

Hornby Island Local Trust Committee

Regular Meeting Revised Agenda

Date: January 24, 2020
 Time: 11:30 am
 Location: Room to Grow
 2100 Sollans Road, Hornby Island, BC

Pages

1. **CALL TO ORDER** 11:30 AM - 11:30 AM
 "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **REPORTS** 11:30 AM - 11:35 AM
 - 3.1 **Trustee Reports**
 - 3.2 **Chair's Report**
 - 3.3 **Electoral Area Director's Report**
4. **TOWN HALL** 11:35 AM - 11:45 AM
5. **DELEGATIONS** 11:45 AM - 12:00 PM
 - 5.1 *JoAnn Harrision for Hornby Island Housing Society* 4 - 10
 - 5.2 **Alan Fletcher - Agricultural Land Issues and Concerns**
6. **MINUTES** 12:00 PM - 12:10 PM
 - 6.1 **Local Trust Committee Minutes dated November 8, 2019 - for adoption** 11 - 18
 - 6.2 **Section 26 Resolutions-without-meeting Report dated January 9, 2020** 19 - 19
 - 6.3 **Advisory Planning Commission Minutes - for receipt**
 - 6.3.1 Adopted Minutes dated November 22, 2019 20 - 23
 - 6.3.2 Adopted Minutes dated December 6, 2019 24 - 25
 - 6.3.3 Draft Minutes dated December 13, 2019 26 - 30

7.	BUSINESS ARISING FROM MINUTES	12:10 PM - 12:55 PM	
7.1	Follow-up Action List Report dated January 17, 2020		31 - 33
7.2	2020 Meeting Schedule Update - Memorandum for decision		34 - 36
7.3	On Island Trustee and Planner Office Hours - Staff Report for decision		37 - 39
7.4	Comox Valley Regional District (CVRD) Housing Service Feasibility Study - Memorandum		40 - 44
7.5	Meeting Procedure Bylaw No. 160 - Staff Report		45 - 57
7.6	Bylaw Enforcement Notification (BEN) Bylaw No. 159 - consideration of adoption		58 - 75
8.	APPLICATIONS AND REFERRALS	12:55 PM - 1:15 PM	
8.1	HO-DP-2019.4 (Tuele) - Staff Report for decision		76 - 110
9.	LOCAL TRUST COMMITTEE PROJECTS	1:15 PM - 1:45 PM	
9.1	Official Community Plan and Land Use Bylaw Technical Amendments Project Update - Staff Report for decision		111 - 111
9.2	Vacation Home Rental Review Project - for discussion		
10.	CORRESPONDENCE	1:45 PM - 1:50 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.1	Submission dated November 20, 2019 from Tony Law regarding Vacation Home Rentals on Hornby Island		112 - 142
11.	NEW BUSINESS	1:50 PM - 2:10 PM	
11.1	Letter of Support for Gemma Collins regarding Subdivision Application within the Agricultural Land Reserve (ALR) - for discussion and decision		
11.2	National Marine Conservation Area Reserve - for discussion		
	----- BREAK 2:10 PM TO 2:40 PM -----		
12.	REPORTS	2:40 PM - 2:50 PM	
12.1	Trust Conservancy Reports for October and December, 2019		143 - 147
12.2	Applications Report dated January 17, 2020		148 - 154
12.3	Trustee and Local Expense Report dated November, 2019		155 - 155

12.4	Adopted Policies and Standing Resolutions	156 - 158
12.5	Local Trust Committee Webpage	
13.	WORK PROGRAM	2:50 PM - 3:10 PM
13.1	Top Priorities Report dated January 17, 2020	159 - 159
13.2	Projects List Report dated January 17, 2020	160 - 161
14.	CLOSED MEETING	3:10 PM - 3:15 PM
14.1	Motion to Close the Meeting	
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) and (d) for the purpose of considering Appointment of Advisory Planning Commission Members and Adoption of In-Camera Meeting Minutes dated November 8, 2019 and that the recorder and staff attend the meeting.</i>	
14.2	Recall to Order	
14.3	Rise and Report	
15.	INFORMATION ITEMS	3:15 PM - 3:30 PM
15.1	Letter dated November 21, 2019 from Sheila Malcolmson, MLA regarding Marine Debris	162 - 163
15.2	Letter dated December 3, 2019 to Peter Luckham, Chair of Islands Trust from Jill Knot, Deputy Minister regarding the Connected Coast Project	164 - 165
15.3	Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Fisheries and Oceans and the Canadian Coast Guard requesting additional Resources for Enforcement of Shellfish Aquaculture Regulations	166 - 168
15.4	Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Forests, Lands, Natural Resource Operations and Rural Development requesting more Resources for Enforcement of Aquaculture Tenure Licences	169 - 171
16.	UPCOMING MEETINGS	
16.1	Next Regular Meeting Scheduled for Friday, March 20, 2020 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC	
17.	ADJOURNMENT	3:30 PM - 3:30 PM

**HORNBY ISLAND HOUSING SOCIETY
BOX 33
HORNBY ISLAND, BC**

Beulah Creek Village Development Update to Islands' Trust LTC

January 24, 2020

The Society is making good progress on finalizing a schematic design for the proposed Beulah Creek Village at 5040 Central Road. We have preliminary specifications for the necessary civil work. When BC Housing has given approval of the design plans and cost estimates, we will be ready and eager to apply to Islands' Trust for the required development permits for completion of the project.

We are in competition with many other 'shovel ready' project applications for the available funding from BC Housing. For our project to be successful, it is very important that we are granted Preliminary Project Approval (PPA) from BC Housing as soon as possible, before the available funding has all been allocated. We will be able to apply for PPA when we have the necessary development permits – at least at the application stage, if not actually in hand – hopefully in the very near future.

Hornby Island Housing Society is looking forward to the process of community engagement, and we hope to have a full discussion of the proposed development with all interested community members. BC Housing sets a very high bar in terms of efficiency, sustainability, and affordability, but we think that our team of architects and engineers have done some great work in finding a way to meet those standards while respecting Hornby values.

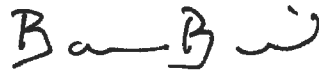
We understand that there is an apparently unresolved question on the current zoning for 5040 Central Road. Both the previous land owners (ISLA) and the current land owners (HIHS) understood that the land was zoned R3A-ISLA. In 2018, that appears to have been the understanding of the Island Trustees at the time, as well as the planner involved. Whether there is an issue with the LUB map, or with the process of applying R3A zoning to 5040 Central Road, we hope that the current Trustees will be able to help HIHS to resolve this issue as quickly as possible. We would mention that, in our understanding, all of the requirements and documentation necessary for rezoning from R3 to R3A, would be essentially the same material submitted for the Development Permits, Siting and Use Permits, and Housing Agreement required for completion of the proposed Village. We are happy to comply with what is required. It is only time that is in short supply.

Thank you very much for your consideration.

Yours sincerely,



Michael McNamara, Director HIHS



Barbara Baird, Director HIHS

2013 – 2015 ISLA worked directly with Planner Rob Milne on parcel specific zoning for Community Housing at 5040 Central Road -- Beulah Creek Village.

- The intention was to prepare a rezoning application for an affordable housing project comprised of mixed rental and ownership housing.
- Working directly with Rob Milne, language is drafted for a new zone (R3A-ISLA) for Community Housing at 5040 Central Road including a few new definitions.
- Islands Trust Council sponsors the project and application fees are waived.

Planner Rob Milne suggested we fold the new zone (R3A-ISLA) into the upcoming bylaw review. We refine language and definitions. The R3A zone is inserted into the new bylaw package, and assigned to the Beulah Creek property.

- The intention was to streamline the zoning process saving time and resources, while eliminating the redundancy of overlap with DVP's and SUP.
- It was pointed out that technical, environmental, and community consultation issues will be satisfied by the required Development Permit processes, by the Siting and Use Permit application, and by the required housing agreement.

June 13, 2016 Islands Trust hosts a Housing Forum in Cowichan Bay bringing together trustees, planners, and islanders working toward solving the growing housing crisis on the islands. The forum recognized the challenges in creating affordable and accessible housing in island communities. Representatives of the Trust vowed to help community groups to work toward solutions.

Spring 2017 After years of effort, due to insurmountable infrastructure costs, ISLA is unable to create a privately funded affordable housing development at the Beulah Creek property. The latest plan, a strata title subdivision is abandoned along with its required bylaw revision application.

Later that summer ISLA approached BC Housing regarding partnership in developing Community Housing at Beulah Creek.

Summer/ Fall 2018 On advice from BC Housing and M'Akola Development Services, ISLA and Hornby Island Elder Housing join forces to become the **Hornby Island Housing Society**.

November 12, 2018 BC Housing accepts HIHS's application for development funding. HIHS is awarded a \$2.6 million grant and other funding aids to develop rental housing at Beulah Creek. The initial stage, Preliminary Development Funding (PDF), is intended to aid in creating professional level schematic designs and cost estimates.

December 21, 2018 HIHS engages M’Akola Development Services (MDS) as development consultant.

July 25, 2018 M’Akola seeks clarification regarding zoning: R3 or R3A?

- Conclusion, there was a possible oversight correctable by bylaw amendment.
- Emails attached.

September 25, 2018 Hornby Island LTC meeting. Concerning HO-2018-059:

- “Planner Ritemann advised that it has come to her attention that there is an error on the LUB zoning map affecting the Beulah Creek project that might be corrected at this time with the LUB Technical Amendments project.”
- LTC passes resolution “to request staff to amend the Project charter for the Land Use Bylaw Amendment Project to include an amendment to the zoning for the Beulah Creek Project from R3 to R3A on the zoning map.”
- Minutes attached.

Sep 2019 HIHS engages a full team of professional consultants – architects, engineers, environmental professionals – to produce preliminary designs and cost estimates for a 26 unit rental housing development at Beulah Creek.

- To be presented to BC Housing for approval soon.
- If approved, the project will proceed to the next stage, Preliminary Project Approval.
- Assuming zoning is in place.

Jan 10, 2020 HIHS and project team conference call with Planner Sonja Zupanek:

- The purpose of the call was to introduce the team, discuss DVP and SUP applications, and to inquire about progress on “Zoning Map amendment”.
- During the call we were informed that before DVP and SUP applications, we must engage in an extensive process to apply R3A zoning to the Beulah Creek parcel – a process which may take up to 12 months.
- Meeting notes attached.

Jan 24, 2020 HIHS respectfully requests immediate action on applying the R3A – ISLA zoning to the Beulah Creek property. Without delay.

- It has been over a year since the resolution to correct the zoning error.
- Timing is now of critical importance.
- BC Housing funding is time sensitive.
- HIHS is extremely fortunate to have received early approval from BC Housing.
- There is tremendous competition for this funding initiative.
- A 12 month delay at this stage could easily derail this project.

Conclusion:

The fact that R3A-ISLA zoning has apparently not been applied to the Beulah Creek property on the zoning map (Schedule B) is either the consequence of a simple oversight, or perhaps the result of a lack of process. Either way the fact remains, 18 months after our sincere inquiry into the zoning status, we are still in limbo as to the correct zoning.

And now we have a significant problem in keeping this important project moving forward.

HIHS and our team of professional consultants are currently reviewing preliminary plans, engineering reports, and cost estimates for a 26 unit community housing village. Very soon we will be ready to apply for Development Permits, and a Siting and Use Permit. For this we need documentation of proper zoning.

The next step in our partnership with BC Housing – applying for Preliminary Project Approval – is extremely important in terms of ensuring the future of the project. In order to get to this crucial next step, we need to have the applications for DVP's and SUP in progress – if not actually in hand – and to do that we need to be zoned R3A.

HIHS and our development team are entirely committed to a transparent and professional approach to this project including thorough technical and environmental reports and community consultation as required throughout the process of obtaining Development Permits, Siting and Use Permits, and Housing Agreement.

It is our sincere hope that the Local Trust Committee can assist the Hornby Island Housing Society in bringing this important housing project into being by facilitating the zoning map amendment without delay.



Beulah Creek Project – Island's Trust Introductions Meeting

Date: January 10, 2020

Time: 2:00 pm

Location: Conference Call

Call-In Details: 1 (833) 454-6908 Conference ID: 680 689 133#

Attendees

Lindsay Monk – MDS

Graham Burns – MDS

Jesse Garlick – Studio 531

Mallory Stuckel – Studio 531

JoAnn Harrison – HIHS

Michael McNamara – HIHS

Sonja Zupanec – Islands Trust

Agenda

1. Introductions
2. Development Update
3. Zoning Amendment Update
4. Permit Discussion
5. Next Steps
6. Action Items
7. Adjournment

1. Introductions

- Introductions between Islands Trust planner and team
 - Sonja is based out of Gabriola office
 - Reassigned to Hornby Island and will remain the point of contact moving forward
 - There may be some changes in planners but for now we will direct all correspondence to Sonja

2. Development Update

- Intent of this call is to provide Sonja with an update of where the project is at and how team has been moving it forward
- HIHS had met with Sonja during the early stages of the project
- HIHS had tried for a number of years to set up an ownership model for development for the parcel
 - Worked closely with Rob Milne
 - Helped to establish the current zoning on the property
 - Funding was never realized based on this model
- The project has developed into a partnership with BC Housing to develop affordable rental housing on the property
- The preliminary work was conducted under ISLA and Hornby Island Elders Housing
- BC Housing encouraged the two societies to merge
 - ISLA has since dissolved
 - Elder Housing is now Hornby Island Housing Society (HIHS) and mandate has expanded to include all age groups
- HIHS is now working with M'akola, Studio 531 (architect) and Herold Engineering (civil consultant)



- Where we are at?
 - HIHS is currently developing preliminary schematic design for the property
 - Based on 26 units
- Applied for funding under BC Housing CHF funding call in 2018
 - Received PDF funding from BC Housing in order to pursue next steps
 - Have been working with Studio 531 and BC Housing to meet funding requirements
- The scope so far has been to finalize the preliminary site plan
- Have been working with civil engineering team to develop a feasible site plan that meets BC Housing requirements as well as Islands Trust requirements
- Development is to be a multi family development
- Current designs meet Islands Trust zoning requirements under the R3A zone
- Updated RAR report has been completed

3. Zoning Amendment Update

- Discuss where Islands Trust is as in terms of finalizing zoning amendment map for the Beulah Creek property
- Where are we at with the text amendment for the zoning update?
 - We will need to make an application to amend the Hornby Islands Land Use Bylaw Schedule B map to meet the zoning requirements
 - It is our understanding that there are no changes to the proposed R3A zone text, but will need to show that our designs meet the required zoning
 - First step is to amend the map and ensure the zone is applied to the geography
 - Make sure the zone matches the siting and land use plan
- Do we need to wait until the technical amendment project is completed?
 - No, that is the benefit of where we are at. The application is much more streamlined at this point
- The boundaries of the site have not changed since the preliminary site plans
 - The only changes so far have been to RAR area
 - Society procured an environmental consultant to complete updated RAR report (Dec 2019)

4. Permit Discussion

- Discuss in detail the process for finalizing development and form and character permits
- Not quite ready to apply for development permit or siting and use permit
- Land Use Bylaw Amendment Rezoning Schedule A – Application form can be sent to MDS from Islands Trust
 - That will be the extent of what we need to provide at this point unless there is a text amendment to be made as well
- The community and local trust committee will need to assess the current land use of the area
 - Need to ensure the use, and density of the land meets requirements within Hornby OCP and zoning bylaws
- If our submission includes the most recent RAR updates and density, land use, etc then it will help to inform the community how supportive the community will be for this project
- Islands Trust encourages that we have a community meeting to include in our report to indicate the level of support for the project. Not mandatory, but encouraged



- R3 zone allows for a max of 20. R3A will allow for up to 30 though.
 - The formal application will allow us to show that we are ready to apply for a siting and use permit and finalize the rezoning
- What are the timelines on this process?
 - Once the application is made until completion?
 - Islands Trust advises that this could take up to 12 months due to consultation
- Density, location, and siting of the development will need to show it meets OCP guidelines and is consistent with Islands Trust policies
- Ideally the application will answer all the questions planners have regarding how compatible the development is and what are the levels of support
- Development Permit applications to discuss
 - RAR and form and character permit

5. Next Steps

- Outline next steps for moving forward
- Recommend we set up follow up meeting with Islands Trust in advance of submitting applications
- Start thinking about open house to gain community support

6. Action Items

- Identify who will complete tasks moving forward
- What is the criteria Islands Trust will be evaluating?
 - demonstrate that we have sufficient water through professional documentation and the site can sustain
 - Septic report and drawings
 - RAR updates
 - Landscape Plans
 - If site plan shows the no go zone areas that should suffice, and a more detailed landscape plan to be identified during the DP process
 - Survey plans showing the footprint of the buildings
 - Conceptual site plan, parking, roads, bike storage
- Would like to see no build areas (Biophysical inventory)
 - Show as much information as possible
- How are we working with the landscape to show how we are working with the land
- Islands Trust has noted there could be some savings in terms of the application fee
 - Look into the application for reducing the application fees (executive committee sponsorship form) Island Trust to send over to MDS

7. Adjournment

2:50



Hornby Island Local Trust Committee Minutes of Regular Meeting

Date: November 8, 2019
Location: New Horizons
 1765 Sollans Road, Hornby Island, BC

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

Staff Present: Heather Kauer, Regional Planning Manager
 Sonja Zupanec, Island Planner
 Jaime Dubyna, Planner 2
 Vicky Bockman, Recorder

Others Present: Approximately eleven (11) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 11:33 am. She introduced Local Trust Committee (LTC) members, staff and recorder; and acknowledged that the meeting was being held in traditional territory of the K'ómoks and Qualicum First Nations.

2. APPROVAL OF AGENDA

HO-2019-081

It was **MOVED** and **SECONDED**,
 that the Hornby Island Local Trust Committee approve the agenda as presented.

CARRIED

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported on the following:

- Attended the Islands Trust's visioning event: *Islands 2050: Engaging about the Future of the Trust Area*;
- Attended the Hornby Island Community Economic Enhancement Corp. (HICEEC)-sponsored open house regarding internet connectivity;
- He has received signed petitions "Do Not Adopt the Proposed 'Model Strategy for Antenna Systems': Create an Antenna Siting Policy that Preserves and Protects" and will pass these along to Planners.

Trustee Scott reported on the following:

- Attended the Islands Trust's visioning event: *Islands 2050: Engaging about the Future of the Trust Area*.
- Attended an event in Victoria focusing on herring that included representatives from First Nations, Conservancy Hornby Island, Sea Sheppard, Pacific Wild and others.

3.2 Chair's Report

Chair Fast reported on her attendance at the following:

- The Howe Sound Community Forum which was an opportunity for representatives of communities around Howe Sound to discuss items of mutual interest;
- A Land Trust Alliance of BC meeting in Victoria;
- Executive Committee meetings;
- A Financial Planning Committee meeting addressing the advancement of the Strategic Plan;
- Bowen Island Council meetings;
- Metro Vancouver Regional District meetings.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Members of the public commented with the following noted:

- Concern was expressed that the application process takes too long;
- There needs to be clarity in the future about requirements and process for a Development Permit Area (DPA);
- The 5G wireless network was opposed;
- Concern was expressed regarding a Telus cell tower on Hornby Island – what process was conducted to allow that?
- Geoduck harvesting was opposed – concern was expressed regarding the harmful effects from that industry;
- A Sustainability Focus Group event on the topic of Hornby Island Economics and Tourism is planned for April 5, 2020 and the Trustees were invited to plan to attend. A previous forum on protecting ground water and septic treatment and how these are impacted by tourism was well attended.

5. MINUTES

5.1 Local Trust Committee Minutes dated September 13, 2019 - for adoption

HO-2019-082

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee adopt the Local Trust Committee minutes dated September 13, 2019.

CARRIED

5.2 Section 26 Resolutions-without-meeting - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List Report dated October 30, 2019

Planner Dubyna provided updates and responded to Trustee questions.

6.2 BC Farm Industry Review Board (BCFIRB) - Letter dated September 25, 2019

2019 BCFIRB Aquaculture Case Decision

Planner Dubyna advised that the BCFIRB and Denman Island Trustees are arranging a meeting and aquaculture tour of Denman Island's shores, representing an opportunity to discuss aquaculture concerns, and that Hornby Island Trustees are being invited to join. Trustees expressed interest in participating in this meeting.

6.3 Role of the Advisory Planning Commission - for discussion

Planner Zupanec conducted a presentation on the role and responsibilities, communications, and sample scenarios for an Advisory Planning Commission (APC). A question and answer session followed with coordination and assistance from staff being recommended when further guidance is needed.

6.4 Islands 2050 - for discussion

- Chair Fast pointed out that the public can still provide input on *The Islands 2050: Engaging about the Future of the Trust Area* online through the Islands Trust website.
- A Trustee reported that the event was well attended, although comments from the community were primarily relating to questions to help understand the Islands Trust in general rather than visioning for the future.
- The subject will be on the December Trust Council agenda and there will be opportunity to share formats and results from around the Trust area.

7. APPLICATIONS AND REFERRALS – none**8. LOCAL TRUST COMMITTEE PROJECTS****8.1 Official Community Plan and Land Use Bylaw Amendments Project - Staff Report**

Planner Dubyna summarized the Staff Report that asks the LTC to consider first readings of draft Bylaw Nos. 161 and 162 in Phase 1 of the project which focuses on resolving minor typographical errors, outdated language, and legislation and regulatory citations in the Official Community Plan (OCP) and Land Use Bylaw (LUB).

Referral to School District #71 and Comox Valley Regional District (CVRD) are recommended after first readings while referrals to other agencies and First Nations are proposed during Phase 2 of the project where more substantive amendments to the OCP and LUB are proposed.

HO-2019-083

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

HO-2019-084

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 162, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

HO-2019-085

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019", be read a first time.

CARRIED

HO-2019-086

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 162, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019", be read a first time.

CARRIED

HO-2019-087

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 161, cited as "Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019" and Hornby Island Local Trust Committee Bylaw No. 162, cited as "Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019", be referred to School District #71 and Comox Valley Regional District.

CARRIED

By general consent the meeting was recessed at 1:01 pm and reconvened at 1:25 pm.

9. DELEGATIONS

9.1 Hornby Residents Riparian Review - D. Tuele

Donna Tuele, representing Hornby Island residents affected by Riparian Areas and DPAs, noted that Hornby Island had two reports prepared with respect to the designation of Riparian Areas and the reports are varied. They believe the designation of DPAs was based on incomplete data, that the designation process was unfair, and that non-fish bearing creeks, wetlands, drainage ditches and seeps that are dry for more than half the

year were not given adequate consideration. She requested that review, consultation and follow-up education be conducted.

10. CORRESPONDENCE

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

10.1 Email request dated October 17, 2019 from B. Weiss

This item was discussed at agenda item 11.5.

10.2 Emails dated October 19, 2019 and October 29, 2019 from B. Weiss

Received.

11. NEW BUSINESS

11.1 Live Streaming of Local Trust Committee Meetings - Request for Decision

Trust Council is requesting that LTCs provide an indication of interest in filming and live streaming LTC meetings.

Trustee Allen offered to provide information about this initiative in a First Edition article to ascertain community uptake and interest. Trustees acknowledged that the initiative will be explored further in a report to a future Trust Council meeting where next steps can be considered.

HO-2019-088

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee communicate to Trust Council its interest in filming and streaming its public meetings.

CARRIED

11.2 Comox Valley Regional District (CVRD) Housing Service Feasibility Study - for discussion

Regional Planning Manager Kauer reported that this discussion is intended to explore the Hornby Island LTC's interest in participating in the Housing Feasibility Study. She reported that there can be a tax implication for a housing service.

