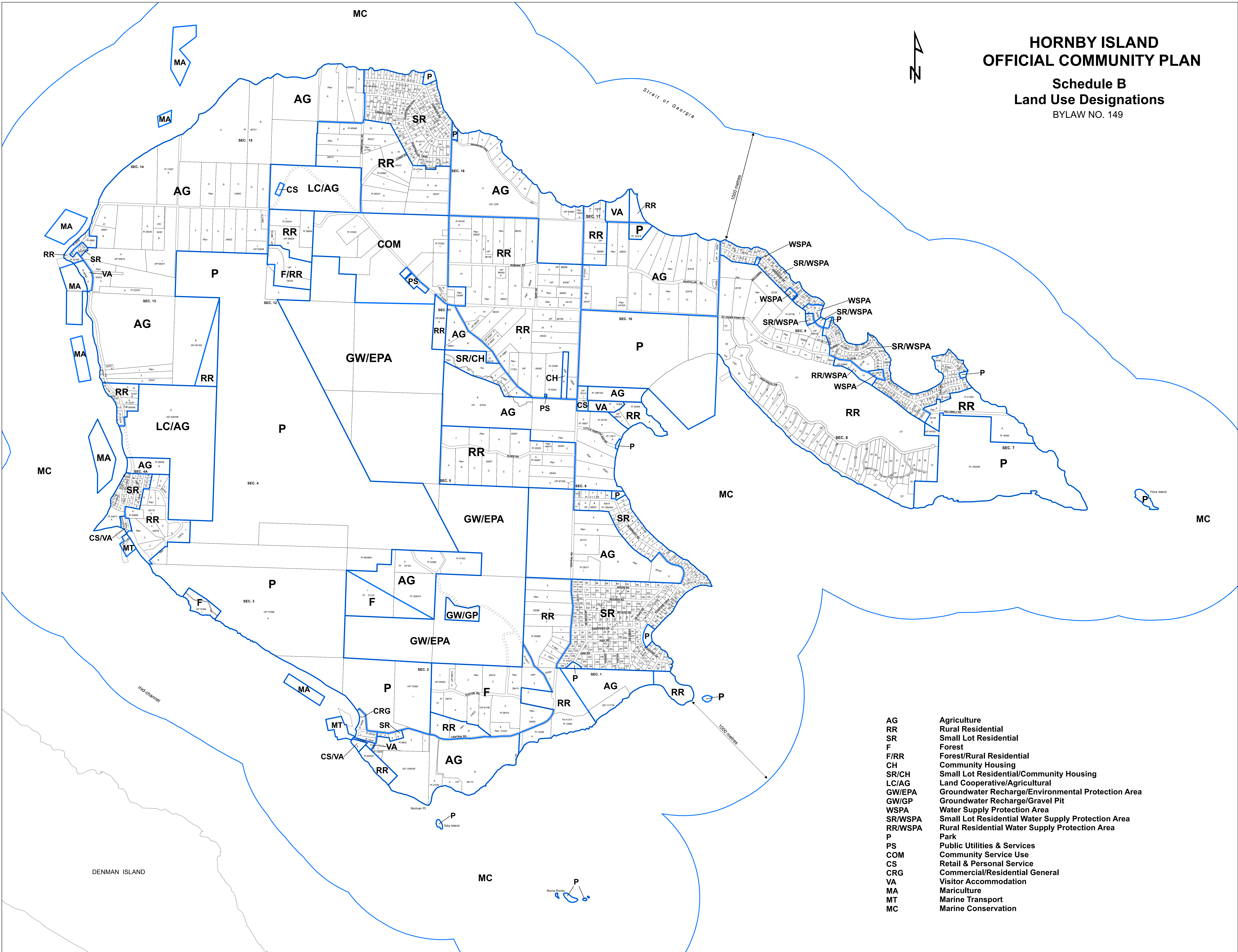
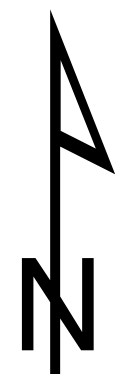
List of Community References

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**
BYLAW NO. 149



- 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



0 250 500 1,000 Metres

HORNBY ISLAND

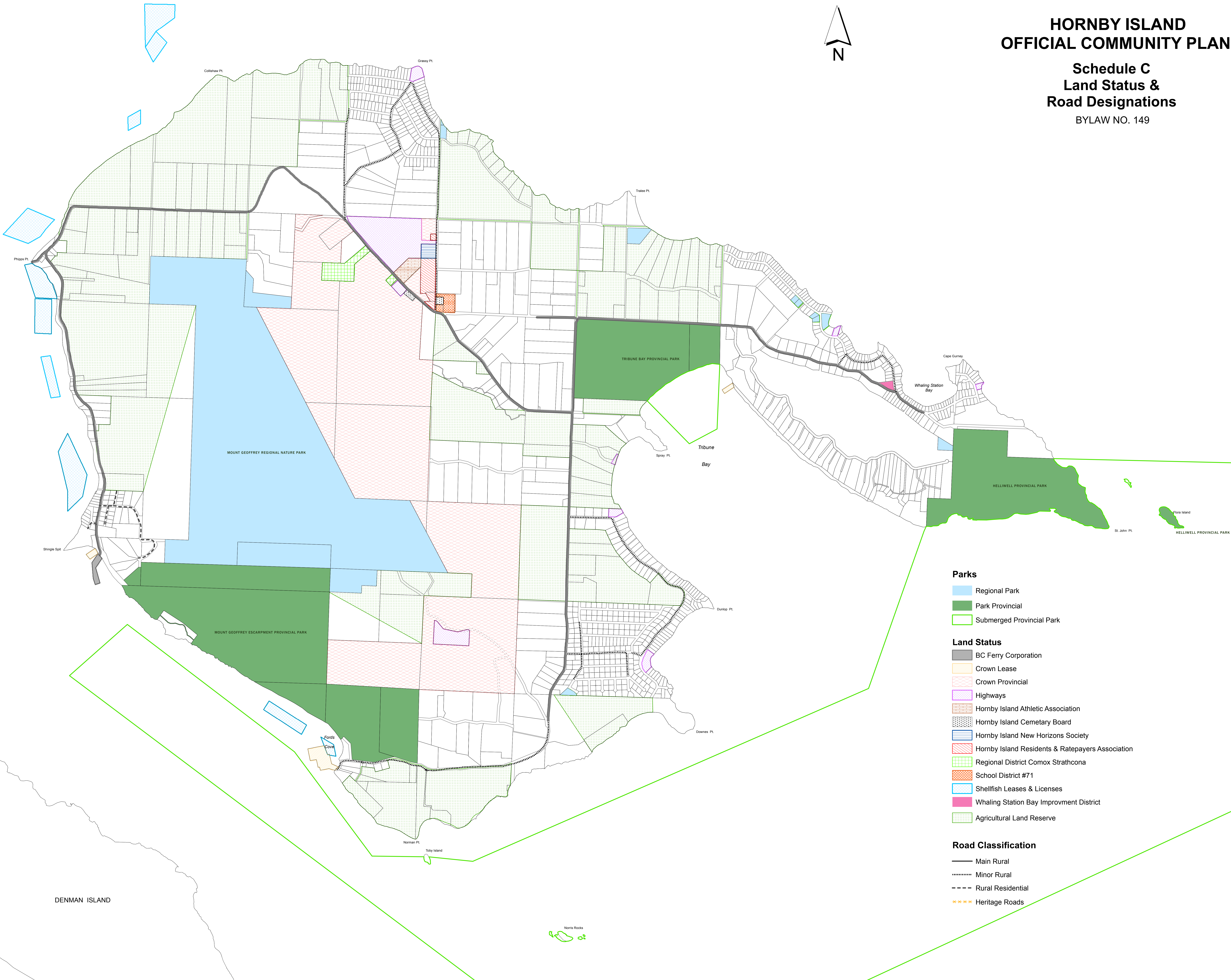
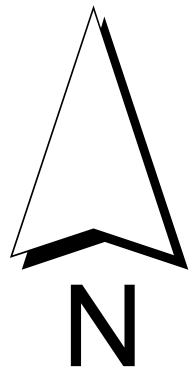
HORNBY ISLAND
LOCAL TRUST COMMITTEE