Trustees acknowledged that Hornby Island is already included in a Housing Needs Report. They suggested that additional information about the Feasibility Study would be helpful to inform their consideration of possible participation in that project.

HO-2019-089

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to contact the Comox Valley Regional District to get more information on the Housing Service Feasibility Study, tax implications, and potential services that might be involved.

CARRIED

11.3 2020 Local Trust Committee Meeting Schedule – Memorandum

Trustees identified a scheduling conflict in March and noted that a meeting in September would be preferable to August for logistical reasons.

HO-2019-090

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to consider other dates than March 6 and August 28 for its 2020 regular business meetings.

CARRIED

HO-2019-091

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee schedule its regular business meetings on the following dates in 2020: January 24, May 1, June 26, November 6 plus two other meetings to be determined.

CARRIED

11.4 Satellite Islands Trust Office on Hornby Island - for discussion

Trustees described the problematic travel logistics that face community members wishing to meet with Planners at the Northern Office and proposed that an Islands Trust Office on Hornby Island would be helpful for both Trustees and community members.

Discussion included the following key points:

- Options such as a shared office and workplace safety requirements were discussed.
- Staff explained the efforts that are made to respond to community members' requests for information and meetings; provided an overview of current means of meeting with individuals that include teleconferencing and arranging meetings on LTC dates; and commented that maps can be annotated and converted to PDF files and provided electronically.
- Staff hours spent in regular "Office Hours" on Hornby Island would reduce hours available for other Hornby Island planning work.
- Chair Fast offered to draft an information sheet about how to share ideas and ask questions of Northern Planning staff.

HO-2019-092

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to explore the feasibility of sharing a public office space on Hornby Island for both Trustees and Planners.

CARRIED

11.5 Complaints from Bernhard Weiss - Staff Report

The Staff Report outlines complaints received from Mr. Weiss who believes that the LTC should have used a different Qualified Environmental Professional (QEP) report when developing the DPAs Schedule E map.

Trustees acknowledged the varying methodologies utilized by the two QEPs contracted to provide reports for Riparian Areas Regulation work and the uncertainty that this has created. They considered various options to address the issue.

HO-2019-093

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee add "Review of the Riparian Areas Development Permit Area 6" to the Official Community Plan and Land Use Bylaw Amendments Top Priority No. 1 to determine if natural boundary delineation and required setbacks meet current provincial guidelines, to revise the Project Charter, and to bring this back to the next Local Trust Committee meeting.

CARRIED

B. Weiss asked for a response to the email correspondence dated October 17, 2019 that requests that the LTC clarify the exact extent of DPA 6 as indicated in Schedule E. Trustees recommended that Mr. Weiss contact Planning Staff to discuss options that might be available to address this matter.

12. REPORTS

12.1 Trust Conservancy Report – none

12.2 Applications Report dated October 30, 2019

A Trustee noted that a Development Permit application was received in June, but staff review appeared not to be complete yet; and commented that there may be a need for more planning staff to process Hornby Island work in a timely manner.

HO-2019-094

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee put on the Trust Council agenda "A Request for more Planning Staff to Service the Needs of Hornby Island".

CARRIED

12.3 Trustee and Local Expense Report dated September, 2019

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

Trustee Allen offered to write and add Trustee Reports to the Hornby Island webpage.

13. WORK PROGRAM

13.1 Top Priorities Report dated October 30, 2019

Received.

13.2 Projects List Report dated October 30, 2019

Received.

14. CLOSED MEETING

14.1 Motion to Close the Meeting

HO-2019-095

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (a) and (d) for the purpose of considering the Appointment of Advisory Planning Committee members and Adoption of *In-Camera* meeting minutes dated September 13, 2019 and that the recorder and staff attend the meeting.

CARRIED

The LTC closed the meeting at 3:15 pm.

14.2 Recall to Order

By general consent the LTC reconvened in open meeting at 3:22 pm.

14.3 Rise and Report

Chair Fast reported that in the Closed Meeting, minutes of the *In-Camera* meeting of September 13, 2019 were adopted and that Rob McCreary and Wendy E. Burton were appointed to the APC.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting

Trustees confirmed that the next regular LTC meeting is scheduled for January 24, 2020 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC.

16. ADJOURNMENT

By general consent the meeting was adjourned at 3:23 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2019-002	In Favour	10-Dec-2019
"THAT the Hornby Island Local Trust Committee schedule a regular business meeting on March 20, 2020."		



Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Friday, November 22, 2019

Location: Hornby Island Fire Rescue
3715 Central Road, Hornby Island, BC

APC Members Present: Rob McCreary, Chair
Cassandra Bassett, Vice Chair
Joanne Ovitsland, Secretary
Christine Ambalino Hunt, Member (by teleconference)
Vicki Bale, Member
Daniel Siegel, Member
Wendy Burton, Member

Staff Present: Sonja Zupanec, Island Planner (by teleconference)
Katherine Vogt, Recorder

Others Present: Grant Scott, Local Trustee

1. CALL TO ORDER

Planner Zupanec called the meeting to order at 10:04 pm.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved with the addition, under item 5, of discussion about the January 1, 2020 deadline for Advisory Planning Commission response to the Hornby Island Local Trust Committee regarding vacation home rentals bylaw enforcement protocols.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes

There were no minutes to approve or review.

4. BUSINESS ITEMS

4.1 Election of Hornby Island Planning Commission Chair, Vice-Chair and Secretary

Planner Zupanec explained the roles of Chair, Vice-Chair and Secretary, noting that these roles could be rotated or kept for the duration of the Advisory Planning Commission (APC) process.

HO-APC-2019-001

It was MOVED and SECONDED,

that Rob McCreary be appointed as Chair, Cassandra Bassett as Vice-Chair, and Joanne Ovitsland as Secretary.

CARRIED

5. REFERRAL FROM HORNBY ISLAND LOCAL TRUST COMMITTEE

Planner Zupanec spoke on the July 5, 2019 resolution from the Hornby Island Local Trust Committee (LTC) requesting that the APC review Vacation Home Rental bylaws and draft recommendations for an Enforcement Policy by January 1, 2020.

Planner Zupanec spoke on the two documents that had recently been distributed to APC members by email:

- *APC Referral Request-Vacation Home Rental Regulations* dated November 22, 2019 consisting of 25 pages of attachments; and
- *APC Referral Request-Correspondence to APC* dated November 22, 2019 consisting of a letter from Tony Law to the LTC dated June 23, 2018 titled "Vacation Home Rentals Regulations."

Trustee Scott described Tony Law's letter as a very comprehensive summary.

Trustee Scott spoke on his attendance at the recent Proposed Bylaw Enforcement Notification Bylaw No. 159 Information Session presented by the Islands Trust Bylaw Compliance and Enforcement Manager, Warren Dingman, who had agreed to forward other pertinent information to Trustee Scott that could then be distributed to APC members and planning staff. Also at this presentation, Warren Dingman had introduced Daniel Schneider, who will be the new Bylaw Enforcement Officer for Hornby Island.

Trustee Scott spoke on the possible need to reword The Official Community Plan (OCP) and Land Use Bylaws (LUB) so that they reflected policies around enforcement regulations. There was some APC discussion around review of the bylaws. Clarity was sought over whether APC members would be reviewing the bylaws to make recommendations for changing the actual bylaws, reviewing the bylaws to make changes to their wording, or reviewing the bylaws only to craft regulations that conformed to existing bylaws.

Planner Zupanec noted that a review of the actual bylaws regarding Vacation Home Rentals had already taken place in 2017. Trustee Scott expressed that changes may have occurred in the last few years that would justify rectification of the bylaws; but that Trustees did not want to revisit the entire OCP, only that portion of it that pertained to short term vacation rentals.

Planner Zupanec explained that any amendment to the OCP or LUB could take between 12 to 24 months of drafting, reviewing, referring and passing any new bylaws. She also affirmed that the attachments contained in the email documents that APC members had received comprised a complete reference of all existing bylaws contained in the LUB that related to vacation home rentals.

APC members noted or discussed the following items:

- It was determined there are references in the Land Use Bylaw attachments to Tony Law's designation of septic zones.
- That there did seem to be septic issues that would justify revisiting existing bylaws, but that the present APC should focus on possibilities for enforcement of existing bylaws.

Planner Zupanec left the meeting at 11:03.

APC members noted or discussed the following items:

- All present enforcement is complaint driven and that the APC could provide guidelines for what could be subject to proactive enforcement.
- It is unfair for only nearby neighbors to make complaints.
- The January 1, 2020 deadline could be met in two more meetings if the scope of the APC focused on Bylaw Enforcement recommendations.
- Enforcement protocols from Saturna, Denman and one other island had already been received.
- Warren Dingman had noted that all of the Gulf Islands had enforcement protocols except for Hornby, Lasqueti, and one other.
- Planners be requested to provide protocols for the other islands.
- There were some thoughts around the legality of Denman Island's enforcement protocols.
- Enforcement protocols needed to be charter defensible.
- Under existing bylaws, not all Vacation Rentals on Hornby need septic approval.
- Cassandra Bassett working with Vicki Bale; and Wendy Burton working with Daniel Siegel, will prepare draft enforcement protocols to be discussed at the next APC meeting.

6. FUTURE MEETING DATES

The next meeting dates will be Friday, December 6, 2019 at 10:00am to 12:00pm and Friday, December 13, 2019 at 10:00 am to 12:00 pm.

It was agreed that these meeting dates would hold even if Islands Trust planners were unable to attend.

Possible meeting places were discussed:

- Room to Grow;
- Hornby Community Hall Round Room, and
- New Horizons.

Heron Rocks Friendship Center was rejected for lack of wifi.

Secretary Joanne Ovitsland will contact planning staff to determine meeting locations.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 11:46 am.

Rob McCreary, Chair

Certified Correct:

Katherine Vogt, Recorder



Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Friday, December 6, 2019

Location: Health Care Building
1965 Sollans Road, Hornby Island, BC

APC Members Present: Rob McCreary, Chair
Joanne Ovitsland, Secretary
Vicki Bale, Member
Wendy Burton, Member
Daniel Siegel, Member

Staff Present: Katherine Vogt, Recorder

Regrets: Cassandra Bassett, Vice Chair
Christine Ambalino Hunt, Member

1. CALL TO ORDER

Chair McCreary called the meeting to order at 10:14 am.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated November 22, 2019

The following changes to the minutes were suggested:

- page 3, first paragraph, first bullet item rewritten as: *It was determined there are references in the Land Use Bylaw attachments to Tony Law's designation of septic zones;*
- page 3, third paragraph, remove the first and second bullet items;
- page 3, third paragraph, fourth bullet item rewritten as: *It is unfair for only nearby neighbors to make complaints;*
- page 3, third paragraph, ninth bullet item rewritten as: *There were some thoughts around the legality of Denman Island's enforcement protocols*

By general consent, the minutes were adopted as amended.

4. BUSINESS ITEMS

Advisory Planning Commission (APC) members noted that the Salt Spring Island and Mayne Island enforcement protocols that had been unavailable at the last meeting had since been received.

5. REFERRAL FROM HORNBY ISLAND TRUST COMMITTEE: VACATION HOME RENTAL REGULATIONS

APC members discussed the following items:

- email and document submissions on draft enforcement protocols for vacation home rentals from Vicki Bale working with Vice Chair, Cassandra Basset, and from Wendy Burton working with Daniel Siegel.
- that documents circulated before a meeting not be responded to before a meeting.
- that a first draft of APC recommendations for enforcement protocols for vacation home rentals be forwarded to planning staff for comment.

6. FUTURE MEETING DATES

The next meeting of the APC is Friday December 13, 2019 at 11:00 am at Room to Grow.

7. ADJOURNMENT

By general consent, the meeting was adjourned at 12:03 pm.

Rob McCreary, Chair

Certified Correct:

Katherine Vogt, Recorder

Minutes of the Hornby Island Advisory Planning Commission

- Date of Meeting:** Friday December 13, 2019
- Location:** Room to Grow
2100 B Sollans Road, Hornby Island, BC
- APC Members Present:** Rob McCreary, Chair
Joanne Ovitsland, Secretary
Christine Ambalino Hunt, Member (by videoconference)
Vicki Bale, Member
Daniel Siegel, Member
Wendy Burton, Member
- Staff Present:** Sonja Zupanec, Island Planner (by teleconference)
Katherine Vogt, Recorder
- Regrets:** Cassandra Bassett, Deputy Chair
1. **CALL TO ORDER**

Chair McCreary called the meeting to order at 11:10 am.
 2. **APPROVAL OF AGENDA**
 - The Advisory Planning Commission (APC) members added two new Business Items: Advisory Planning Commission Minutes Guideline; and
 - Hornby Island Residents and Ratepayers Association Meeting of December 11, 2019.

By general consent, the agenda was approved as amended.
 3. **MINUTES**
 - 3.1 **Hornby Island Advisory Planning Commission Draft Minutes dated December 6, 2019**

By general consent, the minutes were adopted.
 4. **BUSINESS ITEMS**
 - 4.1 **Advisory Planning Commission Minutes Guidelines**

APC members agreed that a recent review of the minutes guidelines for APC meetings supported the option of minimal discussion points being recorded in

the minutes. A minimal discussion points style of minute taking was chosen by the present APC to prevent controversy and encourage substantial debate.

4.2 Hornby Island Residents and Ratepayers Association Meeting of December 11, 2019

Chair McCreary noted that at the Hornby Island Residents and Ratepayers Association meeting of December 11, 2019, Trustee Alex Allen made comments to suggest that he believed that APC discussions would be of such wide scope as to indefinitely delay the January 2020 final adoption of the Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019.

Chair McCreary noted that any misunderstanding with Trustee Allen around the scope of APC involvement in bylaw enforcement issues seemed to have been resolved after further discussion.

Planner Zupanec joined the meeting at 11:17

4.3 Hornby Island Advisory Planning Commission Recommendations for Short-term Vacation Rentals Enforcement Policy

Planner Zupanec:

- Advised that it was not practical to enforce numbers of people on a short-term vacation rental property (STVR), only beds and bedrooms.
- Noted that a brochure guide could contain guidelines such as the expectation that one bedroom should contain no more than two people.
- Explained that wastewater practitioners used the two people per bedroom count to determine optimum septic capacity in their design.
- Explained that even a small amendment to an existing bylaw could require at least a year long process of four readings, a public hearing and referrals.
- confirmed that the Hornby Island Local Trust Committee (HOLTC) passed resolution 44 in 2019 to give direction to bylaw enforcement staff to undertake proactive enforcement of non-compliant STVRs
- Suggested that proactive measures could include investigating non-compliant advertising and seeking voluntary compliance, given the absence of a ticketing system and the legal costs of going to court. Voluntary compliance efforts are preferred.
- Could not speak to whether any proactive enforcement had taken place on Hornby Island since Resolution 44 had passed.
- The Hornby Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 159, 2019, slated for final adoption in January 2020, would be used as a legal base for ticketing if voluntary compliance efforts were not successful.

Planner Zupanec left the meeting at 12:19

APC members reviewed and refined their 'Hornby Island APC Draft Short Term Vacation Rental Enforcement Protocols;' working document, agreeing that the principles guiding the APC recommendations for a standing resolution would be that:

1. The bylaws governing STVRs on Hornby Island are consistent with the Official Community Plan (OCP).
2. The bylaws have been developed through community consultation over nearly 20 years and reviewed in 2017.
3. The bylaws governing STVRs are consistent with bylaws governing Hornby Island, especially the overarching principles of maintaining the residential nature of subdivisions, appropriate use of larger lots, and long-standing regulations regarding home occupations.
4. Those engaging in short term vacation rentals are informed of the regulations and encouraged to comply, through a continuing campaign of education.

The APC agreed to the following bylaw recommendation:

HO-APC-2019-002

It was MOVED and SECONDED,

that the Advisory Planning Commission recommends that the Hornby Island Local Trust Committee add the requirement that Short term Vacation Rentals in zones A2 and A3 as per Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149 provide written evidence from an authorized person, as defined In the Sewage System Regulations under the *Public Health Act*, confirming the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected, is capable of providing adequate sewage treatment for residential use and for vacation home rental. This addition would need to be inserted in Land Use Bylaw No. 150, paragraph 3.7 (1) (f).

CARRIED

The APC agreed to the following *Information Note* recommendation:

HO-APC-2019-003

It was MOVED and SECONDED,

that the Advisory Planning Commission further recommends that an *Information Note* be inserted in Land Use Bylaw No. 150 immediately after paragraph 3.7 (1) (d), said *Information Note* to read "The following information is not part of the bylaw and is for information purposes only." The expectation that applies to paragraph 3.7 (1) (d) above is that each Short Term Vacation Rental use bedroom will accommodate no more than 2 people."

CARRIED

The APC agreed to the following recommendations for a standing resolution:

HO-APC-2019-004

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement:

- Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media.
- More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.
- While the property is rented, additional persons are staying in tents, trailers or recreational vehicles.
- There are issues related to health and safety in accordance with the Land Use Bylaw.
- There is more than one complaint from the immediate neighborhood (defined as being within 200 meters of the subject property) regarding issues related to the Short Term Vacation Rental, such as noise, parking congestion, more than one guest/party in a week, or too many people.
- The residential dwelling being used as a Short Term Vacation Rental does not meet the following criteria for Short Term Vacation Rentals from the Hornby Island Official Community Plan Bylaw No. 149:
 - that the owner or tenant of the parcel is ordinarily resident on the property and the vacation home rental use is occurring during the temporary absence of the owner or tenant; or
 - where the owner or residential tenant of the parcel resides seasonally in the dwelling and the vacation home rental use is occurring during the absence of the owner or tenant; or
 - where the owner or residential tenant is residing in another lawful dwelling on the property while the vacation home rental is occurring.
- The Short Term Vacation Rental is not managed locally, or was purpose built to be a Short Term Vacation Rental.
- A complaint is made by an official of a government regulatory body or the bylaw enforcement officer and it concerns overuse of water, inadequate septic capacity, or too many buildings on the property.

CARRIED

5. NEXT MEETING

The 'Hornby Island APC Short Term Vacation Rental Enforcement Protocols' working document was finalized by APC members so there would be no need for a fourth meeting.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 12:41 pm.

Rob McCreary, Chair

Certified Correct:

Katherine Vogt, Recorder

Follow Up Action Report

Hornby Island

05-Apr-2019

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

24-May-2019

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



Follow Up Action Report

Hornby Island

24-May-2019

Activity	Responsibility	Dates	Status
2 LTC requested staff to prepare a draft Meeting Procedures Bylaw, which incorporates the Guidelines for Public Participation during Local Trust Committee meetings, for consideration at a subsequent meeting.	Becky McErlean		Completed

05-Jul-2019

Activity	Responsibility	Dates	Status
1 LTC requested that staff present information about the bylaw enforcement process and the proposed BEN Bylaw at a Community Information Meeting at an evening communication meeting in the Fall 2019.	Warren Dingman		Completed
2 LTC referred Vacation Home Rental Use to the Advisory Planning Commission, requesting a review of the VHR bylaw regulations, and draft recommendations for an enforcement policy, reporting back in 6 months (January 2020).	Jaime Dubyna Penny Hawley		Completed

13-Sep-2019

Activity	Responsibility	Dates	Status
1 LTC request staff proceed with processing application HO-RZ-2018.1.	Bronwyn Sawyer		In Progress

Follow Up Action Report

Hornby Island

08-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC directed staff to provide more information on the Housing Services Feasibility Study from CVRD.	Heather Kauer		Completed
2 LTC directed staff explore feasibility of a shared public office space for the use of Trustees and for planning staff to hold planner hours on island.	Heather Kauer	Target: 24-Jan-2020	Completed
3 LTC directed staff add a review of DPA 6 - RAR to the OCP/LUB Amendment project and amend the project charter for review at the next LTC meeting.	Sonja Zupanec	Target: 24-Jan-2020	In Progress
4 Staff to refer proposed Bylaws 161 and 162 (Hornby Island OCP/LUB Amendments) to School District 71 and the CVRD.	Becky McErlean Sonja Zupanec		Completed

MEMORANDUM

File No.: 3026-10 (LTC General –
Meeting Logistics)

DATE OF MEETING: January 24, 2020
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: 2020 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Hornby Island Local Trust Committee schedule a regular business meeting on August 28.

DISCUSSION

At their November 28, 2019 meeting the LTC approved the following dates for their meetings in 2020: January 24, May 1, June 26, and November 6. The LTC asked staff to explore alternative dates for the proposed March 6 and August 28 meetings. One of the Trustees had a conflict on March 6 and it was suggested that the August date be moved to September due to concern that ferries would be too full in the summer, creating a risk that staff would not be able to arrive at the meeting on time.

Through Resolution Without Meeting, the LTC decided on March 20 as a date for the March meeting, however, the August date has not been decided.

Staff explored Fridays in September and they turned out to be problematic for holding meetings for the following reasons:

September 4 - Friday of the long weekend

September 11 - day after the Gabriola LTC (difficult for Planner Zupanec) and right before Trust Council (added work load for trustees prepping for Trust Council)

September 18 – day after Trust Council

September 25 - UBCM

Staff recommend that August 28 remain the date for that time of year. Staff have the option of taking a water taxi or phoning in to the meeting if the ferries appear to be problematic.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for meetings. Meeting details will be advertised in accordance with legislated notification requirements.

Submitted By:	Heather Kauer, AICP Regional Planning Manager	January 3, 2020
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ATTACHMENT

1. Tentative 2020 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2020 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	January 21 - March 17 - May 19 - July 7 - September 8 - November 3 -	January 16 February 27 - April 2 May 14 June 25 July 30 - September 10 October 22 November 26 -	January 30 - March 26 - May 28 - July 23 - October 1 November 19 -	January 24 - March 20 - May 1 June 26 - August 28 - November 6 -	- February 24 - April 27 June 22 - August 10 - October 5 - -	- February 11 - April 14 - June 2 July 21 - September 1 October 27 - -	- - March 4 - - - - - October 7 - -
Total	6	9	6	6	5	6	2
Day	Tuesday	Thursday	Thursday	Friday	Monday	Tuesday	Wednesday
Time	12:30 pm	10:15 am	10:30 am	11:30 am	11:00 am	9:30 am	10:00 am
Location	Denman Activity Centre	Gabriola Arts & Heritage Centre	Various	New Horizons	Judith Fisher Centre	Thetis Community Centre	Various

Key Dates

Stat Holidays	Jan. 1; Feb.12; Apr 10, 13; May 18; July 1; Aug.3; Sept.1; Oct.12; Nov.11; Dec.25, 26
Trust Council	Mar. 10-12, June 16-18, Sept 15-17, Dec. 1-3 – locations tbd
Executive Committee	TBD
Financial Planning Committee	TBD
Islands Trust Conservancy Board	TBD
Trust Programs Committee	TBD
Local Planning Committee	TBD
SD 79 (Cowichan) Spring Break	Mar 9-20
SD 46 (Sunshine Coast) Spring Break	Mar 16-27
SD 68 (Nanaimo) Spring Break	Mar 16-27
SD 71(Comox) Spring Break	Mar 16-27
Salish Sea Ecosystem Conference	April 20-22
AVICC Conference	April 17-19
LGMA Conference	June 9-11
PIBC/CIP Conference	July 7-10
UBCM Conference	Sept. 21-25



DATE OF MEETING: January 24, 2020
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager, Northern Team
RE: Feasibility of Office Hours

RECOMMENDATION

- 1. That the Hornby Island Local Trust Committee request staff prepare a business case for monthly Trustee office hours on island to be considered by the Islands Trust Executive Committee.**

BACKGROUND

At the November 8, 2019 LTC meeting, the Hornby LTC passed the following resolutions:

HO-2019-092

It was Moved and Seconded,

that the Hornby Island Local Trust Committee request staff to explore the feasibility of sharing a public office space on Hornby Island for both Trustees and Planners.

CARRIED

For Islands Trust as a whole, the main offices are located in Victoria, Salt Spring Island, and Gabriola Island. These offices are staffed during regular business hours Monday through Friday and the public are welcome to come into those offices to speak to a Planner during office hours or contact Planners via phone or email. Technological capabilities are such that residents could also talk face-to-face with planning staff through video conferencing software such as FaceTime, Skype, or GoToMeeting. The organization's website is also available to anyone with internet capability.

The Gabriola office is the main office for the Northern Region of Islands Trust, which includes Hornby Island and six other Local Trust Areas. The Gabriola local trustees hold office hours every Tuesday from 12:00 to 3:00 in this office and there are Planners assigned in the Gabriola office to field questions from anyone on any island within the Northern Region during office hours.

In the Southern Region of Islands Trust there are five Local Trust Areas (LTAs). A Planner travels to four out of five of these LTA's anywhere from once a quarter to three times a month and holds office hours for approximately two to three hours. North Pender and South Pender share an office that is located on North Pender. Currently Denman Island is the only LTA other than Gabriola in the Northern Region that holds Trustee hours. These hours are designated once a month on a Saturday for a two hour time period in a rented space. Planners do not currently hold office hours on Denman Island. Planners were holding office hours on Denman as recently as 2013 but the practice was discontinued due to a lack of interest from residents.

ANALYSIS

The variables staff considered in the feasibility of office hours for Trustees and Staff include financial and opportunity costs, staffing resources and workload, and employer obligations for staff safety.

Budgetary and Opportunity Costs

Budgetary costs associated with Planner and Trustee hours on island include travel expenses for the Planner, venue rental, signage, and cleaning services. Venue appropriateness is affected by internet capability and cell phone service and there may be a cost involved with these services. Travel expenses for Planners assume a minimum of three hours each way of travel from Gabriola to Hornby Island, and are calculated based on a Provincial standard for cost per kilometer travelled. Planner travel costs do not come directly from the LTC specific budget but are an added cost to the organization as a whole. An increase in the LTC's budget for venue rental, signage, and cleaning services would need to be approved by Trust Council.

In terms of opportunity costs, the hours that a Planner spends travelling directly impacts their ability to work on projects that the LTC has identified as priorities. A Planner who lives on Gabriola will spend a minimum of three hours each way travelling to and from Hornby Island. Hours spent on Hornby Island answering the public's questions would be duplicated by the Planner who is assigned inquiry duty in the Gabriola office that day.

Islands Trust has found that most of the information that residents seek in regards to land use can be answered through the organization's website or by contacting the assigned inquiry Planner via phone or email. If residents need a timely response, they are unlikely to want to wait for a month or two until the next set of office hours to get their questions answered. In past years when an attempt was made to provide Planner hours on Hornby Island, staff found that most of the time they ended up answering residents' general questions by showing them where they might find the information on the Islands Trust website. While video conferencing technology has had limited use, this technology could be utilized by Hornby residents to speak to a Planner who is physically located in the Gabriola office.

Employer obligations for staff safety

One of the reasons that Planner hours were discontinued on Hornby Island was that staff working by themselves in spaces with no windows and inadequate exits contributed to them not feeling safe should an incident occur. WorkSafe B.C. has requirements of employers that they provide a work space that is safe and that they adopt policies that meet WorkSafe requirements regarding working alone. Consistent with these requirements, Islands Trust has adopted operational policy 3.1.18 that discourages staff meeting alone in an office with members of the public. Section 2.4 of this policy states:

Staff will avoid meeting with members of the public while working alone in the office. If necessary, supervisor approval is needed. The supervisor will be provided the name of the meeting participant and the meeting time. The staff member will email the supervisor when the meeting is concluded.

Another aspect of staff safety is parking lot lighting. Staff need to be able to get safely to and from the building where they are holding office hours to their vehicle and a well-lit parking area is part of that consideration.

Potential Venues

Staff considered six potential venues for office hours on Hornby Island. These included Room to Grow and New Horizons which are currently used for Local Trust Committee meetings. Also for consideration were the Old and New Fire Halls, the Community Centre Green Room and the Savoie Centre which is currently leased by the Hornby Island Community Economic Enhancement Corporation (HICEEC) and the Union Bay Credit Union.

- The Community Centre Green Room is a venue that does not lend itself well to safely working alone as it has no windows and only one exit;

- Room to Grow and New Horizons are potentially safe as office space due to the presence of windows and multiple exits. If office hours are held in the middle of the day, the parking areas could be considered safe. Rental for these venues is \$10 an hour. Room to Grow requires a \$25 deposit. Cell phone service and internet capability have not been historically reliable at New Horizons;
- Staff have been informed by the Fire Department that there is no space in the Fire Halls that can be rented out on a regular basis;
- Staff are waiting on a return call from the Hornby Island Residents' and Ratepayers' Association (HIRRA) who manage the Savoie Centre in regards to viability and cost for this venue.

The options available for on-island office hours are as follows:

1. Office hours outside of LTC meeting dates

The Trustees could conduct office hours as frequently as an approved budget and their schedules would allow. Planners could be asked to hold office hours on dates other than those when LTC meetings are held. For staff safety it is preferred that they have pre-arranged meetings with residents rather than drop-in hours. Planning staff in the Gabriola office would continue to be available Monday through Friday via phone or email and could consider video conferencing.

2. Planner Office Hours on LTC meeting days

In this option, Trustee hours would be the same as in Option 1. Planners would conduct on-island office hours on the same day that LTC meetings are held with pre-arranged meetings saving on overall travel expenses and maintaining Planner availability for project work. Planning staff would continue to be available Monday through Friday via phone or email and could consider video conferencing. This option might have the added expense of providing overnight accommodation for Planners depending on ferry schedules and overall work hours expected in one day.

3. Trustee-only office hours

This option anticipates Trustees holding office hours on island consistent with Option 1. Monthly office hours would be consistent with Denman Island. Planning staff would continue to be available Monday through Friday via phone or email and could consider video conferencing.

4. Status quo – existing services

This option would continue services at existing levels with residents able to arrange meetings with Trustees at times that are convenient for both as well as residents accessing Planning staff time remotely through phone, email, or video conferencing.

Trustees can move forward with office hours by requesting funding for the venue and associated operating costs from the Executive Committee. At this time staff do not recommend that Planner hours be adopted on Island as residents can obtain information from Planning staff most efficiently and in the most timely way by calling, emailing or video conferencing without risking the safety of staff or losing overall productivity.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 9, 2020
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To: Hornby Local Trust Committee **For the Meeting of:** January 24, 2020

From: Heather Kauer, Regional Planning Manager **Date Prepared:** January 9, 2020

SUBJECT: Hornby Island LTC Request on Housing Service Feasibility

PURPOSE

To respond to the Hornby Island Local Trust Committee in relation to housing service feasibility.

DISCUSSION

At their November 8, 2019 regular meeting, the Hornby Local Trust Committee passed resolution 2019-089 which states:

that the Hornby Island Local Trust Committee request staff to contact the Comox Valley Regional District to get more information on the Housing Service Feasibility Study, tax implications, and potential services that might be involved.

Comox Valley Regional District (CVRD) indicated that the Hornby LTC have two options in regards to housing services that might be available. The first is a Homelessness Service that is funded through the Regional District and currently applies to all of the Comox Valley Regional District except for the City of Comox and Denman and Hornby Islands. The second option is for a housing or homelessness service to be developed that is specific to Hornby Island and funded exclusively by Hornby property owners.

The Local Government Act (part 2, section 14.2) provides authority for Regional Districts to establish various types of services and levy taxes in order to recover all or part of the costs of a service provided within a local service area. In 2015, the CVRD adopted bylaw 389 establishing the Comox Valley homelessness support service (see attachment 1). The bylaw allows for property taxes to be collected that would provide funding to one or more non-governmental organizations that work toward addressing homelessness in the service area. The non-government organization that receives this funding currently is the Comox Valley Coalition to End Homelessness.

If the LTC is interested in hearing more information about becoming part of this effort, the Coalition to End Homelessness and CVRD staff have indicated they are willing to make a presentation to the LTC about the work they do.

A housing or homelessness service could be established for a Hornby Island specific service area, funded exclusively by Hornby Island property owners. The Comox Valley Regional District encourages the use of feasibility studies to determine whether or not local services would be viable and they have funding that they can provide for conducting a feasibility study. A study of this nature would be considered by the CVRD board and it would be the board that would decide whether or not to approve the service. If the service was approved, the funding for the

feasibility study would be expected to be reimbursed to the Regional District from the property taxes collected for the service.

CVRD staff have indicated that if the LTC is interested in accessing feasibility study financing for fiscal year 2020-2021, the LTC should indicate their intentions as soon as possible after the January 24 LTC meeting, otherwise, feasibility study funding could be requested for future fiscal years.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 9, 2020
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ATTACHMENT

1. Comox Valley Bylaw 389

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 389

A bylaw to establish the Comox Valley homelessness supports service to provide funds to non-governmental organizations to address homelessness in the Comox Valley

WHEREAS under section 796 of the *Local Government Act* a regional district may operate any service the board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the board of the Comox Valley Regional District wishes to establish a service to provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley;

AND WHEREAS the approval of the inspector of municipalities has been obtained under section 801 of the *Local Government Act*; and

AND WHEREAS the approval for the participating areas was obtained by assent of the electors under section 801.2 of the *Local Government Act*;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Service

1. (1) The service established by this bylaw is to provide funds to one or more local non-governmental organizations based on a board approved five-year action plan to address homelessness in the Comox Valley.
- (2) The service shall be known as the Comox Valley homelessness supports service (the 'service').

Boundaries

2. The boundaries of the service are the City of Courtenay, the Village of Cumberland, Electoral Area 'A' (Baynes Sound – Denman/Hornby Islands) excluding Denman and Hornby Islands, Electoral Area 'B' (Lazo North) and Electoral Area 'C' (Puntledge – Black Creek) as shown on the attached schedule 'A'.

Participating areas

3. The City of Courtenay, the Village of Cumberland, Electoral Area 'A' (Baynes Sound – Denman/Hornby Islands), Electoral Area 'B' (Lazo North) and Electoral Area 'C' (Puntledge – Black Creek) are participating areas in the service.

Cost recovery

4. As provided in section 803 of the *Local Government Act*, the annual cost for this service shall be recovered by one or more of the following:
 - (a) property value taxes;
 - (b) revenues raised by other means authorized by the *Local Government Act* or another Act; and
 - (c) revenues received by way of agreement, enterprises, gift, grant or otherwise.

Maximum requisition

5. In accordance with section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the service is the greater of \$165,000 or \$0.02 per \$1,000 applied to the net taxable value of land and improvements for regional hospital district purposes.

Service review

6. All aspects of the Comox Valley homelessness supports service shall be reviewed every five years, with the first review occurring in 2020.

Effective date

7. This bylaw comes into effect on January 1, 2016.

Citation

This Bylaw No. 389 may be cited as “Comox Valley Homelessness Supports Service Establishment Bylaw No. 389, 2015”.

Read a first and second time this 29th day of September 2015.

Read a third time this 29th day of September 2015.

Approved by the
Inspector of Municipalities this 2nd day of November 2015.

Participating area approval
obtained this 28th day of November 2015.

Adopted this 15th day of December 2015.

B. Jolliffe

Chair

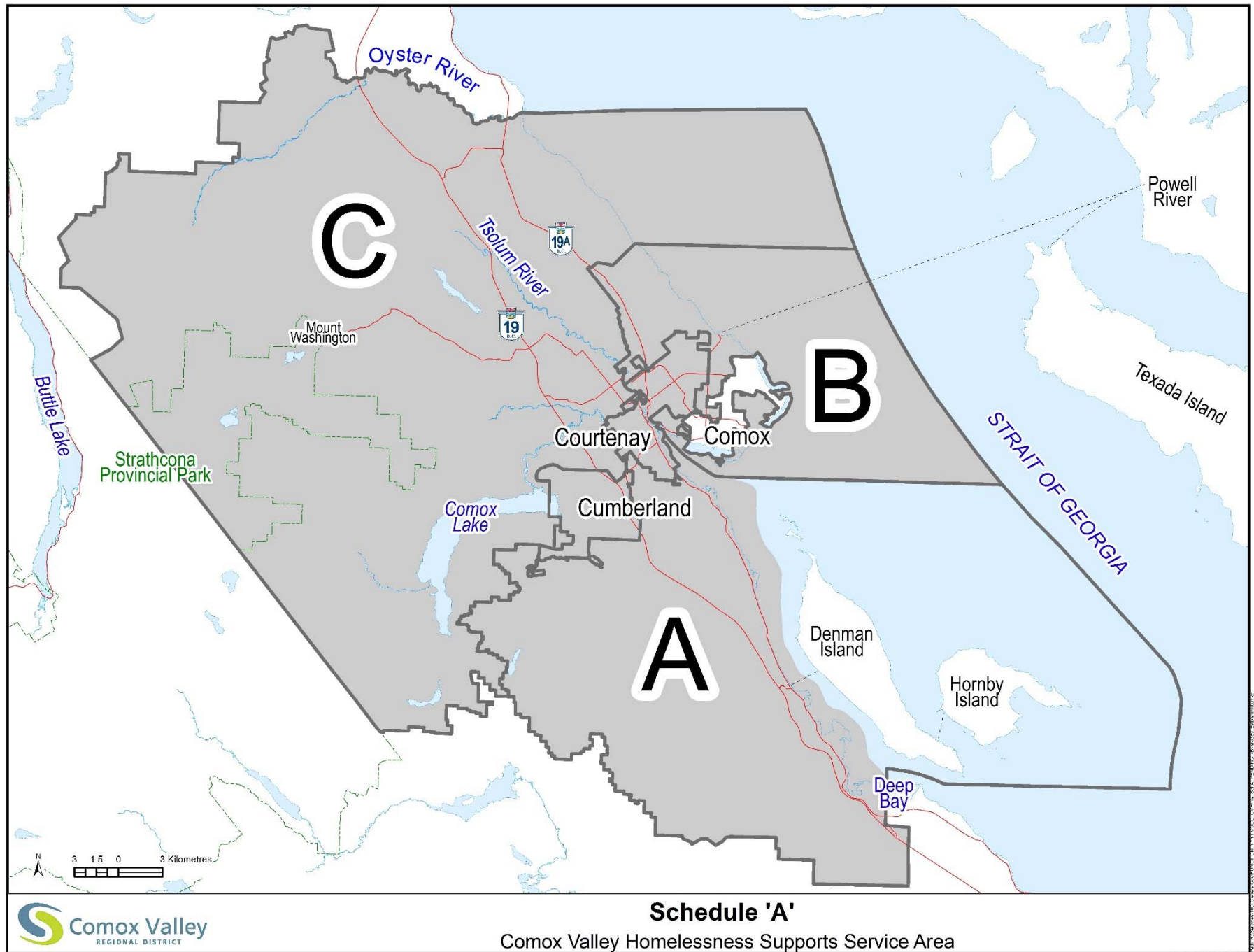
J. Warren

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 389 being “Comox Valley Homelessness Supports Service Establishment Bylaw No. 389, 2015” as adopted by the board of the Comox Valley Regional District on the 15th day of December 2015.

J. Warren

Corporate Legislative Officer



File No.: 3040-20-01
LTC Open Meetings - General

DATE OF MEETING: January 24, 2020
TO: Hornby Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Hornby Bylaw No. 160 – Public Participation

RECOMMENDATION

1. That the Hornby Island Local Trust Committee Bylaw No. 160, cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019", be read a first time.
2. That the Hornby Island Local Trust Committee Bylaw No. 160, cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019", be read a second time.
3. That the Hornby Island Local Trust Committee Bylaw No. 160, cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019", be read a third time.
4. That the Hornby Island Local Trust Committee Bylaw No. 160, cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider giving 1st, 2nd, and 3rd reading to Bylaw No. 160, cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 160, 2019", and subsequently to forward the bylaw to the Executive Committee for approval, prior to consideration of adoption. The purpose of this bylaw is to amend the LTC meeting procedures to include provisions on decorum and public participation.

BACKGROUND

At the Hornby Island Local Trust Committee (LTC) meeting of May 24, 2019 the Local Trust Committee passed resolution 2019-048 which requested that staff prepare a draft Meeting Procedure Bylaw, incorporating the Guidelines for Public Participation during Local Trust Committee Meetings. Draft amendment bylaw No. 160 is attached to this report and includes proposed amendments to the existing Meeting Procedure Bylaw consistent with the adopted Guidelines for Public Participation.

Local Government Act

Sections 225 (1) and (2) establish general requirements for what must be included in procedures bylaws and states that at least 5 days' notice in advance of a meeting must be given to trustees where a procedures bylaw amendment is being introduced.



Community Charter

Section 127(2) sets out how notice of special meeting must be given. Sections 6 and 7 of Bylaw No. 160 provide details on how such notice must be given.

Statutory Requirements

LTC administrative bylaws are required to be approved by the Executive Committee prior to adoption. No public hearing is required.

Rationale for Recommendation

Staff is of the opinion that Bylaw No. 160 will provide the LTC and public participants in LTC meetings with guidelines on how best to participate in LTC meetings both in terms of the purpose and the manner of participating.

NEXT STEPS

Assuming concurrence with the recommended resolutions, Bylaw No. 160 would be forwarded to the Executive Committee for consideration. Once approved by the Executive Committee, Bylaw No. 160 could then be adopted at the following Local Trust Committee Meeting.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 17, 2020
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ATTACHMENTS

1. Draft Bylaw No. 160
2. (Current) Meeting Procedure Bylaw No. 118

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HORNBY LOCAL TRUST COMMITTEE BYLAW NO. 160

A bylaw to establish procedures for meetings of the Local Trust Committee

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

SHORT TITLE

1. This bylaw may be cited as “Hornby Island Local Trust Committee Meeting Procedures Bylaw No. 160, 2020”.

MEETINGS AND NOTICE OF MEETINGS

2. The first regular meeting of the Local Trust Committee shall be held on a date to be determined by the Local Trust Committee by Resolution Without Meeting following a general local election.
3. At the first regular meeting of the first year, and the last regular meeting of each of the subsequent three years, following a general election, or by Resolution Without Meeting, the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two, and the schedule shall be posted on a bulletin board located at the Northern Office of the Islands Trust and on the Islands Trust website.
4. Public notice of the availability of the regular meeting schedule at the place specified in Section 3 shall be given at least once a year by publication in a newspaper circulating in the local trust area.
5. Each local trustee shall provide to the Secretary of the Islands Trust a telephone number and mailing address for the purpose of receiving notices of Local Trust Committee meetings, and notice shall be deemed to have been sufficiently given to the local trustee if the notice is delivered to the trustee’s mailing address, email address or given to the trustee in person.
6. Any two members of the Local Trust Committee may call a special meeting by giving notice of the date, time, place and purpose of the meeting to the third member of the Committee by telephone or written notice delivered to the trustee at least 48 hours before the time of the meeting, and by posting the notice at the place specified in Section 3, except that notice to Local Trust Committee members may be waived by unanimous vote.
7. If the Chair is not one of the members calling the special meeting, the members calling the special meeting shall, prior to doing so, advise the Chair of the calling of the meeting and consider the Chair’s representations, if any, regarding the calling of the meeting.
8. Regular and special meetings of the Local Trust Committee shall be open to the public, except where the Committee has stated by resolution in open meeting that the meeting or portion of the meeting is to be closed to the public, and has stated the statutory basis on which it is to be closed.
9. A quorum of the Local Trust Committee is two members.

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10. In the event that neither the Chair nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present is within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chair.

MINUTES

11. The Director of Local Planning Services, or his or her designate, shall legibly record the minutes of the meetings of the Local Trust Committee, and shall record any Resolutions Without Meeting. After the minutes of a meeting have been adopted, the Director or his or her designate shall certify the minutes as correct and the Chair or other trustee who presided at the meeting shall sign the minutes.
12. The minutes shall record every resolution of the Committee including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest.

MEETING PROCEDURE, RESOLUTIONS AND BYLAWS

13. Any question of meeting procedure that is not provided for in this Bylaw, the *Islands Trust Act*, the *Local Government Act*, the *Community Charter*, or regulations under any of those statutes, shall be resolved in accordance with the most current edition of *Robert's Rules of Order*.
14. Resolutions shall be in writing, may be moved by any member of the Local Trust Committee, and need only be seconded if requested by the Chair.
15. Bylaws shall be in writing, may be read by title only, provided that each member of the Local Trust Committee is in possession of a complete copy of the proposed bylaw at the meeting, and may be adopted on a motion to that effect at a regular or special meeting. Bylaws may be read a first time, and may be adopted, by Resolution Without Meeting.
16. The Chair of the Local Trust Committee, or other trustee who presided at the meeting at which it was adopted, and the Secretary of the Islands Trust shall sign every bylaw adopted by the Local Trust Committee, and the Secretary shall keep a certified copy of the bylaw at the principal office of the Islands Trust.

DELEGATIONS

17. A Delegation period, limited to fifteen (15) minutes in duration, may be scheduled for each regular meeting of the Local Trust Committee and may be extended by unanimous vote of the members present.
18. An individual, or a representative of an organization, may request the opportunity to address the Local Trust Committee as a delegation. A delegation requesting permission to appear before the Local Trust Committee shall submit a written request to address the members of the Local Trust Committee. The subject of the written request and the presentation must fall within the jurisdiction of the Local Trust Committee, or address an item within the jurisdiction of the Islands Trust Council.

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19. The written request must specify the subject matter of the presentation and include either a copy of the presentation or an overview of the information to be presented. The written request must also include the name and address of the person(s) speaking.
20. All written requests to appear before the Local Trust Committee must be received by the Deputy Secretary by 12:00 noon fourteen (14) calendar days prior to the meeting.
21. Each address shall be limited to five (5) minutes unless a longer period is agreed to by unanimous vote of those Local Trust Committee members present.
22. Any video presentations used as part of a delegation's address to the Local Trust Committee will count toward the time limit permitted for the delegation.
23. In the event of a delegation presenting a petition, the petition shall contain each petitioner's signature and printed name and address.
24. Where written requests have not been received by the Deputy Secretary as prescribed in section 20, an individual may address the meeting in the Public Participation period, as outlined within this bylaw.
25. The Local Trust Committee must not permit a delegation to address a meeting of the Committee regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
26. The Deputy Secretary may schedule delegations to another Local Trust Committee meeting according to the subject matter of the delegation.
27. The Deputy Secretary may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of the Local Trust Committee or address an item within the jurisdiction of the Islands Trust Council. If the delegation wishes to appeal the Deputy Secretary's decision, the information must be distributed under separate cover to the Local Trust Committee for their consideration.