SCHEDULE B
LAND USE DESIGNATIONS

**HORNBY ISLAND
OFFICIAL COMMUNITY PLAN**

**Schedule C
Land Status &
Road Designations**

BYLAW NO. 149



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**

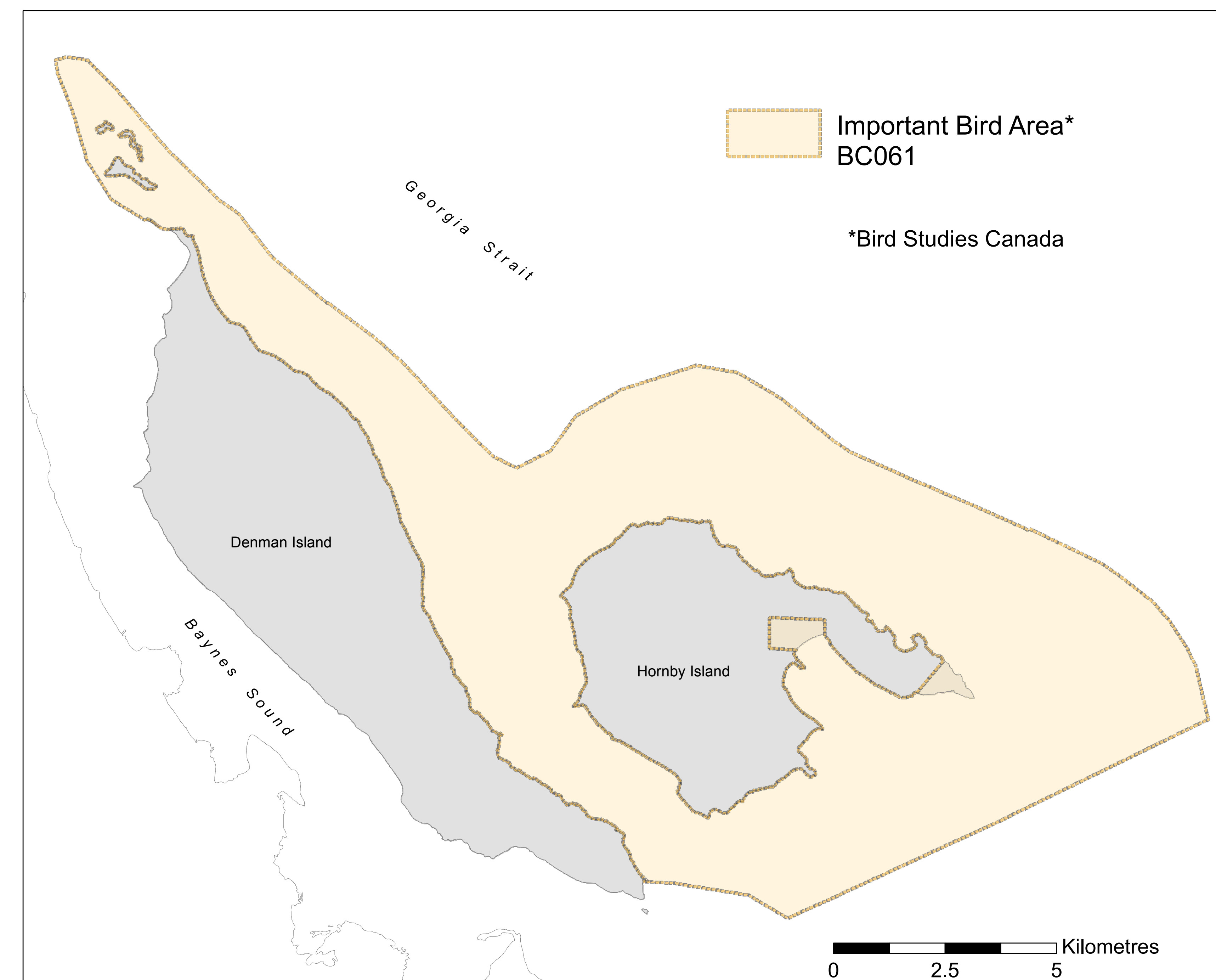
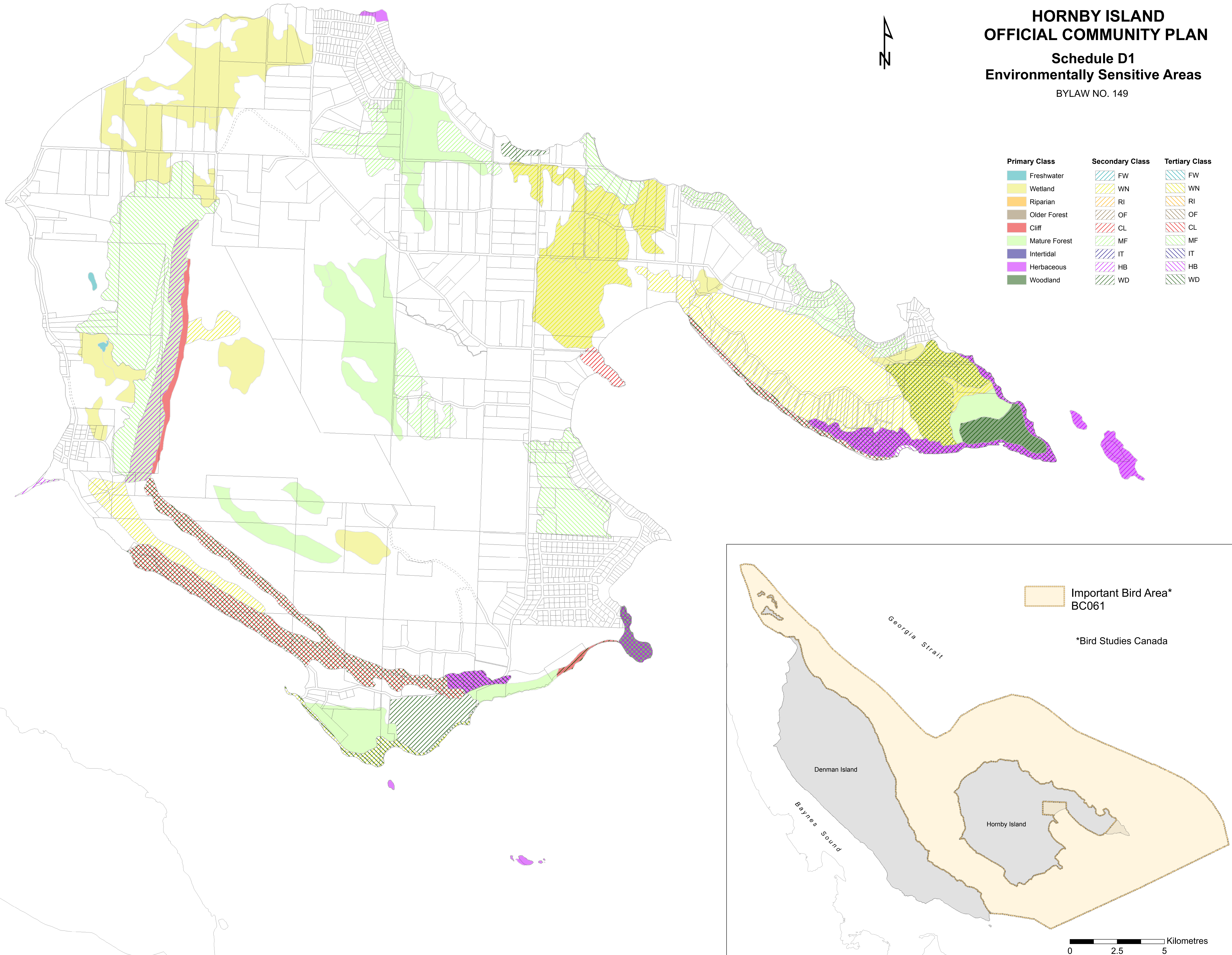
HORNBY ISLAND OFFICIAL COMMUNITY PLAN

Schedule D1 Environmentally Sensitive Areas

BYLAW NO. 149



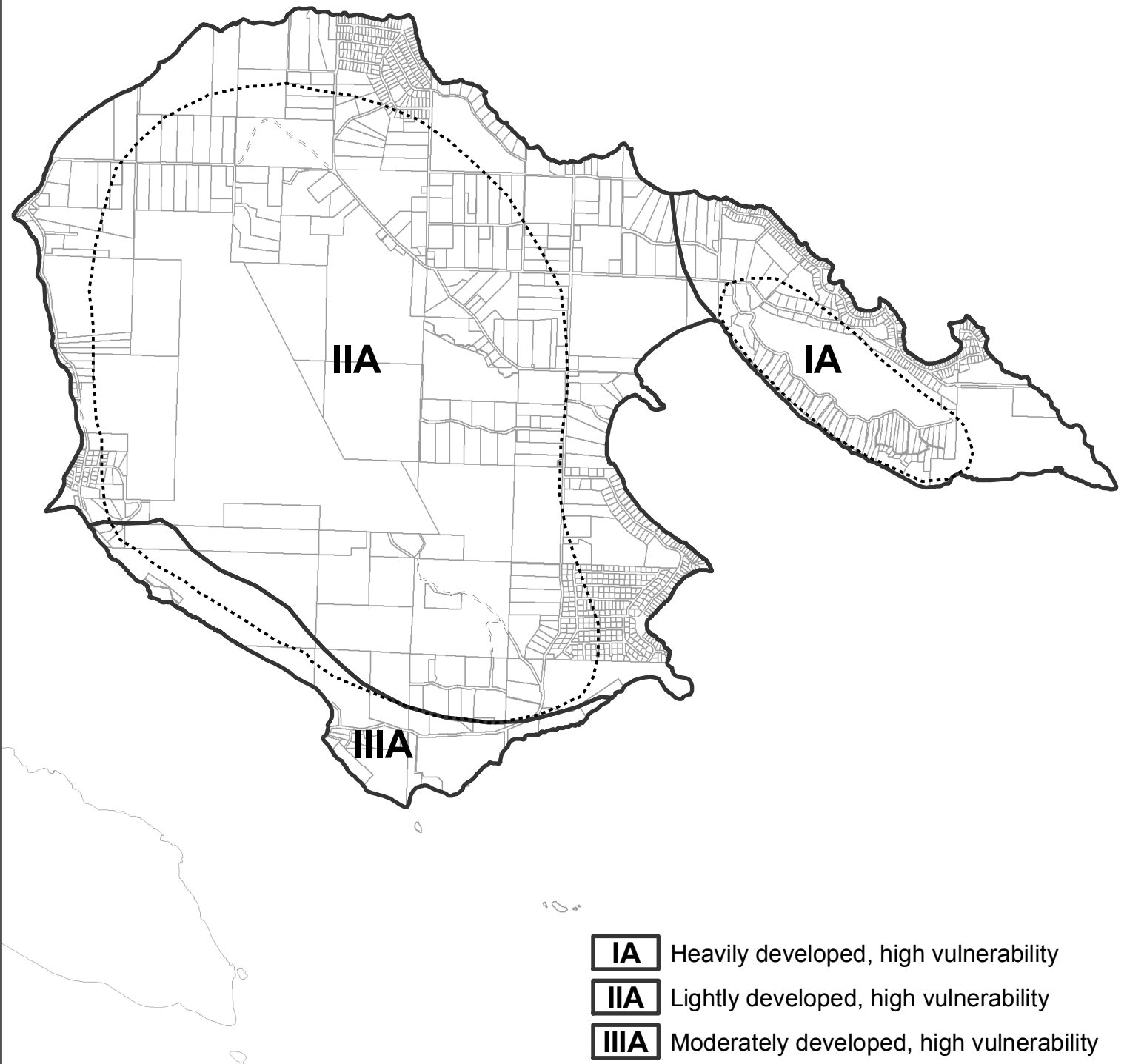
Primary Class	Secondary Class	Tertiary Class
Freshwater	FW	FW
Wetland	WN	WN
Riparian	RI	RI
Older Forest	OF	OF
Cliff	CL	CL
Mature Forest	MF	MF
Intertidal	IT	IT
Herbaceous	HB	HB
Woodland	WD	WD



**HORNBY ISLAND
OFFICIAL COMMUNITY PLAN**

**Schedule D2
Environmentally Sensitive Areas
Aquifers**

BYLAW NO. 149

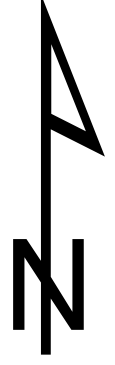


..... Recharge Zones

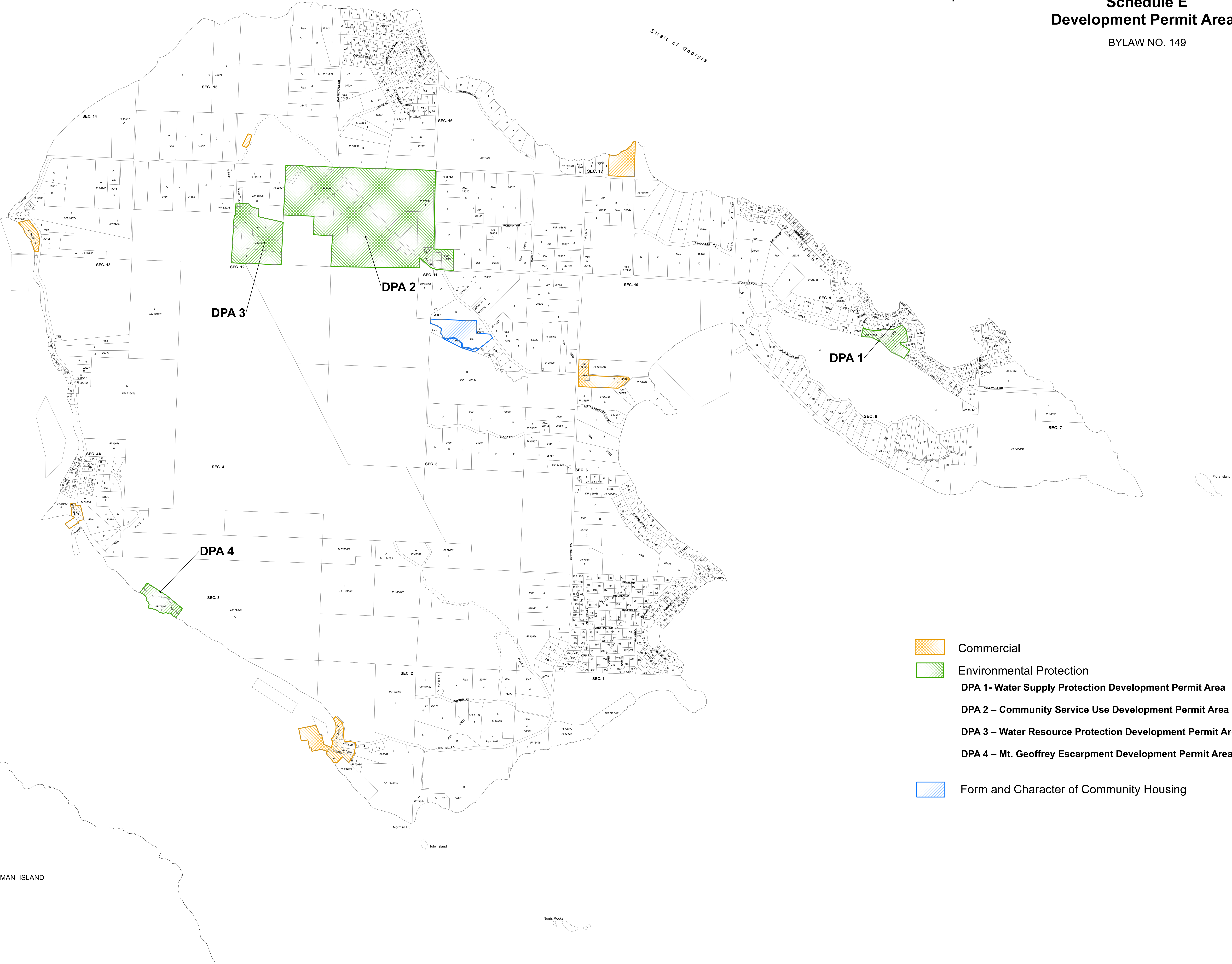
**HORNBY ISLAND
OFFICIAL COMMUNITY PLAN**