ORDER AND DECORUM

28. The Chair is to preserve order at every meeting of the Local Trust Committee and has the power to make such rulings as are necessary to do so, including the power to rule on all points of order and may deny any individual or a delegation the right to address a meeting if, in the Chair's opinion, the individual or the delegation:
 - 28.1 makes defamatory remarks about any person or speaks disrespectfully of any person;
 - 28.2 addresses issues not contained within the written application of the individual or delegation, as prescribed in sections 18 and 19; or
 - 28.3 immoderately raises his or her voice, or uses profane, vulgar or offensive language, gestures or signs.
29. Individuals and delegations will not be heard at regular meetings of the Local Trust Committee on the following:

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- 29.1 the promotion of commercial products or services which have no connection to the business of the Local Trust Committee;
 - 29.2 matters on which the Local Trust Committee has approved commencement of prosecution and on which judgment has not been rendered;
 - 29.3 publicly tendered contracts or proposal calls for the provision of goods and services for the Local Trust Committee, between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded, either by the Local Trust Committee or Islands Trust staff; or
 - 29.4 Topics which are normally dealt with by Islands Trust staff as a matter of routine.
30. A Local Trust Committee member may ask or answer questions of a member of the public who is addressing the Local Trust Committee. Debate with, or by any member of the Local Trust Committee or staff is not permitted.
31. The Chair or person presiding may expel and exclude a person from a meeting of the Local Trust Committee for improper conduct.

INVITED PRESENTATIONS

32. Members of the Hornby Island Local Trust Committee may, with the Chair's approval, invite a person, persons, or organizations(s) to make a presentation to the Local Trust Committee. Time permitting, the Deputy Secretary shall include the subject of the presentation and the designated speaker on the meeting agenda.

PUBLIC PARTICIPATION

33. A public participation period, limited to fifteen (10) minutes in duration, may be scheduled for each regular meeting of the Local Trust Committee and may be extended by majority vote of the Local Trust Committee members present.
34. A member of the public may have three (3) minutes to address the Local Trust Committee during the public participation period, unless extended by unanimous vote of the Local Trust Committee members present.
35. Persons wishing to address the Local Trust Committee will be asked to state their name, address and topic involved.
36. Subjects must relate strictly to matters under the jurisdiction of the Local Trust Committee, or items within the jurisdiction of the Islands Trust Council, unless the Local Trust Committee waives this requirement by majority consent.
37. Subjects must be on topics which are not normally dealt with by Islands Trust staff as a matter of routine.
38. Subjects must be brief and to the point.
39. The order of priority in which speakers will be heard during the duration of the public participation period will be determined as follows: first, those addressing items on the Local Trust Committee agenda; second, those addressing items within the jurisdiction of the Local Trust Committee; and third, those addressing items within the jurisdiction of the Islands Trust Council.

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ELECTRONIC MEETINGS

40. A special meeting of the Local Trust Committee to deal with urgent new business may be conducted entirely by means of audio or audio and visual electronic communication facilities if a majority of the members of the Local Trust Committee have agreed by resolution that the meeting may be conducted in this way and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
41. An individual Local Trust Committee member who is not at the physical location of a special Local Trust Committee meeting or a regular Local Trust Committee meeting may choose to participate by means of audio or audio and visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
42. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities.
43. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee.
44. The Local Trust Committee may waive the restrictions in sections 42 and 43 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.
45. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
46. A member of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.
47. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.
48. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.
49. For the duration of an electronic meeting that is open to the public, the Director of Local Planning Services, or their designate, must attend at the place specified in the meeting notice for the public to hear, or watch and hear, the participants.
50. Cell phone or satellite connections may be used for open Local Trust Committee meetings. If communication is lost to one or more electronic participants during a meeting:
 - 50.1 the participant affected will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting and this will be recorded in the minutes;
 - 50.2 if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and

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- 50.3 if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust Committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication will be added to the next agenda.

51. The costs of electronic participation in a Local Trust Committee meeting will be borne by the Hornby Island Local Trust Committee if the Local Trust Committee member is participating from a location within Canada or has received the approval of the majority of Local Trust Committee members."

EXECUTION OF DOCUMENTS

52. The Chair and one other member of the Local Trust Committee may execute any document on behalf of the Local Trust Committee once the Committee has authorized the execution of the document.

53. "Hornby Island Local Trust Committee Meeting Procedures Bylaw No. 118, 2004" is repealed.

READ A FIRST TIME THIS TH DAY OF , 20XX.

READ A SECOND TIME THIS _____TH _____ DAY OF _____, 20XX.

READ A THIRD TIME THIS _____TH _____ DAY OF _____, 20XX.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____TH _____ DAY OF _____, 20XX

ADOPTED THIS _____TH DAY OF _____, 20XX.

CHAIR

SECRETARY



Islands Trust

**HORNBY ISLAND
MEETING PROCEDURE BYLAW
No.118, 2004**

As amended by the
Hornby Island Local Trust Committee

Consolidated Version: November 1, 2018

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

For reference to original bylaw and amendments,
please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only**:

Bylaw Number
Bylaw No. 156

Amendment Number
Amendment No. 1, 2018

Adoption Date
October 28, 2018

**HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 118, 2004**

A bylaw to establish procedures for meetings of the Local Trust Committee

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

SHORT TITLE

1. This bylaw may be cited as "Hornby Island Local Trust Committee Meeting Procedure Bylaw No. 118, 2004".

MEETINGS AND NOTICE OF MEETINGS

2. The first regular meeting of the Local Trust Committee shall be held on a date to be determined by the Local Trust Committee by Resolution Without Meeting following a general local election.
3. At the first regular meeting of the first year and the last meeting of each of the subsequent calendar years, following a general election, or by Resolution Without Meeting, the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two, and the schedule shall be posted on a notice board on island that is accessible to the public and in the Northern Office of the Islands Trust.
4. Public notice of the availability of the regular meeting schedule at the place specified in Section 3 shall be given at least once a year by publication in a newspaper circulating in the local trust area.
5. Each local trustee shall provide to the Secretary of the Islands Trust a telephone number and mailing address for the purpose of receiving notices of Local Trust Committee meetings, and notice shall be deemed to have been sufficiently given to the local trustee if the notice is delivered to the trustee's mailing address or given to the trustee in person.
6. Any two members of the Local Trust Committee may call a special meeting by giving notice of the date, time, place and purpose of the meeting to the third member of the Committee by telephone or written notice delivered to the trustee at least 48 hours before the time of the meeting, and by posting the notice at the place specified in Section 3, except that notice to Local Trust Committee members may be waived by unanimous vote.
7. If the Chairperson is not one of the members calling the special meeting, the members calling the special meeting shall, prior to doing so, advise the Chairperson of the calling of the meeting and consider the Chairperson's representations, if any, regarding the calling of the meeting.
8. Regular and special meetings of the Local Trust Committee shall be open to the public, except where the Committee has stated by resolution in open meeting that the meeting or portion of the meeting is to be closed to the public, and has stated the statutory basis on which it is to be closed.
9. A quorum of the Local Trust Committee is two members.
10. In the event that neither the Chairperson nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson.

MINUTES

11. The Director of Local Planning Services or his or her designate shall legibly record the minutes of the meetings of the Local Trust Committee, and shall record any resolutions without meeting. After the minutes of a meeting have been adopted, the Director or his or her designate shall certify the minutes as correct and the Chairperson or other trustee who presided at the meeting shall sign the minutes.
12. The minutes shall record every resolution of the Committee including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest.

MEETING PROCEDURE, RESOLUTIONS AND BYLAWS

13. Any question of meeting procedure that is not provided for in this Bylaw, the *Islands Trust Act*, the *Local Government Act*, the *Community Charter*, or regulations under either of those statutes, shall be resolved in accordance with the most current edition of *Robert's Rules of Order*.
14. Resolutions shall be in writing, may be moved by any member of the Local Trust Committee, and need not be seconded.
15. Bylaws shall be in writing, may be read by title only, provided that each member of the Local Trust Committee is in possession of a complete copy of the proposed bylaw at the meeting, and may be adopted on a motion to that effect at a regular or special meeting. Bylaws may be read a first time, and may be adopted, by resolution without meeting.
16. The Chairperson of the Local Trust Committee or other trustee who presided at the meeting at which it was adopted, and the Secretary of the Islands Trust shall sign every bylaw adopted by the Local Trust Committee, and the Secretary shall keep a certified copy of the bylaw at the principal office of the Islands Trust.

ELECTRONIC MEETINGS

17. A special meeting of the Local Trust Committee to deal with urgent new business may be conducted entirely by means of audio or audio-visual electronic communication facilities if a majority of the members of the Local Trust Committee have agreed by resolution that the meeting may be conducted in this way and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
18. An individual Local Trust Committee member who is not at the physical location of a special Local Trust Committee meeting or a regular Local Trust Committee meeting may choose to participate by means of audio or audio-visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
19. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities.
20. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee.
21. The Local Trust Committee may waive the restrictions in sections 19 and 20 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.
22. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
23. A member of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.

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24. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.
25. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.
26. For the duration of an electronic meeting that is open to the public, the Director of Local Planning Services, or his or her designate, must attend at the place specified in the meeting notice.
27. If communication is lost to one or more electronic participants during a meeting:
 - a. the affected participants will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting, and this will be recorded in the minutes;
 - b. if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and
 - c. if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust Committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication will be added to the next Local Trust Committee meeting agenda.
28. The costs of electronic participation in a Local Trust Committee meeting will be borne by the Hornby Island Local Trust Committee if the Local Trust Committee member is participating from a location within Canada or has otherwise received the approval of the majority of Local Trust Committee members.

EXECUTION OF DOCUMENTS

29. The Chairperson and one other member of the Local Trust Committee may execute any document on behalf of the Local Trust Committee once the Committee has authorized the execution of the document.
30. "Hornby Local Trust Committee Meeting Procedures Bylaw No. 95, 1997" is repealed.

READ A FIRST TIME THIS	20 TH	DAY OF	FEBRUARY	, 2004.
READ A SECOND TIME THIS	20 TH	DAY OF	FEBRUARY	, 2004.
READ A THIRD TIME THIS	20 TH	DAY OF	FEBRUARY	, 2004.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	10 TH	DAY OF	MARCH	, 2004
ADOPTED THIS	22 ND	DAY OF	MARCH	, 2004.

CHAIRPERSON

SECRETARY

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 159

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

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

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

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

Citation

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

1.0 INTERPRETATION

In this Bylaw:

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

2.0 DEFINITIONS

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

3.0 BYLAW CONTRAVENTIONS

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

4.0 PENALTY

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

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

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

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

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

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

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

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

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

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

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

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

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

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

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

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

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

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

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

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

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

8.0 BYLAW ENFORCEMENT OFFICERS

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

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

9.0 FORM OF BYLAW VIOLATION NOTICE

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

10.0 SCHEDULES

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

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

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

SECRETARY

CHAIR

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

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

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

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2(w)	Encroachment Of Building Into Setback From Lot Line That Abuts A Highway	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(2)	Building/Structure Located Too Close/ Less Than 1.5 Metres Above the Natural Boundary of Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(3)	Building/Structure Within 30 Metres of Ford Creek/Beulah Creek/ Wetlands Shown on Schedule D	\$500.00	\$350.00	\$750.00	Yes	100%
3.3(4)	Improperly Placed Fill	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(5)	Building/Structure Too Close to Cliff Edge	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(6)	Pit Toilet Within 15 Metres of Lot Lines	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(7)	Feed Trough/ Manure Piles/ Buildings/ Structures For Animals/Sewage Disposal Fields Within 30.0 Metres From Well/ Natural Boundary Of Lake, Watercourse Or The Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(8)	Keeping Livestock/ Birds Within 15.0 Metres of the Natural Boundary of a Lake/ Watercourse/ Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(8)	Siting Buildings/Structures Used For Livestock/Poultry Within 15.0 Metres of the Natural Boundary of a Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3.(9)	Siting Buildings/Structures For Livestock/Poultry Within 15.0 Meters of the Natural Boundary of a Lake/Watercourse/Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(10)	Buildings/ Structures Used for Commercial Growing of Mushrooms/ Commercial Raising of Livestock/ More Than 100 Birds Within 30.0 Metres of Highway/ Lot Line/ Natural Boundary of Lake/ Watercourse/Sea.	\$500.00	\$375.00	\$750.00	Yes	100%
3.4.(1)	Buildings/Structure Over 8.0 Metres High	\$350.00	\$262.50	\$525.00	Yes	100%

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

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.4(2)	Building/Structure within 100 Metres of Natural Boundary of the Sea Over 7.0 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(3)	Accessory Buildings/Structure Over 6.0 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(4)	Agricultural Buildings/Structures Over 10 Metres	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(1)	Prohibited Home Occupation Use	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(3)	Unpermitted Home Occupation Use on Lot Less Than 0.1 Hectare.	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(4)	Home Occupation Exceeds Maximum Floor Area on Lot Less than 0.1 Hectare	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(5)	Home Occupation Not Wholly Within Principal Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(6)	Home Occupation Not Operated Solely by Residents of the Property	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(7)	Home Occupation Noise Heard Beyond Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(9)	Unpermitted Home Occupation on Lots Smaller than 0.4 Hectare	\$500.00	\$350.00	\$750.00	Yes	100%
3.6(11)	Unpermitted Home Occupation on Lots Smaller than 2.0 Hectare	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(12)	More than Permitted Number of Home Occupations on a Lot	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(13)	Home Occupation Not Wholly Within Dwelling Unit or Accessory Building	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(15)	Unscreened Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(16)	Home Occupation With Oversize Outdoor Area	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(17)	Home Occupation Over Maximum Total Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(18)	Home Occupation Not Operated By Residents of Property	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(20)	Home Occupation Noise Heard of the Lot.	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(22)	Unpermitted Home Occupation on Lot Larger than 2.0 Hectares	\$500.00	\$375.00	\$750.00	Yes	100%

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

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

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

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

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

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.12(1)	Storage of Derelict Items	\$500.00	\$375.00	\$750.00	Yes	100%
4.1.(1)	Sign Not In Accordance with Table 4.6 of Bylaw No. 150.	\$350.00	\$262.50	\$525.00	Yes	100%
4.2(1)	Prohibited Sign	\$350.00	\$262.50	\$525.00	Yes	100%
4.5	Fail to Remove Obsolete Sign	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(1)	Off Street Parking Wrong Location	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(2)	Disabled Parking Wrong Location	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(1)/(2)/(3)/(4)/(5)	Parking Does Not Meet Design Standards	\$350.00	\$262.50	\$525.00	Yes	100%
5.4	Off-Road Parking Not in Accordance with Table 5.4 of Bylaw No. 150	\$350.00	\$262.50	\$525.00	Yes	100%
8.1(1)	Non Permitted Use in Small Lot (R1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(a)	Non Permitted Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(b)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(a)	Building /Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.6)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.8)	Fail to Comply With Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(1)	Non Permitted Use in Large Lot (R2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(2)(a)/(b)	Non Permitted Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
8.2(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.2(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2.(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.2.(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.2.(5)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(1)	Non Permitted Use in Community Housing (R3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%

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

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.3(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
	Non Permitted Building/Structure In Community Service Zone	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(6)	Dwelling in Community Housing Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(7)	Community Facility Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(8)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3(9)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(1)	Non Permitted Use in Community Housing R3A Zone	\$500.00	\$350.00	\$750.00	Yes	100%
8.3A(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(6)	Community Facility Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(7)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.3A(8)	Accessory Buildings Exceed Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(1)	Non Permitted Use in Residential 4-Forest (R4) Zone	\$500.00	\$350.00	\$750.00	Yes	100%
8.4(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(5)	Dwelling Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%

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

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.4(6)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(1)	Non Permitted Use in Agriculture1 (A1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.5(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(3)	Exceeds Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(5)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(7)(a)	Winery/Cidery Exceeds Retail Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(7)(b)	Winery/Cidery Exceeds Lounge Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(7)(c)	Winery/Cidery Lounge Operates Outside Permitted Hours	\$350.00	\$262.50	\$525.00	Yes	100%
8.5(8)	Non Permitted Non Farm Use	\$500.00	\$375.00	\$750.00	Yes	100%
8.5(9)	Milling Off Lot Timber	\$500.00	\$375.00	\$750.00	Yes	100%
8.6(1)	Non Permitted Use in Agriculture 2 (A2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.6(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(6)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(7)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.6(8)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(1)	Non Permitted Use in Agriculture 3 (A3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.7(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%

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

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
8.7(6)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.7(7)	Fail To Meet Site Specific Regulations	\$500.00	\$375.00	\$750.00	Yes	100%
8.8(1)	Non Permitted Use in Agriculture 4 (A4) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.8(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(5)	Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(6)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.8(8)	Fail to comply with Site Specific Regulations	\$500.00	\$350.00	\$750.00	Yes	100%
8.9(1)	Non Permitted Use in Commercial 1 Retail (C1) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.9(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(3)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.9(4)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
	Non Permitted Use in Commercial 2 Limited Commercial (C2) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.10(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(a)	Building/Structure in Front Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(b)	Building/Structure in Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(c)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(3)(d)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(4)	Restaurant Exceed Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(5)	Restaurant Exceeds Seating Capacity	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(6)	Bakery Exceeds Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(7)	Accessory Buildings Exceed Total Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
8.10(8)	Accessory Building/Structures Exceed Height/More than One Story	\$350.00	\$262.50	\$525.00	Yes	100%
8.11(1)	Non Permitted Use in Commercial 3 (C3) Zone	\$500.00	\$375.00	\$750.00	Yes	100%

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

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

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

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

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

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

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

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

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

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

File No.: HO-DP-2019.4
(Tuele)

DATE OF MEETING: January 24, 2020
TO: Hornby Island Local Trust Committee
FROM: Bronwyn Sawyer, Planner 2
Northern Team

SUBJECT: Development Permit Application for DPA 6 – Riparian Areas
Applicant: Ron and Donna Tuele
Location: 3875 Slade Road

RECOMMENDATION

1. That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.4 (Tuele); and
2. That the Hornby Island Local Trust Committee waive the requirement for a plan signed by a B.C. Land Surveyor as required by section 2.7 *siting compliance* of the Hornby Island Land Use Bylaw No. 150, 2014 for application HO-DP-2019.4.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application within Development Permit (DPA) 6 – Riparian Areas to facilitate the construction of a house, shop, well and septic system. An approved DP is required before staff can proceed in processing the siting and use permit. The DPA meets the DPA guidelines and staff is recommending issuance of the permit.

The applicants have submitted a Riparian Areas Regulation (RAR) assessment report prepared by a Qualified Environmental Professional (QEP) (Toth and Associates Environmental Services), dated September 12, 2019, which forms part of the draft permit. The RAR assessment report methodology has been assessed and confirmed as being applied correctly (October 18, 2019) by Ministry of Forests, Lands, Natural Resource Operations and Rural Development staff.

BACKGROUND

The applicants have applied for a siting and use permit that would permit the construction of house, shop, well and septic system. From the drawing provided with the application, the property has been developed with a driveway/old logging road with a 36-inch culvert and a barn. The 1.99 hectare subject property is located on Slade Road, as shown on Figure 1. As identified in the QEP Assessment Report, the stream located on the subject property is identified as Beulah Creek Tributary 4 wetland and Beulah Creek Tributary (naming convention in *RAR Stream Identification of the Ford Creek and Lower Beulah Creek Watershed*, Mimulus 2011).

Islands Trust

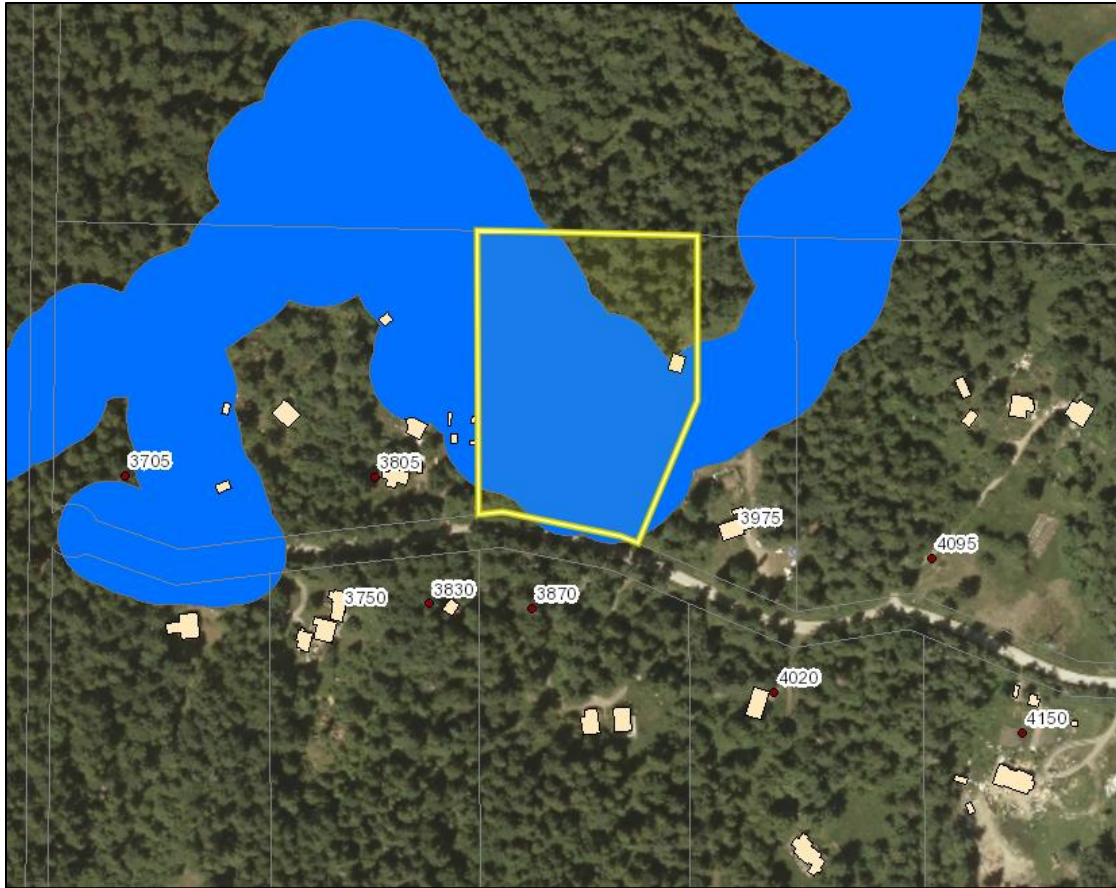


Figure 2: Development Permit Areas

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The application is not contrary to the Islands Trust Policy Statement.

Official Community Plan:

The subject property is designated Rural Residential (RR) in the Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) and located within Development Permit Area No. 6 – Riparian Area (DPA 6). The development permit area applies, in this instance, based on 6.9.4.1.a) and 6.9.4.1.d) and Schedule E. These sections of the OCP reference watercourses and lake, and wetlands or other water bodies.

The objectives of DPA 6 are:

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

The proposed development appears to comply with the objectives of the OCP.

Land Use Bylaw:

The subject property is zoned Large Lot Zone (R2) in the Hornby Island Land Use Bylaw No. 150, 2014 (LUB). The guidelines for DPA 6 are contained within Section 9.6 of the LUB.

The proposed development complies with the applicable development permit guidelines (see Attachment 2).

Issues and Opportunities

The property was created by subdivision in the last five years. As part of the subdivision process, it appears that a covenant was placed on title with the Hornby Island Local Trust Committee as the transferee. The proposed development appears to meet the conditions outlined in covenant CA3873693 (see Attachment 4).

The staff made the applicant aware of the requirement to provide a survey as per Section 2.7 of the LUB:

- (1) Every applicant for a rezoning, a development permit, a temporary use permit or a development variance permit must provide a plan, sometimes referred to as a “survey certificate”, signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures comply with the siting requirements of this or any other Bylaw.

For this application, the property owners will be required to provide a survey certificate as part of the siting and use permit due to a floodplain covenant registered on title. The survey certificate is necessary to ensure that the provisions of the covenant will be met by the proposed development. There is a sketch plan of the proposed development as part of the assessment report and the property owners will be required to construct in accordance with this plan. Staff is recommending that the LTC waive the requirement for a plan signed by a B.C. Land Surveyor for this application.