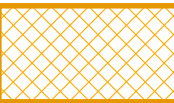
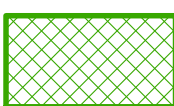
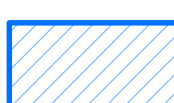
**Schedule E
Development Permit Areas**

BYLAW NO. 149



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**

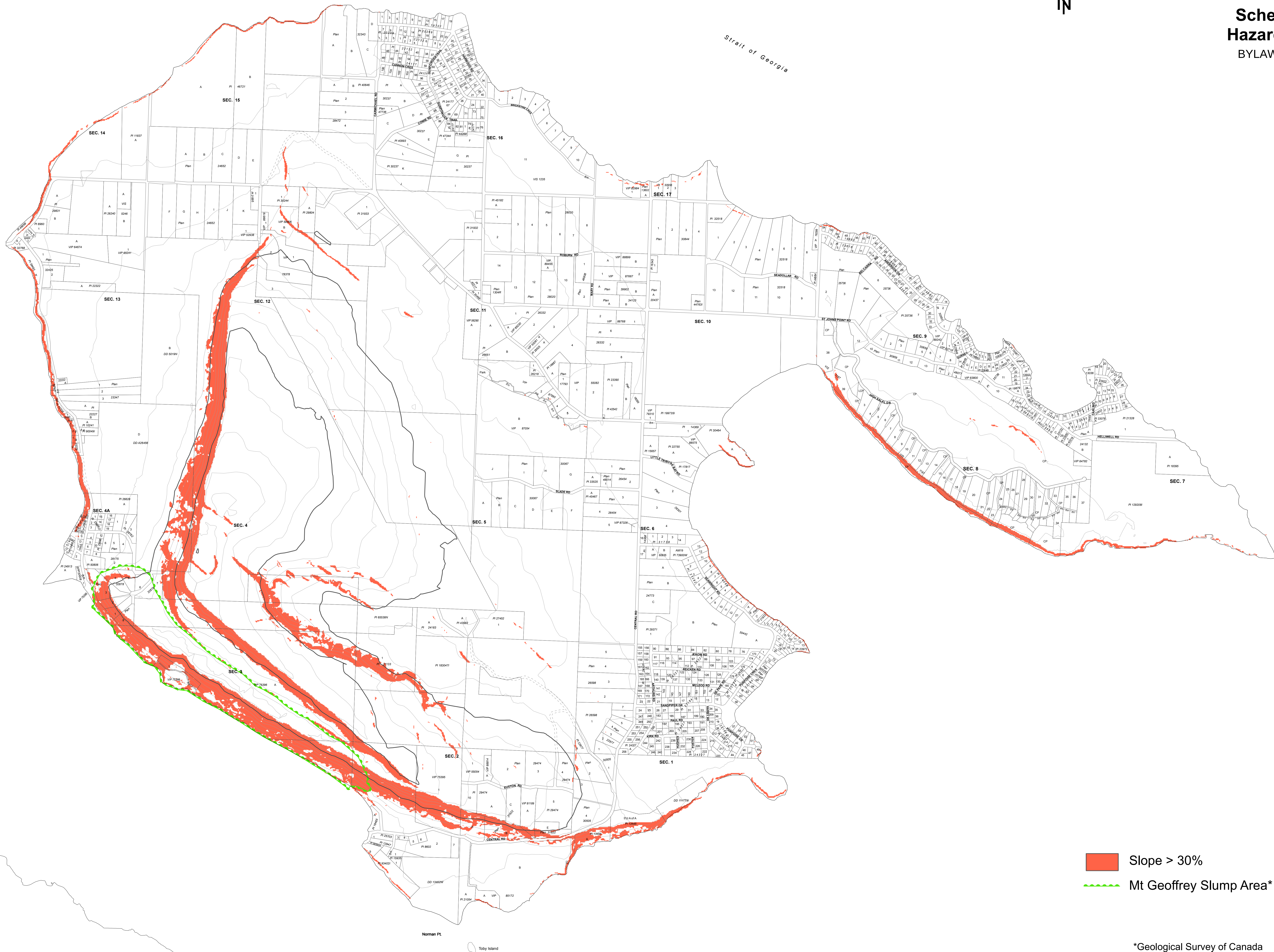
**SCHEDULE E
DEVELOPMENT PERMIT AREAS**

HORNBY ISLAND OFFICIAL COMMUNITY PLAN

Schedule F Hazard Areas BYLAW NO. 149



Strait of Georgia



- Slope > 30%
- Mt Geoffrey Slump Area*

*Geological Survey of Canada

DENMAN ISLAND

Scale 1 : 10,000
0 250 500 1,000 Meters

HORNBY ISLAND

HORNBY ISLAND
LOCAL TRUST COMMITTEE

SCHEDULE F
HAZARD AREAS



STAFF REPORT

Date: April 7 2014

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

To: Hornby Island Local Trust Committee
For the meeting of April 25, 2014

From: Rob Milne, RPP, MCIP
Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: Riparian Areas Regulation Implementation

Preliminary Report

The purpose of this report is provide the Local Trust Committee with background on the provincial Riparian Areas Regulation (RAR), the results of watercourse mapping on Hornby Island, and options and recommendations for implementing the provincial Riparian Areas Regulation through an attached draft Project Charter.

Project Objectives

To implement the RAR for all applicable watersheds on Hornby Island.

Project Background

Implementation of the provincial Riparian Areas Regulation (RAR) is a LTC Top Priority Work Program item.

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.

A “Riparian Assessment Area” (RAA) is defined in the RAR to mean any area within 30 metres of a stream; a “stream” is defined to include all watercourses that provide fish habitat, including ponds, lakes, rivers, creeks and brooks as well as ditches, springs, and wetlands that are connected by surface flow to such watercourses. A watercourse may not currently have fish present, but is still considered a “stream” for the purposes of the RAR if fish could potentially be present were introduced obstructions made passable. “Fish” is defined for the purposes of the RAR to include salmonids, game fish and regionally significant fish (these include all salmon species and trout).

“Development” is defined in the RAR to mean a range of activities that are subject to local government powers under Part 26 of the *Local Government Act*. These include applications such as rezonings, DPs, DVPs, TUPs and subdivisions, but do not include building permits, siting and use permits, and Board of Variance orders. The types of development that are subject to an RAR assessment are residential, commercial and industrial. Not subject to assessment are: permits issued for repair or reconstruction of existing structures, pre-existing buildings or structures, agricultural activities, mining activities, hydroelectric facilities, forestry, parks, institutional development, and federal and First Nations lands. Despite the fourth objective of the *Fish Protection Act*, the RAR does not give local governments any additional powers with respect to streamside protection. Rather, it requires local governments to use their existing land use planning and management powers under the *Local Government Act* to improve the protection of riparian habitat.

Local governments may allow development within 30 metres of a stream provided the prescribed riparian assessment methods have been followed. The riparian assessment method requires a Qualified Environmental Professional (QEP) to provide an opinion – via an Assessment Report – that the development will not result in a harmful alteration of riparian fish habitat. In the assessment, the QEP must establish, on a site-specific basis, an area within the 30 metre RAA that cannot be developed - termed a Streamside Protection and Enhancement Area (SPEA) - and those portions of the 30 metre RAA where development may occur. The QEP may also provide recommendations on mitigation or enhancement measures specific to the development proposal. Finally, the Assessment Report can identify measures to maintain the integrity of the riparian area during the development process.

In summary, the Regulation specifies that:

- local governments must protect riparian areas in accordance with the regulations when exercising their powers with respect to commercial, residential and industrial development; and
- local governments must meet or better the regulations, but cannot reduce them without specific authorization from Fisheries and Oceans Canada. For example, a local government could not issue a development variance permit for a new residential, commercial or industrial building except in accordance with the Riparian Areas Regulations.

As the RAR has been in effect for almost eight years, any Part 26 application could trigger the requirement for an assessment. For example, right now an unrelated variance for work that happens to be within 30 metres of a stream (as defined by the RAR) would need a QEP report.

In 2006 Trust Council adopted a resolution directing staff to prepare development permit area provisions to implement the RAR. Local trust committees were also requested to consider amending setback provisions in their Land Use Bylaws as a first step prior to implementing development permit areas. Subsequently, at their September 21, 2011 meeting the Hornby Island Local Trust Committee adopted the following resolution:

HO-070-2011 It was **MOVED** and **SECONDED** that Riparian Areas Regulation be added as the third Top Priority on the Work Program.

Funding in the 2011-2012 fiscal year had allowed for initial mapping of the Ford Creek and lower Beulah Creek watersheds. In the 2013-14 fiscal year funding became available to complete the mapping Beulah Creek and three other RAR applicable watersheds necessary to allow for the work necessary to begin implementation of the regulation. The focus of this implementation will begin with public consultation.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan:

Goal “A” of the Trust Council Strategic Plan includes- “work to protect the natural environment of islands by:

- 1.3 Working to protect fish habitat under BC’s Riparian Areas Regulation”

Trust Policy Statement:

3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Official Community Plan: The OCP contains a pertinent policy:

4.5.4 Watersheds, wetlands, lakes, water courses and riparian areas identified on Schedule D2 shall be protected through development permit or regulation, including requirements for protective setbacks.

Sensitive Ecosystem, Hazard, Shoreline, or Archaeological Resources

Implementation of RAR so as to provide protection of riparian areas aligns with the goals of the Trust Council Strategic Plan, the Trust Policy Statement and the Hornby Island Official Community Plan.

Project Scope and Timeline

As previously noted in this report “Riparian Areas Regulation” was added by resolution to the LTC top priority list as the third priority in 2011. In the 2013-14 fiscal year funding became available allowing the completion of the RAR mapping necessary to begin implementation of the regulation. However, aside from these two important steps the matter does not appear to have otherwise appeared before the LTC for further consideration other than in an April, 2012 report that provided a comprehensive, contextual overview of the RAR implementation process within the Islands Trust, and which was circulated to all northern LTCs. The LTC members will, therefore, find attached to this report a copy of a draft project charter which includes a proposed scope for the project as well as a suggested timeline to allow for the initiation and implementation of this priority.

An extract of the “Deliverables and Milestones” section of the draft charter is included below for review. As may be seen it is proposed to focus upon the important public consultation and education phase and the development of the necessary draft bylaws in the lead up to the Christmas meeting break. The statutory component including formal agency referrals and the public hearing are proposed to follow after the break.

As noted previously the implementation of the RAR has proven to be a potentially contentious issue. The proposed timelines provided in the draft project charter, and provided for convenience below, are intended to ensure that adequate time is provided for community discussion of this important initiative. Making allowance for the time to have that discussion will hopefully relieve any apprehensions that this process is being imposed upon residents without the opportunity to share any concerns, to better understand the value of the process and the constraints imposed upon the Islands Trust by the provincial regulation

No specific project budget has been allocated for the RAR implementation process. However, the anticipated expenses, such as a mail-out, printing of informational material and community meeting opportunities could be funded from the LTC communications budget (\$300) or the LTC special project budget (\$750). Given that all required stream mapping work has now been completed, and the existence of brochures and materials that can be adapted for use in the community consultation process it can be expected that overall costs aside from the statutory public hearing; which is proposed for the 2015/2016 fiscal year; can be kept within this budget.