Consultation

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

Rationale for Recommendation

Staff advises that the Guidelines for DPA 6 appears to be satisfied by the RAR Assessment Report completed by Toth and Associates Environmental Services. The report has been reviewed and the methodology found to have been applied correctly by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development staff.

Staff recommends issuance of the DP as noted in the recommendation listed on page 1 on of this staff report.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant submit to the Islands Trust [request information to be provided by the LTC].

2. Deny the application

The LTC may deny the application if it determines that the proposed development does not comply with one or more of the DP guidelines. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee deny application HO-DP-2019.4 due to non-compliance with the following Development Permit guideline(s)...

3. Not waive the requirement for a survey

The LTC may request the survey as per Section 2.7 *siting compliance* of the Hornby Island Land Use Bylaw No. 150, 2014. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee request that the applicant submit to the Islands Trust a plan signed by a B.C. Land Surveyor as required by section 2.7 siting compliance of the Hornby Island Land Use Bylaw No. 150, 2014 for HO-DP-2019.4 prior to considering the application.

NEXT STEPS

If the LTC concurs with the staff recommendation, the DP will be issued.

Submitted By:	Bronwyn Sawyer RPP, MCIP Planner 2	December 24, 2019
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 2, 2020

ATTACHMENTS

1. Site Context
2. DPA Guidelines
3. Draft Development Permit
4. Covenant CA3873693

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1 SECTION 5 HORNBY ISLAND NANAIMO DISTRICT PLAN EPP37802
PID	029-365-937
Civic Address	3875 Slade Road, Hornby Island

LAND USE

Current Land Use	Hobby farm
Surrounding Land Use	Residential zones Agriculture zone (North)

HISTORICAL ACTIVITY

File No.	Purpose
HO-SUB-2010.2	Two-lot subdivision

POLICY/REGULATORY

Hornby Island Official Community Plan No. 149, 2014	Land Use Designation: Rural Residential (RR) Development Permit Area No. 6 – Riparian Areas The objectives of DPA 6 are:
---	--

	1. To honour provincial designations of certain lands as for agricultural purposes 2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems 3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation 4. To prevent the degradation of existing and future water supplies on Hornby Islands Trust 5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas 6. To prevent water pollution
Hornby Island Land Use Bylaw No. 150, 2014	Residential 2 - Large Lot Zone (R2) Development Permit Area No. 6 – Riparian Areas 9.6.1 Applicability The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below: a) Subdivision of land; b) Construction of, addition to or alteration of a building or other structure; c) Alteration of land; d) Development as that term is defined in the Riparian Areas Regulation, BC Fish Protection Act; and e) Installation of any structures within a stream or within the natural boundary of a lake.
Covenants	CA3873693 – Residence for a Relative CA3873694 – Priority Agreement CA3873695 – Flood construction
Bylaw Enforcement	Currently none recorded

SITE INFLUENCES

Islands Trust Fund	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) – owned property or conservation covenant nor adjacent. No referral to ITC for comment required.
Regional Conservation Strategy	Relative value of natural area – medium priority
Species at Risk	Currently none recorded
Sensitive Ecosystems	Property is identified as having a rare ecosystem of Mature Forest (Young Forest – Douglas Fir) ITEM – Rural and Mature Forest

Hazard Areas	Currently none recorded
Archaeological Sites	The owners and applicant should be aware that there is a possibility that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and the Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Does not appear that the proposed development will contribute to or mitigate climate change. Subject property is over 1000 metres from natural boundary of the sea.
Shoreline Classification	Not Applicable

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

HORNBY ISLAND DPA NO. 6 RIPARIAN AREAS

Guideline	Complies	Planner Comments
9.6.3 a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.	yes	The RAR Assessment Report provided by the QEP has indicated measures and recommendations to protect and maintain the riparian area and stream.
9.6.3 b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.	yes	No development activities are proposed within the SPEA identified by the QEP.
9.6.3 c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during	yes	QEP identifies special measure be taken and these are outlined in the assessment report that forms part of the development permit.

construction and development phases, as specified in a development permit.		
9.6.3 e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A Page 77 the assessment at the applicant's expense and DP conditions may be amended accordingly.	yes	The nature of the proposed project within the DPA did not changes after the professional report was prepared.
9.6.3 f) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."	yes	It is not anticipated by staff that variances to the subdivision will be necessary based on the recommendation by the QEP.

DRAFT



HORNBY ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT HO-DP-2019.4 (TUELE)

To: Ron and Donna Tuele

1. This permit applies to:
PID 029-365-937
Lot 1, Section 5, Hornby Island, Nanaimo District, Plan EPP37802
2. Pursuant to Section 488 of the *Local Government Act*, a portion of the subject property as described above lies within "Development Permit Area No. 6: Riparian Areas" designated under the *Hornby Island Official Community Plan Bylaw No. 149*; and
3. Pursuant to Section 490 of the *Local Government Act* this Permit is issued in accordance with the *Hornby Island Land Use Bylaw No. 150, 2014*, authorizing **the construction and installation of house, septic tank, well, and shop as identified in Schedule "A" Riparian Areas Regulation Assessment Report, dated September 12, 2019**, for 3975 Slade Road, attached to and forming part of this Permit.
4. This permit is not a siting and use permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Hornby Island Land Use Bylaw No. 150, 2014* including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____ 2020.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 2022 THIS PERMIT AUTOMATICALLY LAPSES.



HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT HO-DP-2019.4 (TUELE)

Schedule "A" – Riparian Areas Regulations Assessment Report dated September 12, 2019

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date September 12, 2019

I. Primary QEP Information

First Name	Steve	Middle Name		
Last Name	Toth			
Designation	R.P.Bio	Company	Toth and Associates Environmental Services	
Registration #	1788	Email	stoth@shaw.ca	
Address	6821 Harwood Drive			
City	Lantzville	Postal/Zip	V0R 2H0	Phone # 250-390-7602
Prov/state	BC	Country	Canada	

III. Developer Information

First Name	Ron	Middle Name		
Last Name	Tuele			
Company				
Phone #			Email	
Address				
City	Hornby Island	Postal/Zip	V0R 1Z0	
Prov/state	BC	Country	Canada	

IV. Development Information

Development Type	Construction: Single Family Residential		
Area of Development (ha)	0.1	Riparian Length (m)	230
Lot Area (ha)	2.01	Nature of Development	New
Proposed Start Date	2019-09-15	Proposed End Date	2020-12-31

V. Location of Proposed Development

Street Address (or nearest town)	3875 Slade Road		
Local Government	Islands Trust	City	Hornby Island
Stream Name	Beulah Creek		
Legal Description (PID)	029-365-937	Region	Vancouver Island
Stream/River Type	Wetland and stream	DFO Area	South Coast
Watershed Code	NA		
Latitude	49	31	17
Longitude	124	39	39

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Section 1. *Riparian Areas Regulation Detailed Assessment of 3875 Slade Road, Hornby Island.*

1.1 *Introduction*

Toth and Associates Environmental Services conducted a detailed *Riparian Areas Regulation* (RAR) assessment of the 3.27 hectare property located at 3975 Slade Road, Hornby Island in July 2013 for proposed subdivision (Assessment #2827, accepted August 23, 2013). Subdivision resulted in the creation of the 2.01 ha Lot 1 (3875 Slade Road) and the 1.30 ha Remainder of Lot 1 (3975 Slade Road).

The current proposed development plan for 3875 Slade Road includes construction of a single family home, a shop building, and well. The proposed development will be outside the 15 m Streamside Protection and Enhancement Area (SPEA) associated with a seasonal wetland (Figure 1).

1.2 *Ministry Review*

In its review of the initial submission of the new assessment report the Ministry indicated that this assessment must be submitted as a new assessment, and not as an update to Assessment #2827. This requirement contradicts the instruction we have previously received from the Ministry, which indicated that for the sake of continuity, physical development of lots created by subdivision where a RAR assessment was submitted at subdivision stage were to be submitted under the subdivision assessment number.

The Ministry review also indicated that a 30 m SPEA setback for Shade was required on the wetland feature, that the SPEA requires delineation from high water mark and that the high water mark of the watercourse was not delineated on the mapping.

Even though the Ministry already approved the SPEA setbacks established under Assessment #2827 in 2013, we have revised this report to include 30 m SPEA setbacks for Shade. As far as the delineation of the creek channel downstream of the outlet of the wetland is concerned, we have not revised the mapping, as the thickness of the blue line shown at the scale of mapping provided is approximately 1.0 m wide and matches the average channel width for the creek provided in Section 2. The actual boundaries of the high water mark of the wetland and creek have been flagged in the field.

1.3 *Aquatic Habitat*

Mimulus Biological Consultants completed an in depth survey of RAR stream identification on the Ford and Beulah Creek Watersheds on Hornby Island for the Islands Trust (*RAR Stream Identification of the Ford Creek and Lower Beulah Creek Watersheds*, Mimulus 2011). Using the watercourse naming convention provided by Mimulus in their assessment, the watercourse on the subject property consists of Beulah Creek Tributary 4 Wetland, and Beulah Creek Tributary 4. Both water features were dry overall with shallow (1-2 cm) surface waters in isolated pockets of the wetland and Tributary 4 downstream of the wetland.

Beulah Creek Tributary 4 Wetland consists of a swamp comprised of two zones including a red alder (*Alnus rubra*), salmonberry (*Rubus spectabilis*), slough sedge (*Carex obnupta*), dominated area at the

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

north end of the property, and a relatively open willow (*Salix sp.*), reed canary-grass (*Phalaris arundinacea*), Pacific water-parsley (*Oenanthe sarmentosa*) and slough sedge area at the south end of the wetland. The red alder / slough sedge area would be considered a winter-wet / summer-moist area. The willow / slough sedge area would be considered an ephemeral swamp which likely has small pockets that remain wetted for approximately 8 months / year (Photograph 1).

1.4 SPEA Setbacks

The swampland on the subject property receives a 30 m Shade SPEA.

Downstream of the outlet of the wetland, Beulah Creek Tributary 4 (Photograph 2) would receive the minimum SPEA setbacks permissible under the RAR of 10m from high water mark. Characteristics of the stream channel, particularly the presence of in-stream terrestrial vegetation indicates that the stream is normally dry during the growing season.

Section 2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: August 5, 2019

Description of Water bodies involved (number, type)

Beulah Creek Tributary 4

Team

X

Number of reaches

1

Reach #

1

Channel width and slope and Channel Type

	Channel Width(m)	Gradient (%)	
starting point	0.8		I, <u>Steve Toth</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the <u>Ron Tuele</u> (name of developer); c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
	1.0	2.0	
	1.0		
	1.0		
	1.5		
	1.0		
	1.0		
	1.0	2.0	
	1.0		
	0.8		
	1.2		
Total: minus high /low	9.0	4.0	
mean	1.0	2.0	
	R/P	C/P	S/P
Channel Type	X		

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
I, <u>Steve Toth</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.			
Polygon No:	1		Method employed if other than TR
	LC	SH	TR
SPVT Type			X

Zone of Sensitivity (ZOS) and resultant SPEA

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	10				
Litter fall and insect drop ZOS (m)	10				
Shade ZOS (m) max	NA	South bank	Yes	No	X
SPEA maximum	10.0	(For ditch use table3-7)			

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	10				
Litter fall and insect drop ZOS (m)	10				
Shade ZOS (m) max	3.0	South bank	Yes	X	No
SPEA maximum	10.0	(For ditch use table3-7)			

Refer to Chapter 3 of Assessment Methodology

Description of Water bodies involved (number, type)

Date: August 5, 2019

Beulah Creek Tributary 4 Wetland

Wetland	X
Number of reaches	1
Reach #	1

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons	X		Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
I, <u>Steve Toth</u> , hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.			
Polygon No:	1	Method employed if other than TR	
SPVT Type	LC SH TR		
	X		

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	15				
Litter fall and insect drop ZOS (m)	15				
Shade ZOS (m) max	30	South bank	Yes	X	No
SPEA maximum	30.0	(For ditch use table3-7)			

I, Steve Toth, hereby certify that:
 a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
 b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Ron Tuele;
 c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
 d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Figure 1. Sketch of proposed development

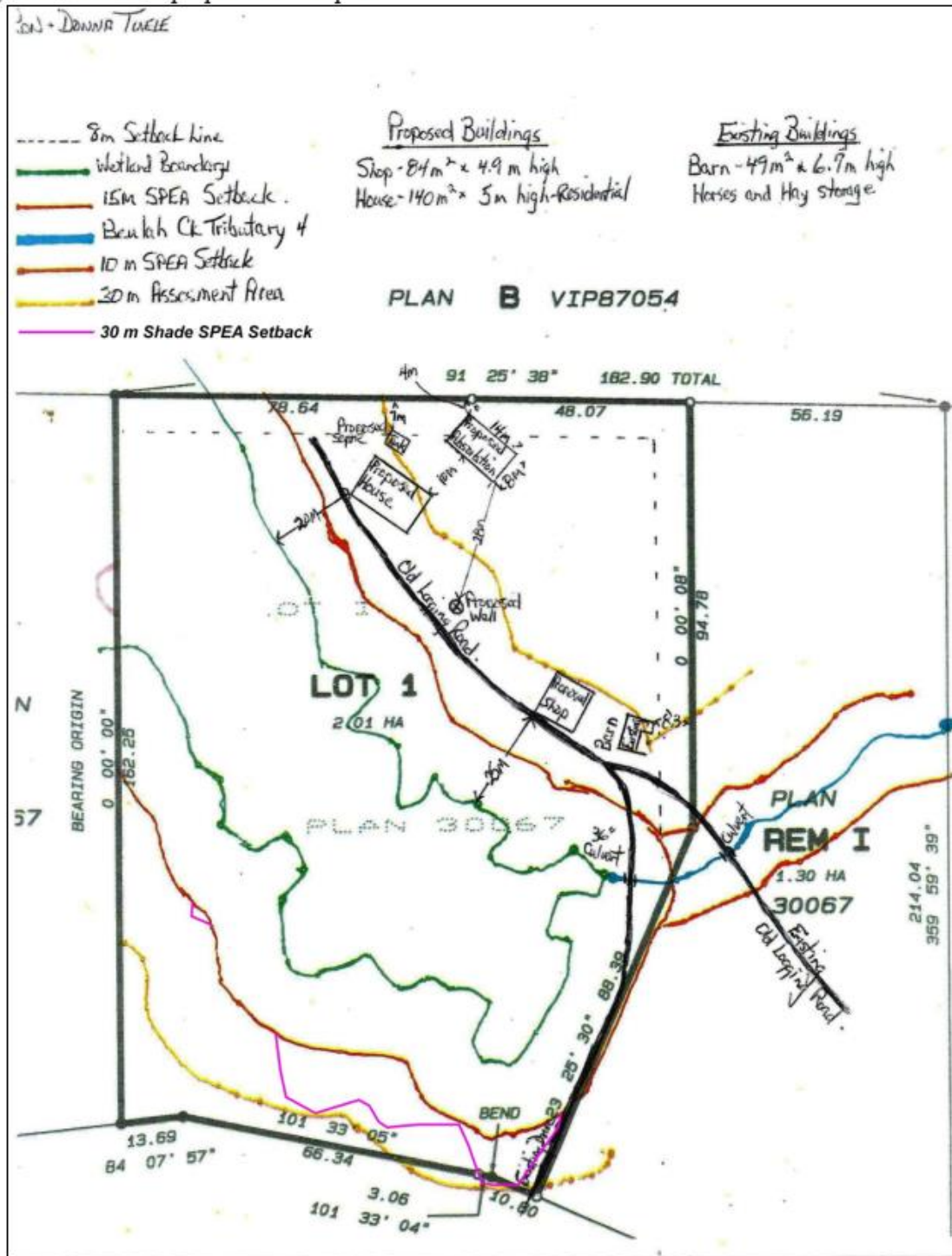
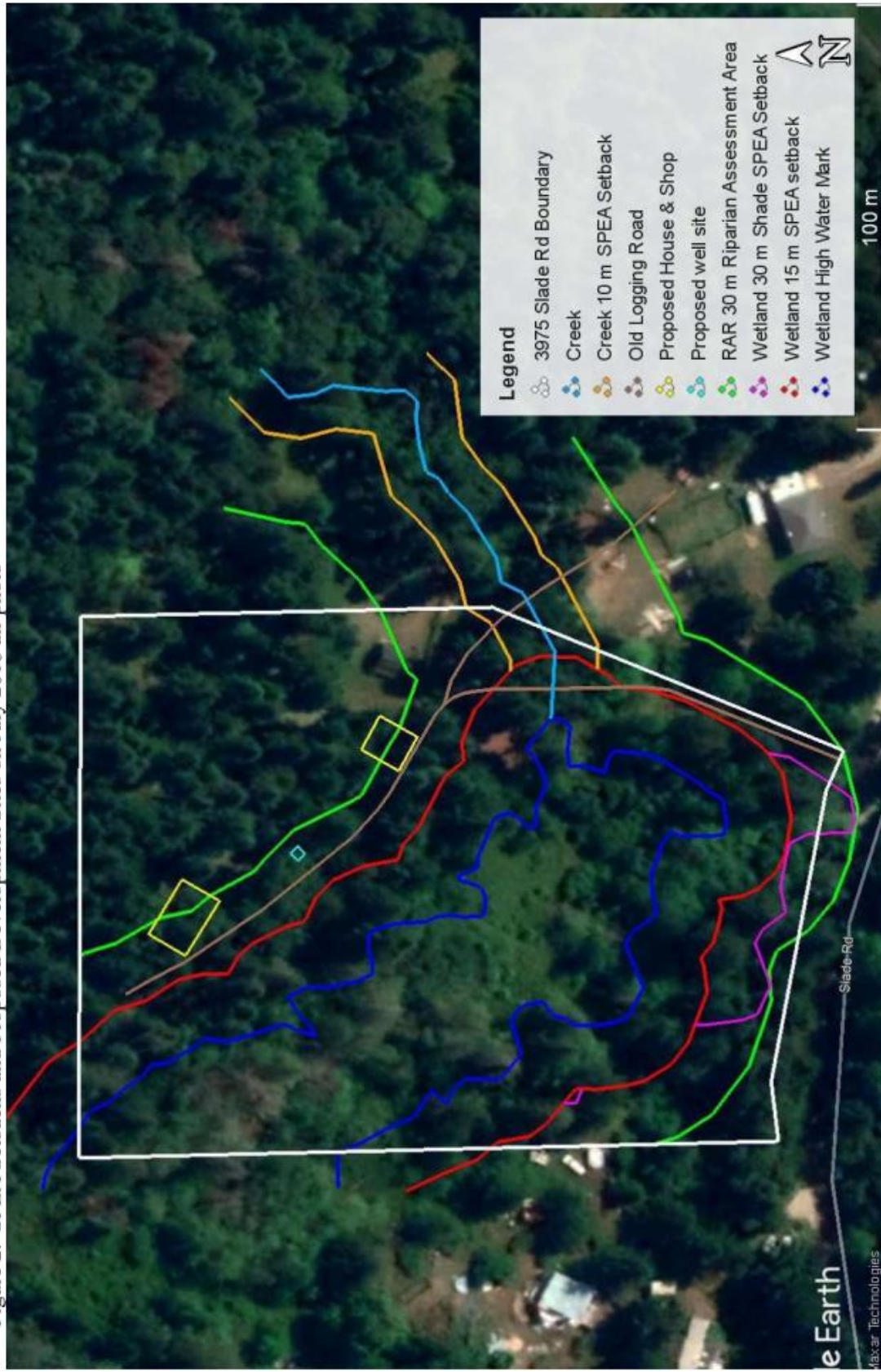


Figure 2. SPEA Setbacks and Proposed Development Sites on July 2018 air photo



Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	No danger trees were documented during the survey. Removal of hazardous trees, as identified by a certified hazard tree assessor / arborist from within a SPEA is permitted.
I, <u>Steve Toth</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	There was no evidence of significant windthrow noted on the property. The proposed development will not result in increased windthrow risk.
I, <u>Steve Toth</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	There were no steep slopes located within the riparian assessment area on the property.
I, <u>Steve Toth</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	Prior to any physical development within the 30m riparian assessment area, the RAR requires that the SPEA boundaries be marked on the ground. Care should be taken during any land clearing occurring outside the SPEA boundaries that the root networks of trees within the SPEA boundary are not damaged. The ministry reviewer has provided the comment: "<i>root protection and other tree protection measures for trees within and adjacent to the SPEA to protect the SPEA must be detailed on design drawings, as applicable, once detailed design drawings have been drafted</i>".
I, <u>Steve Toth</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	The RAR requires that the SPEA boundaries be surveyed and marked on the ground prior to physical development.
I, <u>Steve Toth</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
6. Sediment and Erosion Control	The property is relatively flat and well vegetated; run-off is unlikely to be a significant issue during any physical development of the properties.
I, <u>Steve Toth</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
7. Stormwater Management	Considering the large size of the property and low density of proposed development, a specific stormwater management plan should not be required for development. We recommend that traditional drain rock infiltration chambers be used to treat rooftop and perimeter drain run-off, and that the chambers be located outside the SPEA setbacks. The ministry reviewer has provided the comment: "<i>It is required that a Stormwater Management plan is developed for detailed assessments that outline stormwater capture within the RAA</i>".

Form 3 Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

	By signing below, we have provided our professional opinion that the measure we have supplied for Stormwater Management is sufficient to meet the RAR's requirements.
I, <u>Steve Toth</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
8. Floodplain Concerns (highly mobile channel)	There were no floodplain concerns identified on the property.
I, <u>Steve Toth</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ron Tuele</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring

As long as the SPEA boundary is clearly marked on the ground prior to land development, environmental monitoring should not be required. The province requires a post-development assessment be conducted within 6 months of project completion to determine if the proposed development has resulted in any disturbance or intrusion within the SPEA boundary.

Section 6. Photos



Photograph 1. View of sedge dominated southern portion of wetland.



Photograph 2. View upstream on dry stream channel.



Photograph 3. View downstream on dry stream channel.



Photograph 4. View from driveway to swamp.



Photograph 5. View from driveway to stream channel.



Photograph 6. View of typical characteristics of the swamp on the subject property.

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date September 12, 2019

1. I/We Steve Toth

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Ron Tuele, which proposal is described in section 1 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) ☐ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

VICTORIA LAND TITLE OFFICE

Jul-30-2014 14:34:41.003

CA3873693 CA3873694

LAND TITLE ACT
FORM C (Section 233) CHARGE

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 11 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

Kathryn
Greening
BT7MFL

Digitally signed by Kathryn Greening
BT7MFL
DN: cn=CA, cn=Kathryn Greening
BT7MFL, o=Notary, ou=Verify ID at
www.juricor.com/LRUP.cfm?
id=BT7MFL
Date: 2014.07.30 14:21:31 -0700

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Kathryn J. Greening
Notary Public (#10187)
320 Tenth Street
Courtenay
Document Fees: \$147.00

BC V9N 1P5

File No. 11/16696 Tueletts
Telephone: 250-338-1445

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES ☐

- | 3. NATURE OF INTEREST | CHARGE NO. | ADDITIONAL INFORMATION |
|---------------------------|------------|----------------------------------|
| Covenant | | Section 219 |
| Priority Agreement | | Granting priority over CA1378856 |

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

RONALD WILLIAM EARLE TUELE AND DONNA MAY TUELE AND CIBC MORTGAGES INC.

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

HORNBY ISLAND LOCAL TRUST COMMITTEE

SUITE 200, 1627 FORT STREET
VICTORIA

V8R 1H8

BRITISH COLUMBIA
CANADA

7. ADDITIONAL OR MODIFIED TERMS:
N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

KATHRYN J. GREENING
Notary Public
320 Tenth Street
Courtenay, BC V9N 1P5

Execution Date		
Y	M	D
14	04	11

Transferor(s) Signature(s)

RONALD WILLIAM EARLE TUELE

DONNA MAY TUELE

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 11 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

EDWARD MICHAEL FRANKOVICH

Y	M	D
14	04	28

CIBC MORTGAGES INC. by its
authorized signatory:

Notary Public

100 University Avenue
Toronto, Ontario
M5J 2X4Name: JANET HANIF-FEROUZ
Title: Authorized Signing Officer

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 3 of 11 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

LISA WEBSTER-GIBSON

14 04 03

HORNBY ISLAND LOCAL TRUST
COMMITTEE by its authorized
signatory:

A Commissioner for Taking Affidavits for British Columbia

Expiry: May 31, 2016

Name: DAVID GRAHAM
Title: Chair, Hornby Island Trust
CommitteeIslands Trust - Northern Office
700 North Road
Gabriola Island, British Columbia
V0R 1X3 Tel: 250-247-2063

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 4 of 11 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

BRENDAN KELLY

A Commissioner for Taking Affidavits for British Columbia

Expiry Date: January 31, 2017

Y M D

14 07 25

This is the instrument required by the
Approving Office for subdivision Plan
EPP37802 creating the condition or
covenant entered into under S.219 of
the Land Title Act.

Signature of Authority/Approving Officer

Name: KIRSTEN FAGERVIK

Provincial Approving Officer

MOTI File No. 2009-02969

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 5 OF 11 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]**NO PID NMBR LOT 1, SECTION 5, HORNBY ISLAND, NANAIMO DISTRICT, PLAN EPP37802**

STC? YES

(Related Plan Number)

EPP378022. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]**000-573-256 LOT 1, SECTION 5, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 30067,
EXCEPT PART IN PLAN EPP37802**STC? YES ☐2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]STC? YES ☐

Page 4

PART 2 – TERMS OF INSTRUMENT**SECTION 219 COVENANT**

This Agreement dated for reference _____, is

BETWEEN:

RONALD WILLIAM EARLE TUELE and DONNA MAY TUELE, of 3975 Slade Road, Hornby Island, British Columbia, V0R 1Z0

("Owners")

AND:

HORNBY ISLAND LOCAL TRUST COMMITTEE, a Corporation under the *Islands Trust Act*, R.S.B.C. 1996, c.239, with an office at Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

("Local Trust Committee")

GIVEN THAT:

- A. The Owners are the registered owners of the land on Hornby Island legally described Lot 1, Section 5, Hornby Island, Nanaimo District, Plan VPEPP37802 and Lot 1, Section 5, Hornby Island, Nanaimo District Plan 30067, except part in Plan VPEPP37802 (the "Lands");
- B. The Owners applied to the approving officer having jurisdiction under the *Land Title Act* to subdivide part of Lot 1 Section 5 Hornby Island Nanaimo District Plan 30067 (the "Parent Parcel"), in accordance with the proposed plan of subdivision attached hereto as Schedule A (the "Subdivision Plan"), to provide a residence for a relative as permitted by s. 946 of the *Local Government Act*;
- C. The Owners intend to provide a residence for a relative on proposed Lot 1 shown on Schedule A (the "New Parcel") and to continue to use the remainder of the Parent Parcel shown as REM. Lot 1 on Schedule A (the "Remainder Parcel") as it has previously been used;

Page 5

- D. The *Local Government Act* requires the Owners to deposit concurrently with the subdivision plan of the Lands certain covenants respecting use and subdivision under s. 219 of the *Land Title Act* charging the New Parcel and the Remainder Parcel;
- E. The only uses to which the Remainder Parcel are put as of the date of deposit of the Subdivision Plan is residential use (the "Existing Use").

This Agreement is evidence that in consideration of the payment of \$2.00 by the Local Trust Committee to the Owners (the receipt and sufficiency of which are acknowledged by the Owners), and in consideration of the promises exchanged below, the Owners covenant and agree as follows with the Local Trust Committee in accordance with s.219 of the *Land Title Act* (British Columbia);

No Further Subdivision under Section 946

1. The Owners shall not subdivide the New Parcel or the Remainder Parcel under s. 946 of the *Local Government Act*.

Use of New Parcel

2. The Owners shall, for a period of 5 years following the deposit of the plan of subdivision that created the New Parcel, use the New Parcel for residential use only.

Use of Remainder Parcel

3. The Owners shall, for a period of 5 years following the deposit of the plan of subdivision that created the Remainder Parcel, use the Remainder Parcel for only the Existing Use unless such uses are subsequently prohibited by bylaw.

No Effect On Laws or Powers

4. This Agreement does not
- (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Lands except as expressly set out herein;
 - (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
 - (c) affect or limit any enactment relating to the use or subdivision of the Lands; or
 - (d) relieve the Owners from complying with any enactment, including in relation to the use or subdivision of the Lands.

Page 8

No Liability in Tort

5. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law covenants that run with the land.

Covenant Runs With the Land

6. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owners in this Agreement constitutes a personal covenant and also a covenant granted under s.219 of the *Land Title Act* (British Columbia) in respect of the Lands. This Agreement burdens the Lands and runs with it and binds the successors in title to the Lands. This Agreement burdens and charges all of the Lands and any parcel into which it is subdivided by any means and any parcel into which the Lands is consolidated.

Registration

7. The Owners agree to do everything necessary at the Owners' expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Waiver

8. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

9. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

10. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Page 7

Binding of Successors

11. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Execution Using Form C

12. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part I of the *Land Title Act Form C* to which this Agreement is attached and which forms part of this Agreement.

THIS IS THE INSTRUMENT CREATING THE COVENANT ENTERED INTO UNDER S. 219 OF THE LAND TITLE ACT BY THE REGISTERED OWNER REFERRED TO HEREIN AND SHOWN ON THE PRINT OF THE PLAN ANNEXED HERETO AND INITIALLED BY ME.

SIGNATURE OF APPROVING OFFICER

10
Page 8**PRIORITY AGREEMENT****BETWEEN:****HORNBY ISLAND LOCAL TRUST COMMITTEE**

(the "Subsequent Chargee")

AND:**CIBC MORTGAGES INC. (Inc. No. A33457)**

(the "Prior Chargee")

WHEREAS:

- A. Ronald William Earle Tuele and Donna May Tuele (the "Owners") are the owners of that parcel of land and premises located on Hornby Island and legally described in Item 2 of the Form C to which this Agreement is attached (the "Land");
- B. The Owners (or their predecessor in title) granted CIBC Mortgages Inc. (the "Prior Chargee") a mortgage which was registered against the title to the Land in the Victoria Land Title Office under number CA1378856 (the "Prior Charge");
- C. On the 11th day of April, 2014 the Owners granted the Hornby Island Local Trust Committee (the "Subsequent Chargee") a covenant which will be registered concurrently with this Agreement (the "Subsequent Charge");

NOW THEREFORE in consideration of the sum of One (\$1.00) Dollar now paid by the Subsequent Chargee to the Prior Chargee, the receipt and sufficiency of which are hereby acknowledged, the Prior Chargee grants to the Subsequent Chargee priority over the Prior Charge and the Prior Chargee covenants and agrees to subordinate and postpone all its right, title and interest in and to the Land with the intent and with the effect that the interest of the Subsequent Chargee shall rank ahead of the Prior Charge as though the Subsequent Charge had been executed, delivered and registered in time prior to the registration of the Prior Charge.

As evidence of its agreement to be bound by the terms of this instrument, the Prior Chargee has executed the Land Title Office Form C which is attached to and forms part of this Agreement.

SCHEDULE "A"

Page 11

**SUBDIVISION PLAN OF PART OF LOT 1, SECTION 5, HORNBY ISLAND,
NANAIMO DISTRICT, PLAN 30067**

EPP37802

PURSUANT TO SECTION 945 OF THE LOCAL GOVERNMENT ACT

ALL DISTANCES ARE IN METRES



SCALE: 1:1000

THE INTENDED PLOT SIZE OF THIS PLAN IS
430mm IN WIDTH BY 600mm IN HEIGHT (A1 SIZE)
WHEN PLOTTED AT SCALES INDICATED ABOVE.

LEGEND

BEARINGS ARE ASTRONOMIC AND ARE DERIVED FROM PLAN 30067.

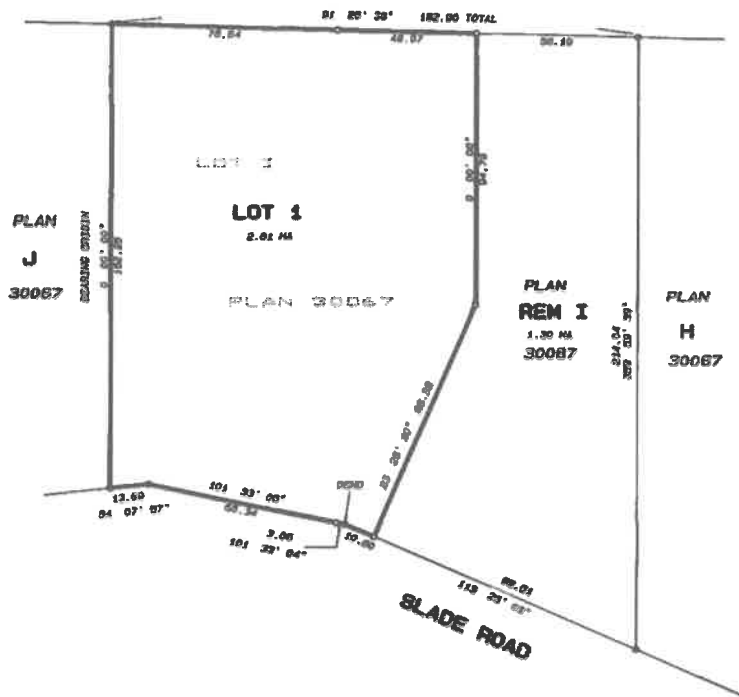
S. EXISTING EXISTING TRAIL POST ROAD

D. EXISTING EXISTING TRAIL POST SET

M. EXISTING EXISTING

SCRS 92F047

PLAN B VIP87084



PETER T. MASON
BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 108
SOMERSET, B.C.
V9M 1G0

TEL: (250) 757-8788
EMAIL: SURVEYOR@PETERMASON.COM

FILE: 11-3877 CORR: 16996/EPP37802.DAT

A CONVEYANCE IN THE NAME OF HER MAJESTY THE QUEEN IN THE
RIGHT OF THE PROVINCE OF BRITISH COLUMBIA REPRESENTED
BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE
PURSUANT TO SECTION 918 OF THE LAND TITLE ACT
IS A CONDITION OF APPROVAL FOR THIS SUBDIVISION

THIS PLAN LIES WITHIN THE JURISDICTION OF
THE APPROVING OFFICER FOR MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

THIS PLAN LIES WITHIN THE COMOX REGIONAL DISTRICT

The field survey represented by this plan was
completed on the 14TH Day of JANUARY 2014

Peter T. Mason, B.C.L.S., C.L.S.

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

DATE OF MEETING: January 24, 2020
TO: Hornby Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Hornby Island OCP/LUB Technical Amendments Project

RECOMMENDATION

1. That the Hornby Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing during the next regularly scheduled Local Trust Committee Meeting for Proposed Bylaw No. 161, cited as “Hornby Island Official Community Plan Bylaw, 2014, Amendment No. 1, 2019”, and Proposed Bylaw No. 162, cited as “Hornby Island Land Use Bylaw, 2014, Amendment No. 1, 2019”.

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider advancing Proposed Bylaw Nos. 161 and 162 to a Community Information Meeting (CIM) and public hearing during the next regularly scheduled LTC meeting in March. Upon the close of the public hearing the LTC can consider second and third readings, and forwarding the bylaws to the Executive Committee (EC) of the Islands Trust for approval.

BACKGROUND

The LTC gave first reading to Proposed Bylaw Nos. 161 and 162 at the November 2019 LTC meeting. Bylaw referrals have been sent to the Comox Valley Regional District and School District No. 71 for comment prior to a public hearing being held. The intent of both bylaws are to amend the Official Community Plan (OCP) and Land Use Bylaw (LUB) to resolve minor typographical errors (including spelling, grammar, punctuation, numbering, etc.), outdated language, formatting inconsistencies and outdated legislation and regulatory citations within the OCP and LUB.

Rationale for Recommendation

No substantive amendments are proposed for the OCP or LUB during this project. Staff recommend both bylaws proceed to Public Hearing in March in order to advance this top priority project.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	January 14, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 14, 2020

Vacation Home Rentals on Hornby Island

(Perspectives on the long process for establishing this use)

Prepared by Tony Law

Hornby Island Local Trustee: 1996-2005 and 2007-2018

20 November 2019

Introduction|....page 1

1. History....page 1

2. Available options considered for permitting/regulating Vacation Rentals....page 5

3. How these options were considered for Hornby Island....page 7

4. Adopted Land Use Regulations for Vacation Home Rentals....page 8

5. Recollections of how Vacation Home Rental regulations were arrived at....page 10

Appendices:

i) Reports....page15

ii) Examples of how Local Governments address Short Term Vacation Rentals.....page 16

iii) Bylaw Enforcement Policy – a suggestion....page 17

iv) A Problem with Hornby Island Vacation Home Rental Regulations....page 20

v) Areas Known to have a Problem with the Supply of Freshwater....page25

Introduction

Addressing vacation rentals on Hornby Island has – and continues to be – a challenge for many communities and local governments in BC and other jurisdictions throughout the world. In part, this has been because this particular use of residential property on a significant scale was not anticipated when provincial land use framework and local government policies and regulations were put in place.

Hornby Island was at the forefront of addressing this issue in BC. It involved a long, careful and difficult process with many, many community meetings, multiple staff reports and deep consideration of the options available.

The outcome was intended to represent a fair and potentially workable balance, given the limitations of the available regulatory tools.

A review of Vacation Home Rentals conducted in 2017 (as proposed by the Official Community Plan) indicated no great community momentum behind changing the regulations in one direction or another. Some wanted them loosened and some wanted them tightened (or at least enforced).

This report offers, in a spirit of helpfulness, the perspectives of a former trustee who was in office for twenty years during which vacation rentals were being discussed and addressed (with the understanding that others might have different perspectives).

1. History

- Pre-1990s

Anecdotal information suggests that a fair number of residents and non-resident property owners provided summer visitor accommodation by renting out their dwelling (or a permitted or non-permitted secondary dwelling).

A 1971 survey (conducted by the Regional District of Comox Stathcona) found that “about a quarter of lot owners let their friends use their properties, often on a rental basis”. (The same survey found that half of lot owners “had or expected problems with respect to water supply”).

Such rentals were somewhat off-the-radar and conducted by word-of-mouth rather than being overtly commercial through advertising or using property management companies.

In 1986, the Zoning Bylaw was amended to include regulations addressing Bed and Breakfasts which are permitted as a home occupation (by a resident of the lot).

- 1990s

During this decade, vacation rentals became an increasingly conspicuous practice due to the rise of property management companies and advertising.

The first Official Community Plan was adopted in 1991 and a new Land Use Bylaw, based on the OCP, was adopted in 1993 – both after extensive public processes. Vacation rentals did not arise in these processes as a specific issue. The only type of visitor accommodation permitted in residential and agricultural zones was B&Bs conducted as a home occupation.

In the late nineties, a group of residents approached the local trustees with concerns about the increasing number of renters being displaced so that dwellings could be used to provide tourism accommodation in the summer.

At the turn of the decade, the Islands Trust was receiving complaints of unpermitted vacation rentals as a result of inputs on neighbours. The local trustees heard concerns about lack of enforcement to address such infractions. Staff advised the trustees that a decision needed to be made about whether to proceed with enforcement on non-permitted vacation rentals or to amend legislation to permit them.

- 2000s

During this decade the number of vacation rentals seemed to significantly increase with the availability of internet advertising with the activity generally being conducted in a more commercial manner.

In 2009, 120 dwellings were advertised for vacation rentals – about 12% of the housing stock on Hornby Island.

A review of the Official Community Plan was conducted between 2000 and 2003. Vacation rentals was the last issue to be resolved due to different perspectives in the community. After a number of special meetings a consensus emerged to permit vacation rentals as a home occupation. A policy enabling this

was included in the revised OCP adopted in 2003. However, the 1993 Land Use Bylaw, which did not permit vacation rentals, was still in force as it had not been amended at this point.

An election and staff changes delayed the review of the Land Use Bylaw.

In 2004, trustees were being pressed by community members to address vacation rentals. Staff advised that vacation rentals, as being practised on Hornby Island, could not be permitted as a home occupation. (A home occupation, as defined, is an activity being conducted by a resident of the lot. A vacation rental, by its nature, happens without a resident being present unless there is a second permitted dwelling on the lot. A B&B home occupation takes place with the resident continuing to be an occupant while hosting guests in the dwelling; a vacation rental involves guests taking over occupancy of the dwelling.) This meant that the new OCP policy on vacation rentals would have to be amended as well as land use regulations developed.

This meant going back to square one to find an appropriate permitting framework for vacation rentals. Knowing this would be controversial and potentially divisive, the trustees requested facilitators from Denman Island to conduct circles on Hornby so that residents could hear each others' perspectives in a safe, non-confrontational format before official processes began.

In 2004-2005, surveys of residents and non-resident property owners were conducted. Draft policies and regulations were discussed over many community meetings. (An aggressive approach by some supporters of a liberal approach to vacation rentals resulted in some people with concerns about vacation rentals feeling intimidated and unwilling to publicly state their views).

The results of these discussions lead to draft changes to the OCP and a new draft Land Use Bylaw to be developed in late 2005.

The 2005 election resulted in new trustees being elected. They decided to not proceed with the drafts and the issue of vacation rentals was put on hold.

Following a by-election in 2007, the issue of vacation rentals was referred to the Advisory Planning Commission after which a staff report was prepared in 2008 which provided a thorough analysis and options for the LTC to consider.

After the 2008 election, the new LTC added vacation rentals as a work program item (separate from the targeted OCP review and Land Use Bylaw review then being initiated).

Exploration of options began in 2009.

- 2010's

In this decade, vacation rentals have continued to be a high profile activity with Air B&B adding a new dimension. Many vacation rentals are being advertised in excess of what is permitted through land use regulations (including high occupancy, year-round, by-the-night and involving non-permitted dwelling units).

In 2010, following considerable staff advice and community discussion, a draft bylaw and covering letter was mailed to all residents and non-resident property owners with an invitation to attend a community meeting.

Following community input, it was resolved to not proceed with the draft bylaw. A major challenge was that staff recommended the use of Temporary Use Permits (particularly on small lots in order to comply with the Islands Trust Policy Statement and to address water quantity/quality issues) while many in the community strongly objected to a permitting system.

The LTC explored the alternative of using a bylaw enforcement policy.

By the end of 2010, the LTC had received and considered 10 staff reports on the subject of vacation rentals (and there had been considerable community discussion and input through many meetings and correspondence).

Additional staff reports were considered in February and March 2011

The LTC held community information meetings on Hornby Island, in West Vancouver and Victoria in April 2011 to present options.

Draft bylaws to amend the OCP and LUB were presented at a Community Information Meeting in May 2011 and a staff report considered in June 2011.

Proposed bylaws were presented at a Community Information Meeting in June 2011, followed by a Public Hearing. Following the hearing, amendments were made to the bylaw. Second and third readings were given.

A presentation was made to the Executive Committee of the Islands Trust with respect to compliance of the proposed bylaws with the Policy Statement.

Following Executive Committee approval, the bylaws were adopted in February 2012.

In 2012, following community discussion, a public hearing and staff reports, an amendment was made to vacation home rental regulations allowing this use year-round on properties with two legal dwellings where one is being occupied by a resident.

In 2012, consideration was given to adopting a bylaw enforcement policy on vacation home rentals, following a staff report the LTC resolved to instruct staff to follow existing bylaw enforcement policies when managing issues related to tourist accommodations on Hornby Island and to focus limited resources upon responding to bona fide complaints and addressing circumstances where visitors are being accommodated other than in a lawful dwelling.

In 2012-13 the local trust committee prepared a video and guide to conducting vacation home rentals on Hornby Island.

In 2016, the LTC initiated a project to review with the community Vacation Home Rentals policies and regulations to identify improved approaches through education, regulation and enforcement.

In July 2017, a revised Project Charter was endorsed. A Community Survey was conducted over the next two months. A staff report on the results of the survey was presented to the LTC and the community in December.

In April 2018, the LTC initiated a Vacation Home Rental Community Education and Bylaw Compliance Campaign after considering a staff report which noted: *“it is clear that there is community support that the current VHR regulations are likely adequate; however, that the existing VHR regulations need to be enforced fairly and consistently”*.

The campaign specified sequential actions from education to enforcement over several months.

A revised project charter was approved in January 2019 in order to evaluate current VHR compliance , consider enforcement options and enforcement action.

In May 2019, the LTC authorized a proactive enforcement of vacation home rental regulations and gave three readings to a Bylaw Enforcement Notification Bylaw.

In July 2019, the LTC requested that the Advisory Planning Commission review Vacation Home Rental regulations and draft recommendations for an Enforcement Policy

2. Available options for permitting/regulating Vacation Rentals

These are options available for local governments to permit and regulate vacation rentals

Business Licences

This is an excellent option because it allows for conditions to be applied, there can be a cap at any particular time on the number of vacation rentals allowed and the licence has to be renewed each year enabling the activity to be monitored.

However, business licensing is only available to municipalities; it is not available to regional districts and local trust committees.

Tofino is an example of a local government enabling vacation rentals through business licensing

Temporary Use Permits

This is the only permitting process available to regional districts and local trust committees. A permit can be issued for three years and renewed for a further three years. A subsequent permit can be applied for.

Basically, a TUP provides temporary zoning for a particular property to permit a use not allowed in the land use regulations for the zone.

Conditions can be applied to the permit. Failure to meet the conditions could jeopardise renewal or consideration of a subsequent permit. The use of TUPs can enable a local government to cap the total number of vacation rentals in the community or a neighbourhood and to vary conditions over time as required.

A drawback is that TUPs involve a significant bureaucratic process – include opportunities for near neighbours to comment – and a significant fee to cover, or partially cover the costs.

Gabriola Island is an example of a local government enabling vacation rentals through TUPs

Site-specific zoning

A local government can adopt policy requiring vacation rentals to be allowed on a site-specific basis through a zoning amendment for that property.

This would allow scrutiny of the suitability of the proposed operation for the particular property and enable a cap to be put on the number of vacation rentals allowed in the community or neighbourhood.

However, this is a significant process with a substantial fee.

Ucluelet is an example of a local government that has enabled vacation rentals through site-specific zoning

Zoning regulations

Vacation rentals can be allowed through zoning regulations as a permitted use on all lots in a residential zone.

- The use can be allowed in some residential zones and not others.
- The use can be allowed through home occupation regulations, but this would limit vacation rentals to those lots where a resident is living on the lot to operate the use (involving only permitted dwelling units).
- Vacation rentals can also be allowed on all lots as a permitted use of residential property.

This would not enable a cap to be placed on the number of vacation rentals because the use can be carried out on every lot within the zone. The Local Government Act limits what can be addressed through zoning regulations. Subsequent tightening of regulations might have limited applicability because many users could continue under previous regulations and be legally non conforming.

Whistler is an example of a local government enabling vacation rentals by allowing them through zoning regulations in specified residential zones but not in other zones.

South Pender Island is an example of a local government enabling vacation rentals as a home occupation (and also as a residential use).