Deliverables and Milestones

Deliverable / Milestone	Target Completion Date
Trustee Notebook	May 2014
Small venue community information and mapping review meetings (4)	Spring/Summer 2014
Report to LTC on consultation (LTC direction to draft bylaws)	September 2014
LTC review of draft bylaws to amend OCP and LUB & draft DAI bylaws	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

Project Charter

Staff has prepared and attached a proposed project charter for the implementation of the provincially mandated RAR. The draft charter attempts to learn from other RAR implementation projects within the Islands Trust. As such it places an emphasis on early and ongoing consultation with the Hornby Island community. The focus of this consultation will be small venue meetings to allow for multiple opportunities for what might be described as more “intimate” opportunities for community members to learn about the RAR process and how it may or may not affect them as land owners and residents of the Island.

Next Steps

The chronology and steps for the implementation of the RAR guidelines is provided in the “Deliverable / Milestone” table included above.

Summary of Planning Recommendations

The provincial RAR requires local governments to use their existing land use planning authority to protect fish habitat.

Ministry of Environment documents suggest that local governments apply zoning or use DPAs to implement the RAR. Changes to zoning would establish a setback consistent with the 30 metre RAA. However, there are at least two concerns with the zoning approach:

1. Zoning is inflexible. A setback would regulate the siting of buildings and structures and a landscape strip provision could be established within the RAA to prevent vegetation removal. Any work within the RAA would require a variance and conditions could not be attached to a variance in the manner that they can be included in development permit.
2. Establishing zoning setbacks do not provide the level of certainty for landowners that designating a DPA on a map schedule does.

Conversely, the DPA amendment option would manage land alteration, including vegetation removal, provide a map schedule showing the designated streams and 30 metre DPA, and provide for the flexibility inherent in considering issuance of a development permit, which can attach conditions and include variances.

The Hornby Island LTC is obliged to protect riparian areas. There are currently draft or adopted DPA provisions prepared for the Gabriola, North Pender, Galiano and Mayne LTCs that minimally meet the RAR requirements for provision of a QEP assessment and implementation of recommendations which could be reviewed to identify successful approaches to implement RAR. Learning from the experiences of other Trust Areas in combination with an effective public consultation process for should assist in the development of a successful implementation strategy which balances the concerns of the community with the requirements and goals of the RAR.

As noted earlier in this report the implementation of riparian protection through RAR is not discretionary and such protection must meet or exceed the provincial requirements. As such the options available to the LTC are limited to those associated with the implementation of RAR in the Hornby Island Local Trust Area.

RECOMMENDATIONS:

It is the recommendation of staff that:

1. The Hornby Island Local Trust Committee review and endorse the draft RAR implementation project charter with any amendments deemed to be appropriate.
2. 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.

Prepared and Submitted by:

Rob Milne

April 7, 2014

RPP, MCIP
Island Planner

Date

Concurred in by:

Courtney Simpson

April 15, 2014

RPP, MCIP
Regional Planning Manager

Date

Attachment: Draft Project Charter

Riparian Areas Regulation Implementation - Charter v1

Hornby Island Local Trust Committee

Date: April 15, 2014

Purpose *This project will improve the protection of fish and fish habitat on Hornby Island by improving stream mapping accuracy and amending the Official Community Plan and Land Use Bylaw to come into compliance with the Riparian Areas Regulation (RAR) of the provincial Fish Protection Act.*

Background *This project has been initiated by the Hornby Island Local Trust Committee (LTC) pursuant to the Islands Trust Council 2008-2011 Strategic Plan objective 1.1 "to identify and protect riparian areas". There are 5 watersheds on Hornby Island containing streams that meet the definition of RAR; Ford Creek, Beulah Creek, and 3 unnamed streams. Stream mapping was conducted to a high degree of accuracy between 2012 and 2014 in two separate contracts by qualified environmental professionals.*

Objectives

- Effectively communicate the process and outcome to the community
- Engage the community and solicit feedback
- Improve the protection of riparian habitat on Hornby Island
- Become compliant with the RAR

Scope & Deliverables

- Four small venue community information and mapping review meetings
- One formal community information meeting after draft bylaw preparation
- New Development Permit Area for riparian areas
- Amendments to the development approval information provisions of the OCP
- Hornby Island Development Approval Information bylaw (adopted by Trust Council)

Workplan Overview

Deliverable/Milestone	Date
Small venue community information and mapping review meetings (4)	June-August, 2014
Report to LTC on consultation and recommendation to draft bylaws	September, 2014
LTC review of draft bylaws (OCP and LUB & DAI) and early First Nations referral	December, 2014 / January 2015
Community Information Meeting	February, 2014
First Reading of OCP and LUB amending bylaws and referrals	March, 2014
Public Hearing	May, 2015
Bylaw adoption	September, 2015

Project Team

Rob Milne, Island Planner	Project Manager
Marnie Eggen, Planner	RAR Advisor
Barb Dashwood, GIS Technician	Mapping support
Penny Hawley, Office Admin Asst.	Meeting arrangement
Lisa Webster-Gibson	Referrals and PH

RPM Approval:

Courtney Simpson

Date: April 15, 2014

LTC Endorsement:

Resolution #:

Date: 157

Budget

Budget Source: Mapping-RAR project; communications-LTC local expenses; PH-program

Fiscal	Item	Cost
12/13	Stream Mapping (Mimulus)	\$15,000
13/14	Stream Mapping (Madrone)	\$14,122
14/15	Communications	\$500
15/16	Public Hearing	\$1,500
	Total	\$31,122



Islands Trust

Top Priorities

Hornby Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Official Community Plan and Land Use Bylaw Review.	Targeted review and update of the OCP and LUB. At the November 22, 2013 LTC meeting the following resolution was passed: HO-044-2013 that the Hornby Island Local Trust Committee refer the draft Land Use Bylaw and associated schedules to the Advisory Planning Commission for their review and comment and refer the draft Official Community Plan and associated schedules for any comments arising from changes made from the previous draft. Draft OCP including APC recommendation on March 14th agenda for review.	Feb-03-2012	Rob Milne		On Going
2	APC Bylaw review and update	Review language of current bylaw and consider amendment to current language which prevents appointments after March. Bylaw 146 adopted at November 22, 2013 Local Trust meeting.	Jun-07-2013	Lisa Webster-Gibson		Done

3	Riparian Areas Regulation mapping and implementation.	Additional data collection and mapping is planned to be completed in the fall of 2013. Contract issued to Madrone Environmental Services Inc. November 8, 2013. Mapping to take place the week of November 25th. Presentation of RAR mapping to be presented at March 14th HOLTC meeting.	Feb-03-2012	Rob Milne	Dec-31-2012	On Going
---	---	--	-------------	-----------	-------------	----------



Projects

Hornby Island

No.	Description	Activity	Received/Initiated	Status
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	Develop and implement a Development Approval Information Bylaw.		Mar-15-2013	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	Review development permit for water conservation for new development, including water catchment requirements.		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	Development Procedures Bylaw	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.	Feb-03-2012	On Going

1	Information and education with respect to the marine environment		Feb-07-2014	On Going
1	Provide information on shoreline protection		Mar-14-2014	On Going
2	Continue relationship building with K'omoks First Nations.		Feb-03-2012	On Going
3	GHG Emissions Reduction	Facilitate <i>community communications regarding greenhouse gas emissions in collaboration with community organizations.</i>	Feb-03-2012	On Going
3	Review of vacation home rental regulations by 2017		Sep-13-2013	On Going
3	Review of approaches to groundwater protection on Hornby Island.		Sep-13-2013	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 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: 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-2012.3	Peter Mason	Apr-26-2012	1410 Carmichael Road (Gustein & Burrows) 2 lot subdivision under Section 946 Local Government Act

Planner: Linda Prowse

Planning Status

Status Date: Dec-05-2013

Continuing to await RAR report and DVP application from applicant

Status Date: Dec-20-2012

Still awaiting RAR report and DVP application from applicant

Status Date: May-18-2012

Referral response sent to the Ministry of Transportation and Infrastructure

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

HO-SUB-2013.1

Zaharko Land Jun-13-2013
Surveying Inc.
Planner: Marnie Eggen

4115 Roburn Road, Hornby Island 2 lot subdivision, Section 946 Local
Government Act

Planning Status

Status Date: Jul-29-2013

Referral report emailed to MOTI; requires variance and 946 covenant

Status Date: Jun-25-2013

Planner reviewing

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2011.11	Hornby Island Resorts Ltd. (The Thatch) Planner: Marnie Eggen	Sep-22-2011	Commercial Building, Triplex and Duplexes, Pump House and Water Cistern

Planning Status

Status Date: Jul-02-2013

no change

Status Date: Dec-07-2012

Awaiting further info from applicant

Status Date: Nov-26-2012

DP and DVP approved

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2014.1	Michael Cass Planner: Marnie Eggen	Apr-01-2014	Single Family Dwelling

Planning Status

Islands Trust
 LTC EXP SUMMARY REPORT F2014
 Invoices posted to Month ending March 2014

635 Hornby	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-635	LTC "Trustee Expenses"	1,300.00	575.62	724.38
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	3,000.00	1,938.93	1,061.07
65210-635	LTC - Local Exp - APC Meeting Expenses	1,000.00	774.22	225.78
65220-635	LTC - Local Exp - Communications	500.00	688.86	-188.86
65230-635	LTC - Local Exp - Special Projects	2,000.00	1,500.00	500.00
65240-635	LTC - Local Exp - Miscellaneous	250.00	0.00	250.00
TOTAL LTC Local Expense		<u>6,750.00</u>	<u>4,902.01</u>	<u>1,847.99</u>
Projects				
73001-635-2004	Hornby OCP/LUB	0.00	4,292.23	-4,292.23
73001-635-3009	Hornby RAR	12,000.00	13,480.37	-1,480.37
TOTAL Project Expenses		<u>12,000.00</u>	<u>17,772.60</u>	<u>-5,772.60</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.



Memorandum

Date March 19, 2014

To Local Trust Committees
Planning Staff
Bowen Island Municipality

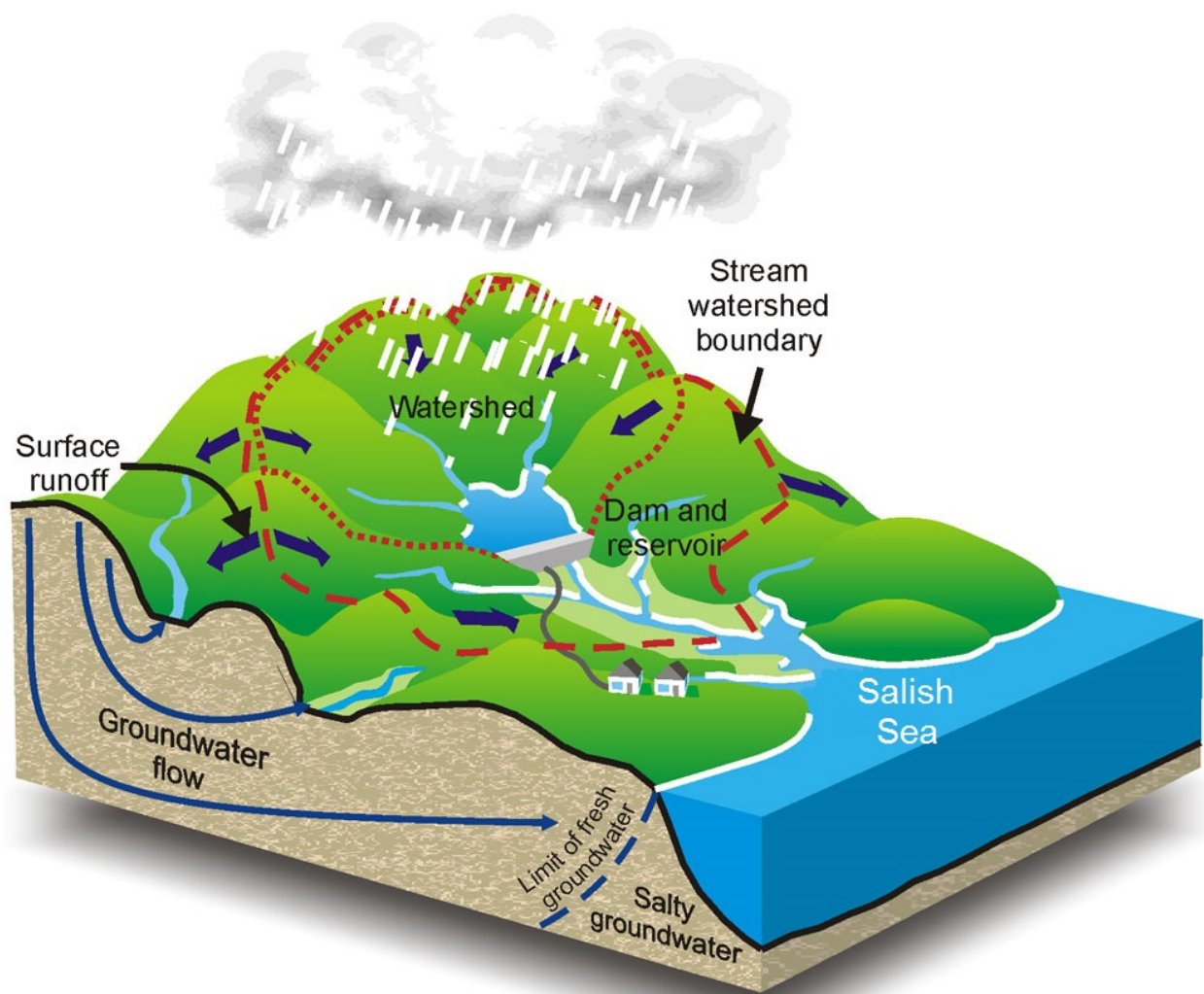
From Local Planning Committee

Re *Gulf Islands Groundwater Protection - A Regulatory Toolkit*

At its meeting on March 4-6, 2014, the Islands Trust Council passed a resolution requesting that the attached toolkit be circulated to all Local Trust Committees, planning staff and Bowen Island Municipality so that they are aware of some of the options available for the protection of groundwater.

This toolkit addresses options for the islands to consider in order to safeguard their water supplies now and into the future. The intent of this toolkit is to enable Local Trust Committees, planning staff and Bowen Island Municipality to choose the correct tool for the project at hand that suits their island.

Attachment: *Gulf Islands Groundwater Protection - A Regulatory Toolkit*



Gulf Islands Groundwater Protection

A Regulatory Toolkit

Prepared by Kris Nichols, LPC Island Planner

January 30, 2014



Table of Contents

Introduction	1
Background	1
What is the Islands Trust Doing Currently?	4
What Information is Available to Islands Trust Staff Currently?	4
Local Government Jurisdiction	6
Official Community Plan	6
Land Use Bylaw – Zoning	7
Development Permit Area (DPA) Designation	9
Development Approval Information Bylaws	11
Subdivision Servicing Bylaws	11
Water Conservation Tools - General Information	13
Overview – Groundwater Protection Objectives and Actions	14

Appendices

Appendix 1 - Sample Development Permit Area Bylaw	17
Appendix 2 - Sample Development Approval Information Bylaw	23

Tables

1. Groundwater Protection Objectives and Actions	14
--	----

Figures

1. Aquifers (Source: Natural Resources Canada)	2
2. New Way Conservation (Source: Regional District of Nanaimo)	13

Introduction

Islanders are taking voluntary actions to steward and conserve water, island organizations educate and manage their water resources, and the Islands Trust has a strong focus on the importance of voluntary actions to protect water quality and quantity. A sample can be viewed here: <http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx>.

This project discussion paper is only about what regulatory options are available if islanders and trustees want to proceed down the regulatory route; it is not the only route to protect groundwater quality and quantity.

The Islands Trust Local Planning Committee (LPC) has on their work program the development of water quality and quantity toolkit and development of a model bylaw. This report includes a toolkit, a model Development Permit Area (DPA) bylaw and a model Development Approval Information Area (DAI) Provisions that will assist all Local Trust Committees (LTC) in addressing the issue of water conservation.

This report addresses options for the islands to consider in order to safe guard their water supplies now and into the future. The protection of a safe adequate water source will remain a priority for the Islands and will become increasingly important as the Islands continue to develop. Reaching the full potential of water conservation requires comprehensive and long-term strategic planning.

There is an ever increasing need to balance the water supply requirements for area growth against future sustainability and environmental needs. The issue of water quality and quantity has been a long standing issue on the Gulf Islands. Local Trust Committees (LTC) have approached the issue differently from no action to developing development permit area guidelines and specific water conservation bylaws or subdivision servicing regulations. However, it is believed that to plan for the future of the Islands is to include the protection of water – groundwater and surface water. Groundwater is inextricably linked to the amount of surface water which many island ecosystems and habitats rely on which is another reason why an island's groundwater supply should be protected and sustainably used.

Background

In British Columbia, water is owned by the Crown and not by individual land owners. Surface water is regulated by the *Water Act*. British Columbia is the last jurisdiction in Canada without groundwater legislation or licensing (i.e. protection). The intent of the Province in the near future is to integrate groundwater and surface water allocation. The Province is working to finalize the new *Water Sustainability Act* (see: <http://www.livingwatersmart.ca/water-act/>)

which would require all existing and new large groundwater users to apply for and obtain a water licence (e.g. waterworks, community wells, industrial and agricultural users). This proposed legislation will replace the *Water Act*. The proposed legislation would not include individual residential well users, but it would in high risk areas (priority areas) where for instance aquifers are under stress due to over use. To establish the Islands Trust as a priority area would be beneficial, but this cannot be established until the new legislation is in place. This would enable closer evaluation with the province on providing regulation for the protection of aquifers/ground water. Something all islands would benefit from.

An aquifer is the area underground where spaces between gravel, sand, clay, or rock fill with water. Water stored underground is called groundwater. There are different types of aquifers. When water is found in cracks and pores in the rock, we call this a 'bedrock' aquifer. When water is found in the spaces between sand and gravel, we call this a 'sand and gravel', or 'unconsolidated' aquifer.

There are two types of aquifers that exist in the Gulf Islands: sand and gravel layers and fractured bedrock. Fractured bedrock provides the primary source of freshwater for the majority of the island residents. Fractures in the bedrock located below the water table are filled with water and tapped by wells. The density of fractures and proximity to major faults determine the water yield from individual wells.

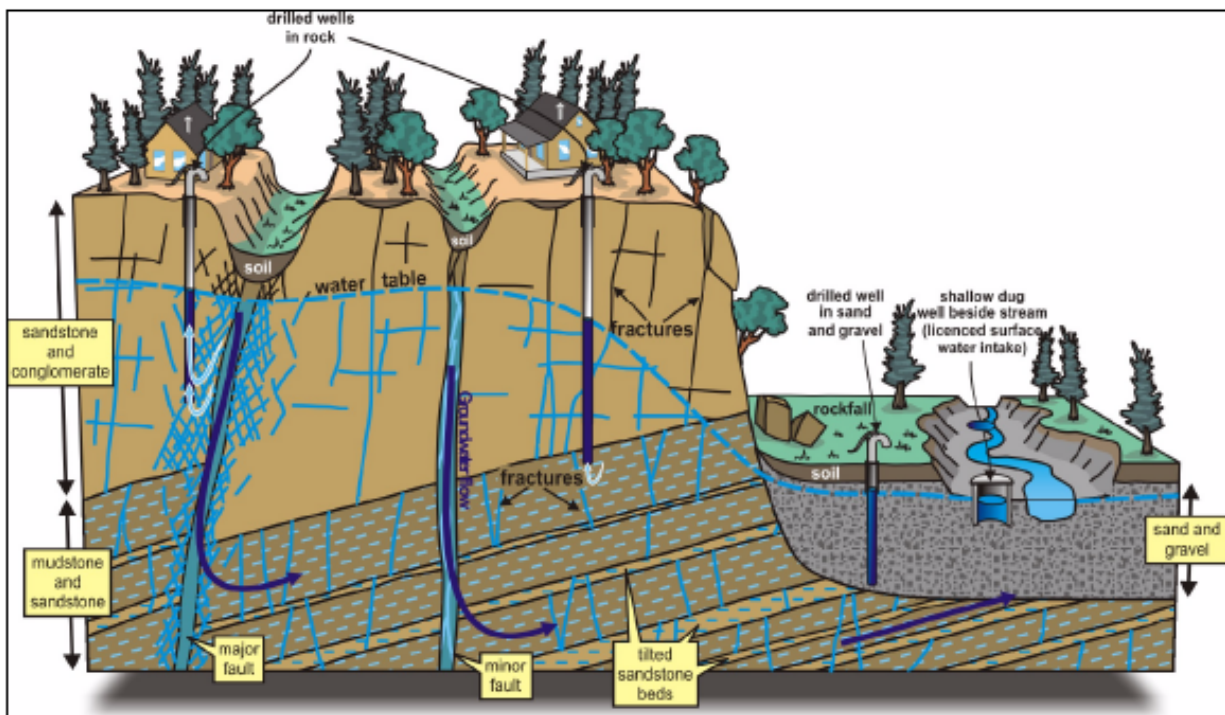


Figure 1. Ground water fills cracks and pores below the water table.

Source: Natural Resources Canada (http://ngwd-bdnes.cits.nrcan.gc.ca/service/api_ngwds:def/en/brief/pr_i03_mj.html)

Development pressures will continue to raise concerns over adequate quantity and quality of water on the Islands. The drinking water in the Gulf Islands comes from a variety of sources – private water systems, improvement districts, regional district water systems, individual wells, surface water all which rely on a safe supply of groundwater from aquifers. There are specialized systems that do not rely on groundwater such as rainwater catchment and desalinization. A few residents rely on bottled/trucked water.

Sustainable practices are required to conserve and protect fresh groundwater sources. There is currently no system to understand the cumulative impacts of individual wells drilled. There are a number of issues that impact the quality and quantity of groundwater such as saline intrusion, land use impacts (i.e. types and amount of uses), well interference, surface contamination, topography, recharge rates, soils, vegetation cover, geology, proximity to the sea, liquid waste (i.e. septic system) and seasonal water shortage. Climate change may also have an impact on groundwater supplies. The protection of existing groundwater supplies is significantly easier than finding alternative water sources on the islands. Groundwater also plays an important role in maintaining base flows in rivers and streams, which are critical in providing wildlife habitat and maintaining fish spawning areas and wetlands.

The Islands Trust has an important role to play in groundwater protection. It controls long-range development (Official Community Plans) and land use planning, zoning, development permit areas, bylaw enforcement, subdivision servicing bylaws. The Regional Districts and the Ministry of Transportation and Infrastructure (MoTI) have jurisdiction for water utilities and subdivision approvals, respectively. Island Health (formerly VIHA) has jurisdiction, through registered installers, for the approval of septic fields.

In addition to land use controls, there are several water conservation practices (e.g. low flow toilets, showers, rainwater collection, etc.) for residential home owners that should be encouraged to promote the sustainable use of water. Much of what will make the difference will not necessarily come from regulations, but from the community and its water use practices.