Bylaw Enforcement Policy

A local government can adopt a bylaw enforcement policy to direct staff efforts to achieve compliance (resulting in some apparent infractions being actively addressed and others given little or no attention).

A change in Islands Trust Bylaw Enforcement Policy some years ago enabled investigations to be initiated through staff being aware of an unpermitted use being advertised. Thus vacation rentals could

be addressed by pursuing advertised unpermitted uses while other uses might continue under the radar unless a complaint has been made.

Some local governments (eg in the Southern Gulf Islands) have not allowed vacation rentals as a permitted use but have adopted a bylaw enforcement policy to focus on those that are most problematic for the community.

Here is Saturna Island's policy:

It was Moved and Seconded THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs not permitted by Section 2.16.10 of the Saturna Island Land Use Bylaw No. 78 that have one or more of the following characteristics will be subject to enforcement:

- 1. They are advertised on the internet, newspapers or other media;*
 - 2. They are not managed by the property owner;*
 - 3. More than one STVR per constructed residence on the lot is simultaneously made available for STVR;*
 - 4. While the property is rented persons are also staying in tents, trailers, or RV's;*
 - 5. There are issues related to health and safety;*
 - 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR;*
 - 7. The owner of the property uses more than one property on Saturna Island as an unpermitted STVR.*
- And THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Saturna Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.*

A bylaw enforcement policy can also be adopted when vacation rentals are a permitted and regulated use to prioritize the situations where enforcement is most appropriate (eg: neighbourhood disturbance, significant over-occupancy, use of unpermitted buildings, etc)

3. How these options were considered for Hornby Island

In the long process of exploring how to permit vacation rentals on Hornby Island all these options were carefully examined and discussed (except business licensing and site-specific zoning).

Allowing rentals through home occupations was initially seen as an appropriate option for Hornby Island and this was well supported in the community. However, on closer examination it became clear that the definition of a home occupation would limit the use to the very few situations where someone was living in a home while renting out a second legal dwelling on the same lot.

The use of Temporary Use Permits was strongly recommended by staff to enable the community to have a level of control over how many and what kind of vacation rentals are happening on the island and to ensure that issues such as water and sewerage are addressed. This was considered particularly important for small lot subdivisions which have documented problems with water quantity and quality and to address compliance with the Islands Trust Policy Statement.

There was some trepidation about allowing vacation rentals as an outright permitted use through zoning regulations as there were no other local governments of destination communities that had modeled this approach.

The community was presented with an option of allowing vacation rentals through zoning regulations on larger lots but requiring a Temporary Use Permit on smaller lots.

This was not well-supported in the community.

Neither was the option of continuing with the status quo (of not allowing vacation rentals) but having a bylaw enforcement policy to focus enforcement efforts on problematic situations.

In the end, a hybrid approach was adopted:

- allowing vacation rentals as a permitted use in all residential and agricultural zones with regulations to limit the use to support policy objectives for the community and residential neighbourhoods
- allowing site-specific opportunities for vacation rentals to be conducted in a way that exceeds what is permitted in regulations through Temporary Use Permits;
- using the option of a bylaw enforcement policy to focus on particular areas of compliance as required.

4. Adopted Land Use Regulations for Vacation Home Rentals

Definition

Definitions are a key component of land use regulations.

Here is the Land Use Bylaw's definition of vacation home rentals:

vacation home rental use means the use of a residential dwelling unit for the temporary accommodation of paying guests, where:

- a) an owner or tenant of the lot on which the dwelling unit is located is ordinarily resident in the dwelling and the vacation home rental use is occurring during a temporary absence of that owner or tenant; or*
- b) the owner or tenant is residing in another lawful dwelling on the same lot while the vacation home rental is occurring; or*
- c) the owner of the lot resides seasonally in the dwelling unit and the vacation home rental use is occurring during the absence of that owner;*

and includes such a use of a dwelling unit the residential use of which is a lawfully non-conforming use under s. 911 of the Local Government Act, unless such residential use is discontinued for a continuous period of six months.

The purpose of this definition is to tie the vacation rental use to being subsidiary to the residential use of a property, rather than the property being solely used for commercial visitor accommodation. This is because the zones in which this use is being permitted are residential and agricultural zones with commercial activities such as home occupations and vacation home rentals being secondary to that primary use.

Zone regulations

Vacation home rentals is listed as a permitted use in the zone regulations for each zone in which the use is allowed. The following example is from the regulations for the *Residential 1 - Small Lot (R1) Zone*:

Permitted Uses

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

- (a) residential use of a dwelling;*
- (b) residential use of a recreational vehicle;*
- (c) accessory uses, buildings and structures, including but not limited to home occupations; and*
- (d) vacation home rental use.*

General regulations for Vacation Home Rentals

Section 3 (“General Regulations”) of the Land Use Bylaw contains these regulations for vacation home rentals:

3.7 Vacation Home Rental Uses

(1) Vacation home rental uses must be in accordance with the following limitations:

- (a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.*
- (b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.*
- (c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.*

Information Note:

The following information is not part of the bylaw and is for information purposes only. Regulation 3.7.1(b) [Error: this should read 3.7.1(c)] permits the use of a vacation home rental for a period of less than seven days (for example a three night rental). As an example, the regulation does not permit a vacation rental unit to be rented for three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover

within a seven day rental period in a dwelling is important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling

(d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than four bedrooms if the lot has an area of one hectare or more.

(e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.

(f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use

(2) A sign must be posted on the premises of each vacation home rental use while the use is occurring, clearly legible from a public road, indicating contact information including the name and telephone number of the owner of the premises or an agent of the owner who is reasonably available to deal with any impacts of the rental use on neighbouring premises.

There are also parking regulations.

5. Recollections of how Vacation Home Rental regulations were arrived at

Period of use

(a) A dwelling unit may only be occupied by paying guests during the months of May, June, July, August and September.

(b) Despite article 3.7(1)(a), on any lot permitted two dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling unit on the lot during the vacation home rental occupancy.

This regulation implements Official Community Plan policy 6.5.3.2 b):

Vacation home rental use should be subject to regulations which.... 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.

When community discussions began about how to permit vacation rentals in the 2000s, the topic was referred to as “summer rentals”. The discussion was around how to permit this activity in July and August when there was a demand for visitor accommodation that could not always be met by the commercial visitor accommodation providers and B&Bs.

At first, consideration did not go beyond these two months for three reasons:

- proponents were not requesting this;
- some residents depended upon 10 month residential rentals when dwellings were not being used by the owners or summer guests;
- allowing visitor accommodation on residential lots when there was not peak demand could create unfair competition with commercial providers who have stand-by costs to provide this service and have to pay commercial taxes.

However, as the process continued demands began to be made to expand the permitted “summer rental” period to first include June and September and later also May (blues festival month).

Consideration was given to allowing operators to choose which two (or perhaps three) months that they would operate their “summer rental”, but this was met by opposition in the community and by caution from bylaw enforcement staff who advised this would be hard to regulate.

When consideration was being given to expanding the permitted period to May- September, demands began to be made to allow the use year round.

Staff cautioned that allowing dwellings to be used for commercial visitor accommodation year-round would transform our existing residential zones into residential/commercial zones because any number of dwellings could be used to provide visitor accommodation with no residential use.

Staff advised to not expand the period beyond five months because this enabled dwellings to be available for the primary purpose if the zone – residential use – for the majority of the year.

Some thought was given to allowing operators to choose which five months they could operate, but again staff cautioned that this would be hard to regulate.

So the expansion from the concept of “summer rentals” in July and August to vacation rentals from May to September became accepted.

In response to some interest in year-round rentals, it was decided that operators wanting to provide accommodation year-round accommodation could apply for a Temporary Use Permit to allow a more commercial operation.

Also, subsequent to regulations being adopted, an amendment was made to allow year-round vacation rentals on lots with two dwellings where a resident was living in one - see 3.7.1(b).

Common sense also dictates that the occasional, unadvertised off-season rental – such as to an existing customer or to accommodate workshop participants – could happen off-the-radar and would not trigger enforcement which would focus on more blatant and persistent violations.

Level of occupancy

(d) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than four bedrooms if the lot has an area of one hectare or more.

This regulation implements Official Community Plan policy 6.5.3.2 c):

Vacation home rental use should be subject to regulations which.. 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.

In developing this regulation there were two main considerations:

Firstly, there was the requirement to comply with the Islands Trust Policy Statement (non-compliance results in a bylaw not being approved), especially this policy:

4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:

- *neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,*
- *water quality is maintained, and*
- *existing, anticipated and seasonal demands for water are considered and allowed for.*

Areas of Hornby Island (particularly the small lot subdivisions) are known to have problems with water quality and/or quantity. It would not be acceptable for vacation rental use to be at a level that increases the intensity of land use.

The second consideration was to ensure that occupation regulations had a clear and reasonable rationale.

It was noted that the average household size on Hornby Island was 2 persons while the average in BC was 2.5 persons. 93% of households in BC were four persons or less. Thus if a Hornby Island household moved out to be temporarily replaced by a vacationing household, an occupancy of 4 persons would accommodate the over-whelming majority of households.

It was pointed out, though, that most Hornby homes also accommodated friends and family during the summer. In fact, there are some lots where occupancy (and impacts) by owners and their non-paying guests exceeds impacts from vacation home rentals.

However, it is standard practice to apply regulations and limits to commercial activities that might not be applied to residential activities.

(For example, a resident may choose to do occasional car repairs for friends or regularly have people over for dinner; but limits kick in when a resident starts operating a car repair business or a restaurant on their residential property. The same applies to commercial visitor accommodation.)

There was already an established visitor accommodation use permitted on residential lots: a B&B home occupation, for which occupancy levels had been long established. Occupancy levels for B&Bs had been set at a lower level for smaller lots because of the known challenges with respect to water sewerage and where impacts on neighbourhood character could be greater.

These are the occupancy levels permitted for B&Bs:

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

(40) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home occupation must not exceed:

(a) one if the lot is 0.25 hectares or less in area;

(b) two if the lot is greater than 0.25 hectares and 1 hectare or less in area;

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

It was decided that the best rationale was to apply a parallel regulation to vacation rentals, but adding an additional room because there would not be a resident present in the house. (It was decided to not increase the number of rooms further because there would not be a resident present in the dwelling who might serve to moderate water use, noise, etc).

Thus vacation home rental units provide for 8 people to be accommodated in homes on larger lots.

Operators wishing to provide a higher level of accommodation can apply for a Temporary Use Permit.

(With respect to regulating the occupancy level, bylaw enforcement staff have stated that it is easier to base regulations on something that can be physically assessed – such as number of bedrooms and beds – rather than the number of people who may or may not be present at a particular time. However, if someone is advertising accommodation for a number of people that exceeds what can be provided by the permissible number of beds and bedrooms, this could trigger investigation.)

Frequency of rentals

(c) During any period of seven consecutive days a dwelling unit may be occupied by only one guest or guest party.

Information Note:

The following information is not part of the bylaw and is for information purposes only.

Regulation 3.7.1(b) [Error: this should read 3.7.1(c)] permits the use of a vacation home rental for a period of less than seven days (for example a three night rental). As an example, the regulation does not permit a vacation rental unit to be rented for three days to one group and then three days to a different group during that same seven day period. Limiting rental turnover within a seven day rental period in a dwelling is important in helping maintain the rural residential character of Hornby's neighbourhoods, while allowing vacation home rental use to occur in a dwelling

This regulation implements Official Community Plan policy 6.5.3.2 a):

Vacation home rental use should be subject to regulations which....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;

One concern heard about pre-legalized vacation rentals was rapid turnovers – guests staying for just a night or two without connecting to, or respecting, being in a residential neighbourhood (one resident, who had vacation rentals happening on either side of her home, said she felt like she was living in the middle of a motel).

Some consensus emerged in discussions that it was more appropriate for short stays to be accommodated in B&Bs and commercial resorts where there was on-site management to limit impacts. Vacation rentals were seen as more appropriate for longer stays so that guests could settle into the home and neighbourhood.

However, it would be hard to specify an actual minimum length of stay. Requiring only one set of guests being accommodated per week would encourage the use to be oriented to longer stays and prevent frequent turnover more appropriate for B&Bs and commercial zones.

Residential character

(e) A vacation home rental use shall not alter the residential character or appearance of the lot in which the vacation home rental use is located, with the exception of required parking spaces and the sign required in Section 3.7, which may be posted only when a vacation home rental is occurring.

This regulation implements Official Community Plan policy 6.5.3.2 e):

Vacation home rental use should be subject to regulations which... ensure that the residential appearance and character of a property is not altered by the vacation home rental use;

This reflected strong interest in ensuring that allowing this kind of visitor accommodation in residential neighbourhoods would not erode the character of the neighbourhoods.

Sewage treatment

(f) On lots designated as Aquifer IA on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use

This regulation implements Official Community Plan policy 6.3.2.15 (applicable to small lots in the Anderson Drive/Whaling Station Bay area):

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

It also references the provincial aquifer classification as it applies to Hornby Island, with the aquifer of the north-east peninsula of Hornby Island being one of the few in the province classified as having both high development and high vulnerability.

.....Please see the appendices to this report for further discussion of this provision.

Signage

(2) A sign must be posted on the premises of each vacation home rental use while the use is occurring, clearly legible from a public road, indicating contact information including the name and telephone number of the owner of the premises or an agent of the owner who is reasonably available to deal with any impacts of the rental use on neighbouring premises.

This regulation addresses the concern that neighbours should know who to contact if problems arise from a vacation rental use, given that the owner or resident is unlikely to be on the property.

As noted above, a review of Vacation Home Rentals was conducted after five years in 2017 (in line with OCP policy). Community consultation indicated no strong consensus on making significant changes to the regulatory framework but rather an interest in seeing existing regulations enforced fairly and consistently.

Appendices

i) Reports

Development of policies and regulations

Here are links to informative reports generated during the preparation of policies and regulations eventually adopted.

Staff Report: Short Term Vacation Rental Implementation, February 9, 2011
(page 21 of agenda of Feb 18, 2011 LTC meeting)

http://www.islandstrust.bc.ca/media/256716/02_hornby_agenda_package_-_february_18_2011_revised.pdf

Staff Report: Short Term Vacation Rentals, March 21, 2011

page 41 of agenda of March 23, 2011 LTC Meeting

http://www.islandstrust.bc.ca/media/256731/03_hornby_agenda_package_-_march_23_2011_revised.pdf

Information presented at Community Information Meetings at Hornby Island, West Vancouver and Victoria in April 2011

http://www.islandstrust.bc.ca/media/256756/05_hornby_spltc_agenda_package_-_april_2_2011.pdf

Staff Report – Vacation Home Rentals, May 30, 2011

page 62 of agenda of June 1, 2011 LTC Meeting

http://www.islandstrust.bc.ca/media/256906/11_hornby_ltc_agenda_package_-_june_1_2011_revised.pdf

Staff Report – Vacation Home Rentals, May 17, 2012

page 136 of agenda of June 1, 2012 LTC Meeting

<http://www.islandstrust.bc.ca/media/257347/05-hornby-agenda-package-june-1-2012.pdf>

Minutes and agenda packages of meetings during that period are also valuable for providing an understanding of the issues being raised.

Here is a link for accessing the relevant documents:

<http://www.islandstrust.bc.ca/meeting-documents.aspx>

I can also provide some interesting documents from 2009 and 2010 that are not available on the Islands Trust web site.

2017 Vacation Home Rental Policy Review

Here is a link to information on the Islands Trust website which includes reports generated during this review:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/hornby/projects-initiatives/hornby-island-completedpast-projects/vacation-home-rentals-policy-review/>

ii) Examples of how Local Governments address Short Term Vacation Rentals

Islands Trust Area

Island	Permitted as home occupation requiring: - 2 legal dwellings on property - Resident living in one of them	Permitted by zoning regs	Permitted by TUP - fee 1.	BEN penalty	Notes
Bowen	No	In commercial zone only	?		2.
Denman	No	No	?	\$500	
Gabriola	No	No	Yes \$1,300	\$300	
Galiano	Yes (max total 4 beds)	No	?	\$350	3.
Gambier	Yes	No	?		
Hornby	Yes	Yes	Yes \$440	?	4.
Keats	No	No	No		
Lasqueti	No	In commercial zone only	?		
Mayne	No	No	Yes \$1,100	\$300	
N. Pender	Yes	No	Yes \$900	\$500	5.
Salt Spring	No	No	?	\$500	
Saturna	Yes (max 140 sq.m.)	No	?		6.
S. Pender	Yes	Yes	?		7.
Thetis	Yes	No	?		
Notes:					
1	<i>Temporary Use Permit applications can require information regarding water provision, sewerage treatment, etc, are posted to enable neighbourhood comments, are issued by decision of the local government, can contain conditions and can be renewed once then re-applied for.</i>				
2	<i>Bowen Island Municipality currently undertaking a review of vacation rentals</i>				
3	<i>Galiano Local Trust Committee currently undertaking a review of vacation rentals</i>				
4	<i>Hornby is the only island providing a comprehensive range of options for permitting this use A review of regulations recently completed plus a low TUP fee for seasonal rentals at a level higher than otherwise permitted.</i>				
5	<i>North Pender Local Trust Committee recently completed a review of vacation rentals</i>				
6	<i>Saturna Local Trust Committee has a bylaw enforcement policy on vacation rentals</i>				
7	<i>South Pender permitted vacation rentals many years ago (1990s?) before they became a “thing” It is a small island with only 270 lots and is not a significant vacation destination</i>				

Unincorporated areas

In rural areas of BC outside of the Islands Trust, land use planning and regulation is under the authority of twenty nine regional districts.

A study by the Sunshine Coast Regional District found that only one district permitted vacation home rentals in zoning regulations in one particular area of the district (residential/resort zone). Where other regional districts enable vacation rentals it is through Temporary Use Permits.

Incorporated areas

Land use planning and regulation in incorporated areas comes under the jurisdiction of municipal governments. Unlike local trust committees and regional districts, municipalities can issue Business Licences. This is the tool municipalities generally use to allow vacation home rentals. A Business Licence needs to be applied for annually, with a fee, and can contain conditions and/or require compliance with applicable zoning regulations.

Some examples of different approaches by municipalities:

Nelson:

Restricts the total number of business licenses issued for vacation rentals to 110 annual licenses and 40 summer only licenses at any one time. In addition there is a limit of three licences per block.

Metchosin:

Requires a \$500 refundable deposit which would be drawn upon if it is necessary to send bylaw enforcement resources to investigate a complaint. Properties are inspected before a licence is issued.

Tofino:

Allows maximum occupancy of 6 persons. Has a pro-active enforcement approach. 65 tickets were issued for non-compliance in 2017. A list of all business licenses issued for vacation rentals is posted on its web site.

Kelowna

Requires a special business license fee of \$350 if a principal dwelling is used for vacation rentals and \$750 if a non-principal residence; this is to cover the cost of implementation and compliance oversight activities. Operators may face fines of up to \$500 per day, per offence, and significantly higher amounts if compliance efforts require escalation.

iii) Bylaw Enforcement Policy – a suggestion

Here is a suggestion of how a bylaw enforcement policy could be framed for Hornby Island

1) Bylaw Enforcement Notices should only be issued after an opportunity has been provided for voluntary compliance (except in cases of a repeat offense).

2) The use of Bylaw Enforcement Notices should be focused upon infractions which:

- have a potential impact upon health, safety, the natural environment or water resources,
- have a direct impact upon neighbours or public land,
- involve active construction of unpermitted buildings or structures, or
- involve unpermitted commercial visitor accommodation on residential or agricultural lots

3) Enforcement activities with respect to vacation home rentals should be focused upon those vacation home rentals:

- being advertised in a way that indicates non-compliance with regulatory requirements,
- having issues of health or safety, or
- causing bona fide nuisance issues in the immediate neighbourhood (such as noise or parking congestion) identified by a written complaint from a resident or property owner in the neighbourhood.

iv) A Problem with Hornby Island Vacation Home Rental Regulations

Here is the text of a message sent to the Hornby Island Local Trust Committee regarding a problem with Vacation Home Rental Regulations:

To: Hornby Island Local Trust Committee
From: Tony Law
23 June 2018

The purposes of this message are

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

The problem with the existing regulation

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

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

"On lots designated as Aquifer 1A on Schedule D2 of the Hornby Island Official Community Plan Bylaw No 149, vacation home rental use is permitted provided that an authorized person as defined in the Sewage System Regulations under the Public Health Act has stated in writing to the Islands Trust that the sewage disposal system to which the building accommodating the proposed vacation home rental use is connected to is capable of providing adequate sewage treatment for residential use and for the proposed vacation home rental use. "

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

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

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

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

Explanation of the aquifer classification

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

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

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

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

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

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

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

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

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

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

A revised approach based upon what is known

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

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

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

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

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

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

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

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

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

- Amendment of Vacation Home Rental Regulations

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

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

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

Vacation Home Rentals Occupancy Levels

A challenge in the process of permitting the new use of commercial visitor accommodation (vacation home rentals) in residential zones was to ensure this complied with *Islands Trust Policy Statement* policy 4.4.2 which requires addressing that “*neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater*”.

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

As I recall this was addressed in two ways:

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

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

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

(39) The number of bedrooms used to accommodate the travelling public in a bed and breakfast home occupation must not exceed:

(a) one if the lot is 0.25 hectares or less in area;

(b) two if the lot is greater than 0.25 hectares and 1 hectare or less in area;

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

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

3.1 (1) (c) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare, or more than four bedrooms if the lot has an area of one hectare or more

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

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

On large lots, a Vacation Home Rental can accommodate:

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

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

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

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

*3.1 (1) (c) A dwelling used for vacation home rental use shall not be used to accommodate more than two beds per bedroom or more than three bedrooms if the lot on which the dwelling is located has an area of less than one hectare **(with a maximum occupancy of six persons)**, or more than four bedrooms if the lot has an area of one hectare or more **(with a maximum occupancy of eight persons)***

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

Tony Law

v) Areas Known to have a Problem with the Supply of Freshwater

Paper prepared by Tony Law in March 2010

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

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

The legislative and policy framework

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

“4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:

- **neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,**
- water quality is maintained, and
- existing, anticipated and seasonal demands for water are considered and allowed for.” (1)

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

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

The *Hornby Island Official Community Plan* contains a policy which speaks to “maintaining the quantity of the groundwater resource” by “limiting new development and land uses that will put an additional demand upon the groundwater resource in areas where availability is already a problem.”(3)

Utilization of groundwater on Hornby Island

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

The small lot subdivisions

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

Land use regulations for small lots

The three residential subdivisions were established before the Islands Trust was created. The *Hornby Island Land Use Bylaw* now includes these areas within the Small Lot Residential Zone which establishes the minimum area of a lot that can be created by subdivision as 8,000m² (1.36 acres) with a maximum lot coverage of 15% (7). [The Official Community Plan states that the minimum parcel size shall be 1 hectare (2.5 acres), but this policy has not yet been implemented (3).] One residential dwelling unit, with a floor area no greater than 200m² (2,152

sq.ft), is permitted on each lot. Home occupations are permitted according to regulations. The only visitor accommodation permitted is Bed and Breakfasts with guest occupancy restricted to one bedroom on lots 0.25 hectares (0.6 acres) or less and two bedrooms on lots greater than 0.25 hectares (0.6 acres) but less than 1 hectare (2.5 acres)(7).