The Islands Trust decisions about how and where land is developed impacts groundwater quality and quantity. Therefore, the Island communities expect that the Islands Trust will manage land development to protect both water quality and quantity of groundwater. Often local government policy on groundwater is often unmanaged and unmeasured. With improved information, the Islands Trust can improve its impact on water quality and quantity. Even low density development can impact the rate of groundwater extraction through the use of wells and the ability of water to infiltrate into aquifers with development in recharge areas. Islands Trust communities have very few alternative sources of water than what they are currently using. Groundwater protection should be an overarching priority informing all land use decisions.

What is the Islands Trust Doing Currently?

The Islands Trust has recognized the significance of protecting the groundwater. Some islands have addressed water protection through development permit areas such as Salt Spring Island with its Development Permit Area 5 for the protection of Community Well Capture Zones or Galiano Island with its Development Permit Area 4 which addresses the protection Elevated Groundwater Catchment Areas. Some Islands such as Saturna Islands have specific requirements for areas of the island that have gone through studies around their groundwater. On the East Point area of Saturna Island where there is limited water quality and quantity the zoning bylaw requires that the lots contain a cistern for the storage of water. Galiano Island also has a similar bylaw requirement for areas identified as Water Management Areas and the requirement for extra cistern water storage.

In Gabriola's OCP they recognize the importance of groundwater by stating that, "there are known problems with inadequate soil percolation for septic disposal and groundwater supply because of the complex nature of groundwater flow through fractures in the bedrock. " Their OCP also "does not support the further creation of small lot residential areas except as permitted through density averaging provisions of this plan." The OCP also has a number of Water Supply Advocacy Policies that present a number of requests to the Ministry of Health and the Ministry of the Environment.

What Information is Available to Islands Trust Staff Currently?

Currently, staff have a number of sources of information that are available to them. In-house, staff have access to mapping (TAPIS) which indicates intrinsic vulnerability mapping for aquifers and various ecosystem mapping. The aquifer mapping relates specifically too how vulnerable the aquifer may be to contaminants primarily and therefore is useful for identifying land uses (industrial vs. residential). In general the islands are rural in nature with primarily large lots (> 1 acre) and therefore the vulnerability mapping has limited applicability. Both of these are valuable in determining areas where some groundwater issues may occur. Some islands as indicated previously may have specific development permits areas that can also be shown on TAPIS as well as specific zoning.

Some islands have also done advanced studies beyond what is available from the Islands Trust in general. Some have done studies for specific areas such as Saturna's East Point which was used to prescribe certain bylaw regulations (i.e. cistern requirement). Gabriola Island being part of the Regional District of Nanaimo has some of the best mapping related to groundwater and aquifers available as a result of programs the RDN has initiated.

There are several other sources of information that are available and can be used in evaluating water quality and quantity. One good source is the provincial well database on the Ministry of

Environment's website: http://www.env.gov.bc.ca/wsd/data_searches/wells/. It should be noted that unless the well is being monitored the information being provide by this well data base is a snapshot in time.

The Trust Area Services (TAS) is currently putting together an Islands Trust Water Resource Education Materials Project which will identify existing education materials by creating an inventory; to identify information gaps and if necessary develop options to address these gaps. There is a great deal of literature available on water conservation initiatives which are as important in the protection of water quality and quantity as protecting the source. Ensuring a sustainable use of the water source is beneficial. Utilizing sustainable practices is no longer a fad, but the norm.

See: <http://www.islandstrust.bc.ca/trust-council/advocacy/groundwater-regulation-advocacy.aspx>

Local Government Jurisdiction

The Islands Trust role in groundwater sustainability is limited to land use powers to:

- Ensure that rainwater is returned to streams and aquifers;
- Protect headwaters, riparian areas and other vulnerable aquifer recharge areas;
- Prevent groundwater contamination by limiting and regulating potentially polluting uses over aquifers and in groundwater recharge areas through zoning;
- Direct development to appropriate locations where the sufficiency of groundwater for domestic or commercial uses has been thoroughly assessed on a watershed scale before development occurs;
- Regulate storage and application of fertilizers and compost;
- Obtain information about the location of existing and new wells (including geothermal wells) when new development occurs; and
- Develop well protection plans.

The following will outline tools that will present some options in addressing the objectives listed in Table 1. The tools are for the development of Official Community Plans (OCP), Land Use Bylaws (LUB), Development Permit Areas (DPA), Development Approval Information (DAI) Bylaws and water conservation tools.

Official Community Plan

(*Local Government Act*, Part 26, Division 2)

Purpose: to establish a vision and policies for community development.

- Guides how and where new development occurs
- Directs LTCs and staff to undertake groundwater protection measures
- Raise awareness within a community of groundwater issues and areas of concern
- Establishes and contains the guidelines for development permit areas.

To ensure that policies and land use designations are most effective they should be based on data collection and mapping of recharge areas, local aquifers and areas of limited or critical supply. OCPs can contain explicit policies for groundwater protection.

Given that new bylaws cannot be in direct conflict with the OCP, it permits the ability for the OCP to contain policies on groundwater sustainability that will set the foundation for other bylaws (i.e. zoning) to contain specific and enforceable standards. OCPs can also establish policies around groundwater protection that can influence how development applications are reviewed/evaluated, for instance requirements placed on subdivisions.

Some examples of effective OCP policy areas for aquifer and groundwater protection:

- Protect aquifers by establishing development permit areas that require buffer zones and site specific attention through permitting prior to development.
- Designate aquifer protection zone(s) and development permit areas for which studies may be required.
- Commit the Local Trust Committee to an integrated water management planning approach that will coordinate action on the community water supply, rainwater management, green infrastructure and government regulations (e.g. RAR)
- Specify site design that maintains natural hydrologic cycles, including performance based measures such as managing rain water on site and not net increase in post development flows.
- Encourage cluster development that minimizes impervious surfaces and other impacts across the landscape.
- Direct LTCs to encourage communities to practice water conservation and protection.

It is important that OCPs are interpreted such that policy has an impact and considered in all land use decisions. The policies in the OCP are in many instances only as good as the subsequent bylaws.

Land Use Bylaw - Zoning

(Local Government Act, Part 26, Division 7)

Purpose: to regulate what, and where and how much of, activities may occur on specific parcels of land.

- Regulates use and density of property to direct development away from groundwater-limited or aquifer recharge areas
- Can limit lots sizes to reduce density in groundwater scarce areas
- Can prohibit potentially polluting uses in areas where aquifers must be protected.
- Sets standards on aspects of development that will have an impact on the water resources on the site or in an area (e.g. setbacks from riparian areas)
- Can encourage groundwater sensitive development by clustering development through rezoning and possibly utilizing density bonus provisions.
- Can leverage habitat protection or water-efficient amenities when rezoning.

Zoning permits the Local Trust Committee (LTC) to regulate the use and density and development standards (e.g. height, setbacks) through creating specific zones. Zoning for aquifer/groundwater protection would direct specific developments away from groundwater sensitive or aquifer recharge areas or prohibiting potential contaminating uses.

For instance, zoning can protect groundwater by keeping rural aquifer areas as rural zoning with low density and low risk uses. Zoning can regulate development by:

- Directing development to appropriate locations;
- Requiring development to be setback from riparian areas;
- Limiting the total impermeable site coverage;

- Establishing appropriate lot sizes;
- Limiting density;
- Requiring appropriate drainage; and
- Prohibiting potentially polluting uses in areas where aquifers must be protected.

Local Trust Committees (LTC) should review the zoning in areas that are important for aquifer protection and adjacent to riparian areas to ensure that no polluting land uses are permitted. In those areas that require aquifer/groundwater protection a form of aquifer zoning is recommended. The intent being to apply it to aquifer recharge areas, well capture zone areas and watersheds particularly ones that are relied upon for potable water. This zoning could have particular characteristics for:

- Maintaining large lots
- Increased setbacks from watercourses
- Lessened lot coverage requirements to encourage clustering of development and lessening road construction
- Amount of impervious lot coverage

Impermeable Site Coverage

It is not uncommon for zoning bylaws to address the total impermeable site coverage in a zone. This limits the amount of runoff generated. To exceed this site coverage, a development variance permit would be required.

New zoning bylaws increasingly contrast between “actual” and “effective” impermeability of a site.

Actual impermeability means the amount of the site covered by surfaces through which water will not infiltrate. This is what is generally addressed in many zoning bylaws.

Effective impermeability relates to how much of the total rainfall on a site is infiltrated into the ground. This can be enhanced through storm water detention, bio-filtration and ensuring that drainage occurs onsite.

For example where some sites may have 60% actual impervious meaning that water does not penetrate 60% of the site, but by utilizing techniques to ensure that water drainage remains on the site it may be possible to have an effective permeability significantly less than the actual impermeability. This could be achieved by a combination of drainage standards implemented through subdivision servicing bylaws and zoning regulations.

Although tough to measure, there would be benefits to ensuring actual impermeability is lessened and effective impermeability is increased.

Protecting Groundwater

The clustering of development on a portion of a site is a form of groundwater-sensitive development. There is a possibility voluntary amenity provision such as water efficient infrastructure by including it as part of a rezoning or amenity density bonus. The applicant

would have to choose an amenity density bonus zoning option that includes amenities that protect groundwater.

An amenity density bonus would permit an applicant to apply for increased density on a site in return for providing the LTC with an amenity. Some examples of LTC amenities could be:

- Building design that conserves water;
- Water efficient landscaping;
- Enhancement of riparian habitat;
- Dedication of wetlands; and
- Preservation of streams and other unique environmental attributes.

It may also be possible for an LTC to require cash-in-lieu amenity provided that the zoning bylaw specifies which cash-in-lieu contribution are favored (i.e. for what?).

Development Permit Area (DPA) Designation

To require applicants for development to obtain a permit that specifies conditions to protect groundwater/aquifers.

Development Permit Areas (DPAs) are areas designated in an OCP (in some cases a zoning bylaw) to which particular guidelines apply. A DPA may be designated for the protection of the natural environment or to promote water efficiency/conservation that will address watershed health. (see *Local Government Act* s. 919.1(i)) In order for the DPA to be effective it is important for the DPA to integrate surface water along with groundwater considerations. Generally, DPAs prohibit site disturbance before development approval which gives the LTC time to evaluate the development against established DPA guidelines. The DPA may include requirements for such things as landscaping, the siting of buildings, and the type and placement of trees and vegetation.

Some examples of guidelines are:

- Mandate replanting and rehabilitation of disturbed areas
- Erosion and sediment control (site specific plan)
- Environmental impact assessments/hydrologic studies to satisfaction of the Local Trust Committee
- Consistency between pre and post development hydrology
- Vegetation as per landscape plan
- Incorporate standards from other levels of government (e.g. Riparian Areas Regulation)
- Limits as to the amount of impermeable surfaces
- Specify areas that must remain clear of development

It is best to have a DPA as a companion tool with zone-specific requirements for groundwater protection as DPAs cannot be used to limit the amount of development permitted on a site. Nor can they address building construction standards that are addressed through the respective regional district building permit process.

DPAs do permit the LTC to monitor environmental conditions as the development progresses and for a limited amount of time post development. This is done through the collection of a security to ensure that works to complete permit conditions are finalized. If this is not done, then the intent is to use the funds/security to complete the conditions. Therefore, the security is returned only if the conditions are met.

See Appendix 1 - Development Permit Area Model Bylaw

In addition to having a stand-alone DP for groundwater/aquifer protection there are options where various guidelines could be implemented within existing DP areas for such land uses as industrial. The following guidelines are taken from the Regional District of Nanaimo's Area A OCP (Cedar Development Permit Area).

Groundwater Protection

- 1. The use or disposal of substances or contaminants that may be harmful to area aquifers shall be discouraged and wherever practical, steps shall be taken to ensure the proper disposal of such contaminants.*
- 2. The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings and impervious surfaces does not negatively impact groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater. The RDN should require the applicant to implement the report's recommendations in the proposed development.*
- 3. The RDN shall require that drainage from all impervious surfaces and areas where vehicles and machinery are stored, cleaned, operated, and maintained be directed through an appropriately sized and engineered sedimentation, oil, water and grease separator or other engineered solution to the satisfaction of the RDN. The engineer must provide an appropriate maintenance schedule.*
- 4. The RDN may require the applicant to enter into a Section 219 covenant registering on title the maintenance schedule and a commitment to maintain the sedimentation, oil, water and grease separator as per the engineer's recommendations.*
- 5. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported.*

Development Approval Information Areas (DAI) Bylaw

Development Approval Information (DAI) Areas Bylaws are to establish areas in which local governments may request additional information from applicants for zoning, development permits, or temporary use permits. The purpose of a DAI is to enable the LTC to obtain expert assessment of the impact of a development on the community at the expense of the applicant.

A DAI bylaw enables the development of site specific information to inform decision making and the ability to require specialized information (e.g. impact assessments, etc.).

The requirement for a detailed assessment may be triggered by an application for a rezoning, a development permit or a temporary use permit. The information required is usually in the form of a professional report and would be used by staff and the LTC in determining permit conditions.

In the case of groundwater the LTC could request a hydrological assessment of:

- The availability of groundwater;
- Cumulative effects of groundwater use;
- Other environmental impacts.

The intent of establishing this DAI is to ensure that potential negative impacts of proposed major developments are identified and documented as part of the development review process and to provide the LTC with complete information to properly assess and mitigate conditions caused by that development. Where reports identify negative impacts, the LTC will require mitigation by the applicant as part of a development permit to improve the proposal and minimize potential negative impacts on hydrology, the environment, and the neighbourhood.

In order for a LTC to establish a DAI bylaw in an OCP it must prepare a bylaw that sets out what information the LTC may require and specific policies and procedures to be followed. DAI may be valuable in that if a bylaw is established and concerns are raised about specific developments specific information can be requested that can go beyond DPAs guideline requirements.

See Appendix 2 - Development Approval Information Model Provisions

Subdivision Servicing Bylaws

The intent of these bylaws is to establish standards for the subdivision of land that maximizes infiltration of water and minimizes impervious surfaces and evaluates the sustainability of new groundwater withdrawal from a specific aquifer.

Subdivision servicing bylaws set the standards by which works and services must be constructed when land is divided into new parcels. Standards that support groundwater quality and supply can be included in subdivision servicing bylaws. They can require each proposed lot to have a reliable source of potable water, and can establish infiltration, drainage and permeability standards. Subdivision servicing standards can direct development to mimic natural hydrology by requiring rainwater infiltration and limiting impervious surfaces. If an LTC has established a wellhead protection area that is regulated by zoning or a development permit area, the requirements could also be included in a subdivision servicing bylaw.

Land developments generally have two water supply options generally a stand-alone water source (surface or well) or a community water system. Of course, on the islands there are other water source options that do not involved groundwater/aquifers such as rainwater collection or desalinization.

Approvals are based on one time “proof of water” evaluations that generally do not give consideration to long-term ground water consideration such as impacts of future development or cumulative impacts of developments over time in a watershed. Most bylaws will contain requirements that each new parcel created have a potable water source and a specific flow rate depending on the type of development proposed. However, this “proof of water” focuses on yield and quality of each well and not the sustainability and protection of the aquifer system as a whole. Some LTCs do require an evaluation of long term sustainability and a qualified professional’s hydrology report especially where a development will be drawing on the aquifer in a greater quantity than single family development (e.g. higher density development, commercial uses, etc.). On-going monitoring should be implemented in sensitive aquifers or groundwater-limited areas.

There may also be instances when “proof of water” is not required with some subdivisions such as the creating of large lots (> 20 acres) or boundary adjustments where sources of water have historically been proven.

Community water approvals (>3 connections) are dealt with through the provincial government (i.e. Vancouver Island Health Authority). If lots are to connect to a community system, the LTC has an option to require that unused wells (if any) be closed in accordance with the Ground Water Protection Regulation (GWPR) by establishing a well closure bylaw thereby protecting the groundwater/aquifer and possible contamination. Given that Island Health is involved in these community wells it may be possible to ensure monitoring is done, however, there are not that many community wells on the islands.

Water Conservation Tools – General Information

In addition to regulatory requirements that an LTC can implement, there are a number of water conservation tools that should be encouraged on the islands. These are less regulatory and more voluntary in nature. Given the groundwater source the islands are reliant on it is important that each resident does their own part to lessen the water demand. The protection of a quantity and quality of water should not be solely reliant on regulatory processes. Education and awareness is also a big part of what is needed in the sustainable use of water on the Islands – a resource used by all. Water conservation practices should become common place for all residents and visitors to the Gulf Islands.

The Trust Programs Committee has initiated a site to educate islanders about water issues and options to promote sustainable use or reuse of water. The intent is that educational materials will be regularly posted on the Islands Trust website as a resource and part of the necessary community outreach. <http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx>



Source: Regional District of Nanaimo. For indoor and outdoor tips: <http://www.rdn.bc.ca/cms.asp?wpID=877> ,
<http://www.rdn.bc.ca/cms.asp?wpID=878> and <http://www.rdn.bc.ca/cms.asp?wpID=2155>

Overview

The intent of this toolkit is to provide a variety of tools (options) that will enable LTCs and planners to choose the correct tool for the project at hand that suits their island. The tools presented will aim to achieve the actions presented in Table 1. The following table outlines five objectives for groundwater protection and possible actions that local government can take.

Groundwater Protection Objectives and Actions:

#	Objective	Description	Local Government Actions
1	Minimize impacts on water sources	Streams depend on groundwater, especially during low-flow (baseflow) conditions. Groundwater pumping from many aquifers connected to surface water bodies can deplete or capture surface water flows. Retaining sufficient groundwater retains the health of fish-bearing streams and the security of community water supplies.	• Establish watershed protection zones supported by containment boundaries to preserve hydrologic function between aquifers and surface water sources • Establish well protection areas to capture zones to protect drinking water • Prohibit potentially polluting uses in critical aquifer recharge areas as well as capture or wellhead protection areas. • Understand composition of underlying aquifers
2	Sustain aquifers at healthy levels	Prevent over-use of aquifers and impacts on natural aquifer recharge to promote a healthy water balance. If this does not happen, the aquifer goes into decline and eventual depletion. Maintaining and monitoring water levels promotes healthy habitat and sustainable water supply.	• Plan land uses based on sustainable yield, not site-specific reports on proof of water. • Commit to integrated watershed management planning to coordinate action on community water supply, rainwater management, green infrastructure, and other regulations (e.g. Riparian Areas Regulation requirements) • Require all new development to provide evidence of a sustainable water source as a condition of subdivision or through the development permit process. • Monitor aquifer quality and quantity in partnership with other levels of government.
3	Maximize infiltration	Rainwater and snowmelt infiltration is key to aquifer recharge. Infiltration rates are affected by soil permeability, the amount of topsoil, and the rate that water moves across a landscape (as affected by vegetation, slope, etc.)	• Prohibit or limit development in groundwater recharge areas. • Protect sensitive ecosystems (e.g. wetlands) by establishing development permit areas that require buffer zones and special permitting before development takes place • Preserve baseflows in fish-bearing streams by maximizing groundwater recharge. • Infiltrate virtually all rainwater by limiting effective imperviousness to less than a specific percent. This includes maintaining extensive natural areas above recharge zones. • Implement cluster development through rezoning to maximize land available for

			infiltration. • Maintain native soils and vegetation (e.g. trees and other absorbent landscaping) • Establish landscaping standards for soil depth and type of landscape materials • Promote engineered infiltration systems such as infiltration ponds, vegetated swales, bioswales (i.e. grassy or vegetated areas besides roads and parking areas) or splash pads of gravel or other hard material • Create bioretention areas • Use permeable paving • Require alternative design standards and best management practices that maintain ecosystem functions (e.g. reducing impervious surfaces) • Use green roofs • Specify site design that causes no net increase in post-development flows • Maximum wetland recharge
4	Reduce groundwater use	The less the resource is extracted, the better the chances are that the system will maintain its natural balance. Each aquifer has a carrying capacity that should be considered before intensive use.	• Minimize leakage and waste within public water distribution systems (i.e. regional systems, improvement districts, etc.) • Reduce peak and annual demand for groundwater through water demand management approaches • In groundwater limited areas, limit development and require other water sources (i.e. rainwater and cisterns) • Enact restrictions on outdoor water use where a community water system is used • Promote use of native vegetation and landscaping to minimize water irrigation demand • Promote awareness for low flow devices to be installed in all new developments • Encourage individuals and non-government organizations to practice water conservation and protection
5	Protect groundwater quality	Protecting quality is critical to promoting healthy habitat and ensuring the safety and security of the potable water supply.	• Map and understand the vulnerability of aquifers • Minimize risks from point and non-point (i.e. from a diffuse source such as agricultural runoff, roads) source contaminants by prohibiting or regulating uses that could contaminate fish-bearing streams or aquifer recharge areas, capture zones or wellhead protection areas • Design sites to prevent increases in post-development flows that can pick up contaminants

			• Develop and implement a wellhead protection plan • Establish a local water quality testing program • Adopt a well closure bylaw • Plan developments to protect groundwater recharge areas
--	--	--	--

Table 1: Primary Source: Groundwater Bylaws Toolkit (2009)

Information Note: Well Protection Toolkit

A set of voluntary guidelines developed by the Ministry of Environment to assist communities in developing well protection plans to prevent contamination of their well water supply. A well protection plan contains practical, protective measures to minimize and prevent undesirable impacts from land use activities on the source of water for the community well.

See:

http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/wells/well_protection/acrobat.html

APPENDIX 1: Development Permit Area X – Groundwater Protection DPA

2.1 Designation

All lands shown on Schedule _X_ as being a groundwater protection area are designated as a development permit area.

Alternately may be designated based on an elevation

2.2 Authority

The Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the Local Government Act for the establishment of objectives to promote water conservation.

Legislative basis of designation

2.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

It is policy of the Islands Trust Council that Local Trust Committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
- water quality is maintained, and

The [Groundwater Study prepared by...] concluded that ... and recommended the measures in order to preserve and protect groundwater resources:

Note: insert reference to professional report supporting designation of DPA (if applicable) and summarize key conclusions and recommendations

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

2.4 Development Approval Information

The area is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

See DAI for impact assessment report requirements

2.5 Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

2.6 Exemptions

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

- a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required)
- b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.
- c) Construction of a dwelling where the dwelling:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.
- d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.

This is based on the DPA being intended to address impacts of individual wells

A report from an engineer or other qualified professional may be required to satisfy the Islands Trust/Regional District that the proposed rainwater system has adequate capacity to meet the year-round water demands of the dwelling being proposed and that water will be stored and treated to meet potable water standards.

- f) The placement of temporary buildings or structures
- g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
- l) The construction of an accessory building or structure with a lot coverage of less than 100m², provided the accessory building or structure is not connected to a supply of water.
- m) Construction of fences.
- n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- o) Works undertaken by a local government or a body established by a local government.

From other RD bylaws and steep slope DPA, could be revised based on specific recommendations

Intended to ensure cut and fill or blasting requires a permit. Language could be revised to be more specific based on recommendations
Exempts small non-plumbed buildings, lot coverage could be altered based on specific recommendations

2.7 Guidelines

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.

Authorizes LTC to implement conditions of professional report

3. Where the a qualified professional hydro-geologist or engineer'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 hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The LTC may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The LTC may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.

Appropriate where there is an agency or community group able to monitor wells
6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.
7. Where rainwater harvesting is recommended by the report for the construction of a new dwelling unit:
 - a) Dwelling units should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
 - b) Dwelling units should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
 - c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.

Revise to read all buildings where commercial, industrial or institutional buildings are permitted by zoning

- d) The LTC may require that all new dwelling units include an external rainwater harvesting system such which includes the following:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A storage tank(s) with a minimum storage capacity of 18,000 litres which is designed for rainwater collection and is rated for potable use;
 - iii. A pumping system;
 - iv. An overflow handling system.
 - e) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with “Non-Potable Water Do Not Drink”.
 - f) Where external rainwater harvesting equipment is required as a condition of the permit, the LTC shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.
8. Where tree removal which is not exempt from the requirement for a permit:
- a) Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b) All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c) Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d) If the area has been previously cleared of trees, or is cleared during the process of development, replanting

requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

- e) Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f) All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
- 9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.
 - 10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
 - 11. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

APPENDIX 2: Model DAI Bylaw Provisions

1. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the Local Government Act for protection of the natural environment, its ecosystem and biological diversity and Section 919.1(1)(i) for the establishment of objectives to promote water conservation, for the purpose of requiring development permits for Groundwater Protection, the report shall consist of a hydrogeological assessment report containing 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, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.
 - b. A map showing the ownership and locations of all currently used water wells, springs and surface water features within a minimum radius of 1.0 km from the development site.
 - c. A site inventory, providing information on existing pre-development conditions, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, surface water bodies, and topography.
 - d. A background analysis that includes the following known information on the site:
 - A description of the hydrogeological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;
 - A conceptual model of groundwater occurrence and groundwater-surface interaction;
 - A description of existing users within 1.0 km of the development site;
 - A preliminary pre-development water budget;
 - Water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination;
 - Methodology and, if applicable, uncertainties and limitations of the report.
 - e. A description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

- f. An impact assessment consisting of:
 - Cumulative effects analysis;
 - Impact to existing groundwater users, identification of the potential groundwater protection issues in the area and risk of saline intrusion;
 - Impact to surface water where applicable;
 - Other potential impact implications.
- g. Conclusions and recommendations consisting of:
 - A summary of results and impact assessment;
 - An unqualified statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
 - Where such a statement cannot categorically be made, specific recommendations on well and aquifer protection measures which would result in the requirement being met.
- h. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.



Islands Trust

BYLAW REFERRAL FORM

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

Island: Denman Island Trust Area **Bylaw No.:** 210 **Date:** March 6, 2014

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 at this time.

APPLICANTS NAME / ADDRESS:

Denman Island Local Trust Committee

PURPOSE OF BYLAW:

To amend the current provisions of the Denman Island Official Community Plan, Bylaw No. 185, to allow for the implementation of secondary suites and secondary dwelling units as a tool to assist in addressing housing needs on Denman Island

GENERAL LOCATION:

Applies to the Denman Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

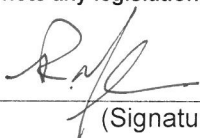
OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

This is an early referral intended to capture any key agency concerns prior to proceeding to a statutory public hearing.

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

N/A

Regional Agencies

Comox Valley Regional District

Provincial Agencies

Ministry of Transportation and Industry- Courtenay
Vancouver Island Health Authority
Forestry Lands and Natural Resource Operations
Ministry of Agriculture
Agricultural Land Commission
BC Assessment Authority

Adjacent Local Trust Committees and Municipalities

Hornby Island Local Trust Committee

Non-Agency Referrals

N/A

First Nations

Cowichan Tribes
Halalt First Nation
H'ul'qumi'num Treaty Group
K'omoks First Nation
Laich-kwil-tach Treaty Society
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Qualicum First Nation

Sliammon First Nation
shishalh (Sechelt) First Nation
Snaw'Naw'As Nation
Nanwakolis First Nations
Stz'uminus First Nation
Te'Mexw Treaty Association
We Wai Kai Nation
Wei Wai Kum First Nation
Xwemalhkwu (Homalko) First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

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

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Denman Island Trust Area

(Island)

DE BL 210

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

Draft

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 210

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

1. That Denman Island Local Trust Committee Bylaw No. 185 cited as “Denman Island Official Community Plan, 2008” is altered as shown on Schedule “A” of this amending bylaw.
2. This Bylaw may be cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2014”.

READ A FIRST TIME THIS DAY OF , 2014

PUBLIC HEARING HELD THIS DAY OF , 2014

READ A SECOND TIME THIS DAY OF , 2014

READ A THIRD TIME THIS DAY OF , 2014

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF , 2014

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT

THIS DAY OF , 2014

ADOPTED THIS DAY OF , 2014

SECRETARY

CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 210

Schedule A

Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:

1. Section H.2, “Temporary Use Permits” of Part H, “Other Permits” of Schedule B, is amended by the deletion of the paragraph after the text “Information Note” and the insertion of the following text:

“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 of up to three years and may be renewed one time only after which applicants may apply for a new Temporary Use Permit for the same use.

Areas and uses designated for the consideration of Temporary Use Permits may be found in the Denman Island Land Use Bylaw.”

2. Policy 10, under “Use and Density” of Part E.1 “Housing” is amended by replacing the existing text with the following:

“In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.”

3. Policy 11, under “Use and Density” of Part E.1 “Housing” is amended by and replacing it with a new Policy 11 which reads as follows:

“The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section.

Notwithstanding the foregoing, secondary suites contained within the footprint of existing, conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy.”

4. Policy 13, under “Use and Density” of Part E.1 “Housing” is amended by replacing the existing text with the following:

“In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel.”

5. "Use and Density" of Part E.1, "Housing" is amended by inserting a new Policy 15 which reads as follows below and renumbering existing Policy 15 to Policy 16, and deleting existing Policy 16 under "Special Needs and Affordable Housing" of Part E.1, "Housing".

"The Local Trust Committee may approve secondary dwelling units on lands within the "Rural" and "Sustainable Resources" designations through a Temporary Use Permit."



Islands Trust

BYLAW REFERRAL FORM

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

Island: Denman Island Trust Area

Bylaw No.: 211

Date: March 6, 2014

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 at this time.

APPLICANTS NAME / ADDRESS:

Denman Island Local Trust Committee

PURPOSE OF BYLAW:

To amend the Land Use Bylaw to allow secondary suites and secondary housing units on lands zoned "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource).

GENERAL LOCATION:

Applies to the Denman Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

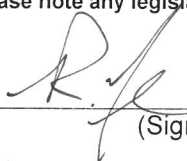
OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

This is an early referral intended to capture any key agency concerns prior to proceeding to a statutory public hearing.

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

N/A

Regional Agencies

Comox Valley Regional District

Provincial Agencies

Ministry of Transportation and Industry- Courtenay
Vancouver Island Health Authority
Forestry Lands and Natural Resource Operations
Ministry of Agriculture
Agricultural Land Commission
BC Assessment Authority

Adjacent Local Trust Committees and Municipalities

Hornby Island Local Trust Committee

Non-Agency Referrals

N/A

First Nations

Cowichan Tribes
Halalt First Nation
H'ul'qumi'num Treaty Group
K'omoks First Nation
Laich-kwil-tach Treaty Society
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Qualicum First Nation

Sliammon First Nation
shishalh (Sechelt) First Nation
Snaw'Naw'As Nation
Nanwakolis First Nations
Stz'uminus First Nation
Te'Mexw Treaty Association
We Wai Kai Nation
Wei Wai Kum First Nation
Xwemalhkwa (Homalko) First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Denman Island Trust Area

(Island)

DE BL 211

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

Draft

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 211

A bylaw to amend the Land Use Bylaw to allow secondary suites and secondary housing units on lands zoned "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource).

The Denman Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

- 1 Denman Island Land Use Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008", is amended as detailed on attached Schedule 'A' of this amending bylaw.
- 2 This Bylaw may be cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014"

READ A FIRST TIME this day of , 2014

PUBLIC HEARING this day of , 2014

READ A SECOND TIME this day of , 2014

READ A THIRD TIME this day of , 2014

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
this day of , 2014

ADOPTED this day of , 2014

Chairperson

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 211**

Schedule 'A'

1. Part 1, "Administration", is amended by:

Deleting the existing definitions of "secondary dwelling unit" and "secondary suite" and adding the following definitions in Section 1.1, "Definitions", in alphabetical order:

"Moveable housing unit means a dwelling unit capable of being moved from location to location which does not require a permanent foundation.

Secondary suite means an accessory, self-contained dwelling unit, located within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a lesser floor area than the principal dwelling unit.

Secondary dwelling unit means a dwelling unit, which may be a moveable housing unit, that is accessory to a permitted principal dwelling unit and which is limited in floor area.";

2. Section 2.1, "Uses, Buildings and Structures" of Part 2, "General Regulations" is amended by inserting the text, "or as a secondary dwelling unit approved by a Temporary Use Permit" in point 6 after the word "unit" and deleting bullet three.

3. Section 2.1, "Uses, Buildings and Structures" of Part 2, "General Regulations" is amended by the addition of a new section entitled "Secondary Suites and Dwelling Units" as shown below, following regulation 3 of "Principal Dwelling Units" and renumbering the subsequent points.

"4 Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource). Secondary suites are generally permitted within these zoning designations without the need for a Temporary Use Permit.

- 5 A secondary suite is permitted within a dwelling unit provided that:

- a) Either the dwelling unit or secondary suite is occupied by the owner of the dwelling unit;
- b) There is a maximum of one secondary suite permitted per lot;
- c) The secondary suite is contained within the walls of a permitted dwelling unit;
- d) The floor area permitted for a secondary suite is no more than 40% of the floor area of the dwelling unit to a maximum of 90 square metres;
- e) One off-street parking space is provided for the exclusive use of the secondary suite; and
- f) The secondary suite is not subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.

- 6 Where permitted by a Temporary Use Permit a secondary dwelling unit shall:

- a) Not have a floor area in excess of 140 square metres;

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 211**

Schedule 'A'

- b) Shall not be located more than 100 metres from the principal residence; and
 - c) Be connected to an approved sewerage system.
- 7 A written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water prior to the issuance of any permits to allow the use.
- 8 Where water is supplied to a secondary suite or a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity prior to the issuance of any permits to allow the use.
- 9 Where water is to be supplied from a surface water body, a water license, issued by the Province, must permit the withdrawal of the required amount of water prior to the issuance of any permits to allow a secondary suite or secondary dwelling unit.
- 4. Table 1 of Section 3.3, "Residential Zoning Tables" of Part 3, "Zoning Regulations", is amended by the addition of a new item 9 under "Accessory Uses" as follow:
 - "9 Secondary suites and secondary dwelling units";and adding a check mark in the R2 column to be accompanied by an asterisked note stating, "Secondary dwelling units must be approved through a Temporary Use Permit".
- 5. Table 1 of Section 3.4, "Resource Zoning Tables" of Part 3, "Zoning Regulation" is amended by the addition of a new item 12 under "Accessory Uses" as follow:
 - "12 Secondary suites and secondary dwelling units";and adding a check mark in the in the "A", "F" and "RE" columns, each to be accompanied by an asterisked note advising that, "Secondary dwelling units must be approved through a Temporary Use Permit".
- 6. Part 5, "Temporary Use Permits", is amended by numbering the existing area as "Area 1" and inserting the following text after that section:

"Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource).

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan.

Guidelines

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 211**

Schedule 'A'

- Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource) by the Denman Island Land Use Bylaw.
- Guideline 2 Compliance with the requirements of the "Secondary Suites and Accessory Dwellings" regulations of Part 2, "General Regulations", is a condition of approval.
- Guideline 3 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.
- Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.
- Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:
- a) Adequate off-road parking should be provided;
 - b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
 - c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
 - d) Other requirements that the Local Trust Committee may consider appropriate."