Early concerns - land use study, 1971

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

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

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

Groundwater conditions - review and update, 1984 and 1989

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

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

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

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

Growth and development, 1991-2006

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

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

Water levels, 1991-2009

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

Month end water levels (metres below ground level)

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

Average water levels

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

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

Seasonality

Precipitation levels

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

Groundwater levels

The two observation wells show seasonal variations in groundwater levels. The Whaling Station Bay well has an average month-end low of 1.637 metres below ground level (October) and an average month-end high of 0.927 metres (February) and the Sandpiper well has an average month-end low of 19.906 metres (August) and an average month-end high of 11.987 metres (January). (12)

Visitor levels

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

Occupancy of dwellings

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

Household size

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

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

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

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

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

Water quality issues

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

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

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

Fecal coliform contamination

The 1999 report of the *Hornby Island Water Stewardship Project* on its activities (1996-1999) provided information on 800 water samples taken from wells, from streams and ditches and from beaches. Over 20% of the wells tested had unacceptable levels of fecal coliform. Almost 80% of the samples taken from ditches and streams had a fecal coliform concentration greater than the background, ranging up to 300 times the background

level. The report states that “the groundwater quality, in terms of fecal coliform, is below standard and cannot be allowed to deteriorate further.” (18)

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

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

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

Seawater intrusion

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

Aquifer classification

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

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

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

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

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

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

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

Conclusion

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

Tony Law - March 2010

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

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

Regional Conservation Plan Updates

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

Goal 1 – Science-based Conservation Planning

- The ITC Board held a special meeting to discuss the Climate Change Emergency and forwarded its recommendations to Trust Council.

Goal 2 – Strong relationships with First Nations

- The ITC Board adopted a reconciliation declaration at its July meeting and wrote to First Nations to share the Reconciliation Declaration which is available at www.islandstrustconservancy.ca/about-us/first-nations-and-reconciliation.

Goal 3 – Protection of core conservation areas

Property Management

- The ITC has completed management plans for three Nature Reserves (Thetis and Gambier) and is working on the completion of five more (Denman, Gambier, Lasqueti and Thetis).
- Property monitoring for all conservation covenants (including NAPTEP – Natural Area Protection Tax Exemption Program covenants) and nature reserves was completed.

Land Acquisition and Covenants

- The ITC successfully completed the transfer of the Salish View Nature Reserve on Lasqueti Island in partnership with the Lasqueti Island Nature Conservancy. See <http://www.islandstrustconservancy.ca/protected-places/places-protected-in-the-islands/all/lasqueti-island/salish-view-nature-reserve/> for more information.

Goal 4 – A strong voice for nature conservation

- The ITC Board gave final reading to Bylaw No. 2, the “Islands Trust Conservancy Meeting Procedures Bylaw, 2019.” The new bylaw reflects the ITC name change, allows for the election of a Vice Chair and adds reference to committee meetings. The Board also amended Policy 1.2 Islands Trust Conservancy Board and Committee Elections.
- The ITC Board elected Sue-Ellen Fast to serve as Vice-Chair for the ITC Board.
- The ITC Board approved the Audited Financial Statements for the 2018-2019 fiscal year at its July meeting. See www.islandstrustconservancy.ca/about-us/our-financials.
- The ITC Board and the Islands Trust Executive Committee met in July to discuss items of mutual interest.

Activities by Local Trust Area/Island Municipality

Ballenas-Winchelsea

Property monitoring on South Winchelsea Island has been completed for 2019.

Bowen

Property monitoring on Bowen has been completed for 2019.

Denman

Management planning for three nature reserves, including the Inner Island, Lindsay Dickson and Valens Brook Nature Reserves, is under way and an open house for community feedback was held in September. Property monitoring on Denman has been completed for 2019. Invasive species management activities continue at Inner Island, Lindsay Dickson, and Morrison Marsh nature reserves.

Gabriola

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

The ITC hosted a celebration event for the Swift Family Link Island NAPTEP Covenant at the Islands Trust Victoria Office. The event was attended by Islands Trust staff and ITC Board members and trustees and other staff were invited to attend remotely by GoTo Meeting.

Galiano

Trail maintenance is being planned for Vanilla Leaf Land Nature Reserve in partnership with the Galiano Conservancy Association. Invasive species removal and annual cormorant nest monitoring are being planned for Trincomali Nature Sanctuary in partnership with the Habitat Acquisition Trust. Property monitoring on Galiano has been completed for 2019.

Gambier

Management plans for Brigade Bay Bluffs and Long Bay Wetland nature reserves has been completed and the Management Plan for the Mount Artaban Nature Reserve is nearing completion. Completed management plans are available on the ITC website at <http://www.islandstrustconservancy.ca/protected-places/places-protected-in-the-islands/full-list/>. ITC is concurrently working on a parallel management planning process for areas of cultural heritage and sacred significance within its nature reserves.

Property monitoring on Gambier has been completed for 2019.

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

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

Islands Trust Conservancy itcmail@islandstrust.bc.ca

Hornby

Property monitoring on Hornby has been completed for 2019.

Lasqueti

The ITC and the Lasqueti Island Nature Conservancy (LINC) completed the campaign for the Salish View Nature Reserve and the land has been transferred to the ITC. The ITC held a celebration event in July and an open house to inform management planning. Management planning continues and is anticipated to complete in early 2020.

Property monitoring on Lasqueti has been completed for 2019.

North Pender

Property monitoring on North Pender has been completed for 2019.

Salt Spring

The ITC Board considered and approved a conservation proposal for 200 Collins Road. ITC staff are working with the applicant to develop a conservation covenant for the property and will return to the ITC Board for final approval once the covenant language is finalized. Development of management plans for the Lower Mt. Erskine and Deep Ridge nature reserves is underway and public consultation will begin soon. ITC staff also participated in recent meeting for the Mount Tuam Special Management Area Resource Team.

Property monitoring on Salt Spring has been completed for 2019.

Saturna

Property monitoring on Saturna has been completed for 2019.

South Pender

Property monitoring on South Pender has been completed for 2019.

Thetis

Trail building on the Fairyslipper Forest Nature Reserve has begun and will continue into the new year. Property monitoring on Thetis has been completed for 2019.

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

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

Islands Trust Conservancy itcmail@islandstrust.bc.ca



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

Islands Trust Conservancy New Board Member

Trustee Dr. Susan Hannon joined the Board November 2019. Susan Hannon is a retired Ecology Professor from University of Alberta, currently living on Salt Spring Island. Dr. Hannon's research expertise is in forest ecology, impacts of habitat fragmentation, forest birds and conservation. Active in her community, Dr. Hannon is a Commission Member for The Advisory Planning Commission for Islands Trust. She has also served on the boards of The Salt Spring Island Conservancy, The Nature Trust of BC, Bird Studies Canada, and the Garry Oak Ecosystem Recovery Team Society. Dr. Hannon has worked in land stewardship with private landowners, runs the nest box program on Salt Spring, worked in Garry oak ecosystem restoration and removal of invasive plants. She holds a Doctor of Philosophy in Ecology from the University of British Columbia.

Islands Trust Conservancy Staff Changes

Islands Trust Conservancy is pleased to welcome Kathryn Martell as the acting Ecosystem Protection Specialist, replacing Wayne Bourque.

Carla Funk is acting ITC Communications and Fundraising Specialist while Crystal Oberg is on education leave until August, 2020.

Goal 1 – Science-based Conservation Planning

Goal 2 – Strong relationships with First Nations

The Islands Trust Conservancy Board received a letter from Lyackson First Nation in regards to the Salish View Nature Reserve for information.

Goal 3 – Protection of core conservation areas

Property Management

Mt. Artaban Nature Reserve Management Plan

Islands Trust Conservancy Board approved the 2019 update of the Mount Artaban Nature Reserve Management Plan. The plan will be made available online once it is approved by the covenant holders.

Land Acquisition and Covenants

Covenant Modification Agreement – Woodwinds NAPTEP Covenant

The Islands Trust Conservancy Board agreed to modify the Woodwinds NAPTEP covenant on North Pender Island to address an existing septic field.

Goal 4 – A strong voice for nature conservation

1. Islands Trust Conservancy Board directed staff to consider including a Note Disclosure highlighting the importance of natural assets to the mandate of Islands Trust and the services they provide for island communities, starting with the current fiscal year's annual financial reporting.
2. Islands Trust Conservancy Co-Chair, Sue-Ellen Fast and three staff attended the biennial Land Trust Alliance of BC Seminar Series. The ITC Manager co-presented with the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) regarding the CDFCP conservation planning tool.
3. Staff provided an update to the ITC Board regarding the status of the website renewal project and the integration of the ITC website into the Islands Trust site.

Activities by Local Trust Area/Island Municipality

Gambier

The Islands Trust Conservancy Board approved the Mount Artaban Nature Reserve Management Plan.

The Islands Trust Conservancy Board reviewed the Public Acquisitions Report for information. Discussion ensued on the Sandy Beach acquisition history and current project details.

North Pender

Islands Trust Conservancy Board directed staff to write a letter to the North Pender Island Local Trust Committee describing concerns regarding potential long-term impacts of contaminated runoff, and alternative designs such as containment of any point source runoff or spills related to a Temporary Use Permit extension application adjacent to the Medicine Beach Nature Sanctuary.

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

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

Islands Trust Conservancy itcmail@islandstrust.bc.ca

**Agricultural Land Reserve**

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2018.2	Hoerburger Land Surveyors	12-Apr-2018	PIDs: 009-651-268, 009-651-110, 027-126-323 Creating two lots out of three for agricultural purposes. Civic addresses: 1605 Ostby Road, 4555 Fowler Road, 4755 Fowler Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 07-Mar-2019

ALC decision received - Refused

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 03-Aug-2018

LTC consideration of application

File Number	Applicant Name	Date Received	Purpose
HO-ALR-2019.1	Comox Valley Regional District (MoTI)	31-Jul-2019	No PID - Crown Land - Unopened road dedication - no civic address. Proposal type: transport, utility & recreation. Proposal to upgrade an existing neighbourhood trail along Gull Road between Fowler and McLean Roads on Hornby Island.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 04-Nov-2019

Under planner review



Development Permit

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

Planner: Jaime Dubyna

Planning Status

Status Date: 21-Oct-2019

No change in status.

Status Date: 15-May-2019

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

Status Date: 01-Apr-2019

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

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.4	Tuele, Ron	19-Jun-2019	PID: 029-365-937 Building SFD & whorkshop. Civic address: 3975 Slade Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date: 24-Jan-2020

Report to Hornby LTC

Status Date: 03-Dec-2019

Planner review

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.5	Hornby Island Resort Ltd.	20-Dec-2019	PID: 028-882-075 Thatch Pub redevelopment. Civic address: 4325 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date:



Applications

Development Variance Permit

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 01-Nov-2018

Application transferred to Planner Sawyer.

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 15-Aug-2018

On hold pending result of HO-ALR-2018.2

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2019.1	Hornby Island Resort Ltd.	20-Dec-2019	PID: 0028-882-075 Thatch Pub redevelopment. Civic address: 4325 Shingle Spit Road, Hornby Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date:



Applications

Rezoning

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 02-Jan-2020

Planner review - in process

Status Date: 24-Oct-2019

Fee paid (\$550).

Status Date: 13-Sep-2019

LTC requested staff to remove hold and process application in consideration of timeline of OCP/LUB targeted review project.

Siting and use Permit

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 01-May-2019

Under review

Status Date: 01-May-2019

Further information requested



Siting and use Permit

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

Planner: Ian Cox

Planning Status

Status Date: 05-Dec-2019

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

Status Date: 20-Nov-2019

Received by staff November 19 - under review.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.7	Tuele, Ron	19-Jun-2019	PID: 029-365-937 Building SFD and workshop. Civic address: 3975 Slade Road, Hornby Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 02-Dec-2019

See HO-DP-2019.4

Status Date: 01-Oct-2019

Planner review



Applications

Subdivision

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 01-Nov-2018

Application transferred to Planner Sawyer.

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 15-Aug-2018

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

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 28-Jan-2019

Planner completed review and sent referral report to MOTI with conditions of PLA including requirement to rezone or otherwise bring property into conformity with LUB.

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
HO-TUP-2020.1	Hornby Island Bakery & Pizzeria	02-Jan-2020	PID: 003-869-008 Horny Island Bakery & Pizzeria food truck and trailer on leased land. Civic address: 3005 St. John's Point Road, Hornby Island, BC.
Planner: Jaime Dubyna			
Planning Status			
<u>Status Date:</u>			

Islands Trust
LTC EXP SUMMARY REPORT F2020
Invoices posted to Month ending November 2019

635 Hornby	Invoices posted to Month ending November 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	541.00	1,113.34	-572.34
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	2,651.00	2,639.80	11.20
65210-635	LTC - Local Exp - APC Meeting Expenses	411.00	301.15	109.85
65220-635	LTC - Local Exp - Communications	250.00	354.33	-104.33
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,606.00</u>	<u>3,295.28</u>	<u>310.72</u>
Projects				
73001-635-2004	Hornby OCP/LUB	5,500.00	0.00	5,500.00
73001-635-4083	Hornby Short Term Vacation Rental (STRV) Review	700.00	0.00	700.00
TOTAL Project Expenses		<u>6,200.00</u>	<u>0.00</u>	<u>6,200.00</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

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

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

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



Top Priorities Report

Hornby Island

1. Official Community Plan and Land Use Bylaw Amendments

Responsible

Dates

Bylaw amendments to address issues with respect to DPA No. 6 (RAR), the Public Use zone, MALA in the large lot residential zone, R3A zoning of ISLA site, regulations for cannabis production and sales, updates to ALR regulations, and other housekeeping amendments.

Sonja Zupanec

Rec'd: 27-Apr-2018

2. Watershed Protection and Groundwater Preservation

Responsible

Dates

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

William Shulba

Rec'd: 08-Jun-2018

3. Vacation Home Rental Community Education and Bylaw Compliance Campaign

Responsible

Dates

Implement the Project Charter for the education and compliance campaign.

Rec'd: 27-Apr-2018

Target: 01-Jan-2019



Projects Report

Hornby Island

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

Conduct a consultative process for the Ford Cove area

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

Support collaborative planning process for Public Use areas

27-Mar-2015

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

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

28-Sep-2018

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

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

28-Sep-2018

5. <i>Ecosystem Protection</i>	Responsible	Date Received
Consider potential utilization of the Regional Conservation Plan.		28-Sep-2018

Consider potential utilization of the Regional Conservation Plan.

28-Sep-2018

6. <i>Addressing Climate Change</i>	Responsible	Date Received
Review measures to address climate change including through implementation of OCP policies		28-Sep-2018

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

28-Sep-2018

Projects Report

Hornby Island

7. Addressing housing needs

Responsible

Date Received

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

25-Jan-2019

8. Implementation of Coastal Douglas-fir Toolkit

Responsible

Date Received

25-Jan-2019

9. Model Cell Tower Consultation Process

Responsible

Date Received

13-Sep-2019



December 3, 2019

Ref: 112001

Peter Luckham
Chair, Islands Trust Council
200-1627 Fort Street
Victoria BC V8R 1H8

Dear Peter Luckham:

Thank you for meeting with the Ministry of Citizens' Services at the Union of British Columbia Municipalities (UBCM) conference on September 26, 2019 in Vancouver and discussing the concerns from the Islands Trust regarding the Connected Coast project.

The Connected Coast project involves the installation of a new sub-sea backbone transport fibre cable from Prince Rupert to Vancouver with landings at multiple coastal communities along its route. The project does not include last-mile builds, but once the Connected Coast is completed, the new fibre backbone will enable additional capacity at the landing sites.

The project was a joint submission by CityWest Cable & Telephone Corporation and the Strathcona Regional District to the federal Connect to Innovate Program and is jointly funded by the provincial Connecting British Columbia Program and the federal government. The scope of the project has now been finalized. However, there is an opportunity to start complementary projects by adding new landing sites that extend from the Connected Coast project. Additional landing sites and last-mile projects may have different project leads and timelines.

Currently, TELUS has confirmed that Galiano, Mayne, Denman and Hornby Islands have sufficient transport capacity to the islands. The primary issue is the lack of last-mile infrastructure to deliver high-speed internet services to the homes. To help determine the best solution for the Southern Gulf Islands, connectivity planning is taking place through the Capital Regional District. Please visit: <https://www.crd.bc.ca/project/connectivity-planning-in-the-southern-gulf-islands> for more information on dates and locations of the engagement sessions. We trust that the results of these consultations will allow the communities to develop a plan that will enable them to work with a service provider on a solution that best meets their unique needs.

.../2

In addition, the Comox Valley Regional District received a grant from the provincially funded Connecting British Columbia Program to develop a connectivity infrastructure plan for the communities of Denman and Hornby Islands. Additional funding support was provided by the Island Coastal Economic Trust.

The Province is working closely with telecommunications companies and with the Government of Canada to lay the groundwork – through broadband infrastructure – to help internet service providers connect more BC communities. Recently, the Canadian Radio-television and Telecommunications Commission issued a second call for applications of the \$750-million Broadband Fund.

Intake details can be found here: <https://crtc.gc.ca/eng/archive/2019/2019-372.htm>.

We encourage you to continue to champion this initiative for the Gulf Island residents and work with the Strathcona Regional District to maximize the potential benefits of the Connected Coast project including the safe and reliable improvement of internet connectivity throughout the Islands Trust Area.

Thank you again for meeting with us at UBCM. If you have any questions regarding connectivity programs, please contact Howard Randell at 250 415-6867, or by email at NetworkBC@gov.bc.ca.

Sincerely,



Jill Kot
Deputy Minister

pc: Susan Stanford, Assistant Deputy Minister
Information Communications Technology

Howard Randell, Executive Director
Network BC



December 3, 2019

Ref: 112001

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

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Thank you again for meeting with us at UBCM. If you have any questions regarding connectivity programs, please contact Howard Randell at 250 415-6867, or by email at NetworkBC@gov.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Kot". The signature is fluid and cursive, with the first name "Jill" and last name "Kot" clearly distinguishable.

Jill Kot
Deputy Minister

pc: Susan Stanford, Assistant Deputy Minister
Information Communications Technology

Howard Randell, Executive Director
Network BC



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Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

December 9, 2019

File Number: 400-20; 5020-30

via e-mail: Min@dfo-mpo.gc.ca

The Honourable Bernadette Jordan
Minister of Fisheries and Oceans, and the Canadian Coast Guard
House of Commons
Ottawa, ON K1A 0A6

Dear Minister Jordan:

Re: Request for additional resources for enforcement of shellfish aquaculture regulations

I am writing on behalf of the Islands Trust Council regarding long-standing concerns relating to shellfish aquaculture in Baynes Sound, British Columbia. We would like to request that Fisheries and Oceans Canada dedicate more resources to enforcement of aquaculture regulations with the aim of reducing the amount of aquaculture refuse in the marine environment. We would also like increased enforcement regarding the requirements to mark tenure boundaries clearly. This will help ensure that Denman Island beaches and near shore waters are safe for all users and wildlife.

The Islands Trust, created through the provincial *Islands Trust Act*, is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust Area and approximately 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is home to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust mandate is to preserve and protect the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with First Nations and other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5,200 square kilometres. It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.

Islands Trust appreciates Department of Fisheries and Oceans Canada's (DFO) participation in collaborative initiatives aimed at reducing aquaculture industry marine debris. We understand that for the past three years, DFO has funded clean-up efforts and removed approximately 45 tonnes of shellfish aquaculture debris and old broken gear from the Baynes Sound area. We also appreciate DFO's efforts to provide funding to phase out Styrofoam floats via the Fisheries and Aquaculture Clean Technology Adoption Program.

The 14th annual Denman Island Community Beach Clean-up was held during the week of September 15-22, 2019. The clean-up was organized by the Association for Denman Island Marine Stewards (ADIMS), and was joined by the DFO, and the BC Shellfish Growers Association. ADMIS estimates the debris yield on Denman Island alone for 2018, was over six tons with ninety percent (90%) of the plastic debris originating from the shellfish aquaculture industry. Items included oyster trays, anti-predator netting, plastic fencing, plastic net bags, plastic floats, Styrofoam floats for rafts, and thousands of pieces of rope.

.../2

Baynes Sound, in the Strait of Georgia, between Denman Island and Vancouver Island, is a particularly important and sensitive ecosystem. Following a scientific process, in 2012 DFO designated the Sound as an Ecologically and Biologically Significant Area. The Sound is home to sea mammals, globally important duck and bird populations, and unmatched biological diversity.

We are asking for your leadership, as the federal government is responsible for regulating the shellfish aquaculture industry in British Columbia, including monitoring the potential impacts on the marine environment. The conditions of licence issued to all shellfish growing tenures state:

The licence holder shall not introduce or cause or allow the introduction of aquaculture refuse (including but not limited to infrastructure, equipment and materials) into the environment in the course of conducting aquaculture activities.

Despite this requirement, a lack of enforcement is resulting in poorly-secured gear and equipment – mostly plastic – continuing to wash up onto Denman Island shores and contaminating the surrounding marine ecosystem. The Denman Island Local Trust Committee, a locally-elected body within Islands Trust, regularly receives complaints regarding marine plastic debris and ghost netting washing up on Denman Island shores. In 2017, the DFO published its Shellfish Aquaculture Debris Strategy and Action Plan which stated that between 2010 to 2015, inspections revealed that “over 50% of licenced sites in B.C. have derelict or unmaintained gear and infrastructure, as well as improperly wrapped or exposed Styrofoam”. More resources for the Baynes Sound region is justified as the Sound is a shellfish aquaculture hotspot that produces half of British Columbia’s commercially grown oysters and clams.

The Islands Trust appreciates the efforts DFO has made in recent years to work with industry to reduce aquaculture marine debris but believes that more resources need to be allocated to enforcement, to increase the numbers of inspections, and enforce existing licence requirements.

Thank you for considering this matter.

Yours sincerely,



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

cc: Islands Trust Area MPs
BC Minister of Forest Lands and Natural Resource
Operations and Rural Development
BC Parliamentary Secretary for Environment
BOKÉĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEL (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Sḵwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SḶÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMELEL (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOŁELP (Tsartlip) First Nation
WŚIKEM (Tseycum) First Nation
xʷməθkʷəy̓əm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Bowen Island Municipal Council
BC Shellfish Growers Association
Association of Denman Island Marine Stewards
World Wildlife Fund Canada
Denman Island Local Trust Committee
Hornby Island Local Trust Committee
Islands Trust Council
Islands Trust website



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December 9, 2019

File Number: 0400-30; 5020-30

via e-mail: FLNR.Minister@gov.bc.ca

The Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations and
Rural Development
PO Box 9352 Stn Prov Govt
Victoria, BC V8W 9M1

Dear Minister Donaldson:

Re: Request for more resources for enforcement of aquaculture tenure licences

I am writing on behalf of the Islands Trust Council regarding long-standing concerns relating to shellfish aquaculture in Baynes Sound, British Columbia. We would like to request that the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) allocate more resources to ensure aquaculture tenure requirements can be enforced effectively. We also wish to express support for the Provincial Aquaculture Program's efforts to increase the minimum security amounts to be paid by tenure holders and to require that debris management plans be adhered to prior to renewal or approval of new tenure applications.

The Islands Trust, created through the provincial *Islands Trust Act*, is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust Area and approximately 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is home to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust mandate is to preserve and protect the unique environment and amenities of the Islands Trust Area through planning and regulating land use, development management, education, cooperation with First Nations and other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5,200 square kilometres. It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.

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.../2

The Honourable Doug Donaldson
December 9, 2019
Page 2

Baynes Sound, in the Strait of Georgia, between Denman Island and Vancouver Island is a particularly important and sensitive ecosystem. Following a scientific process, in 2012 DFO designated the Sound as an Ecologically and Biologically Significant Area. The Sound is home to sea mammals, globally important duck and bird populations, and unmatched biological diversity. This area forms a unique ecological region (Coastal Douglas-fir Biogeoclimatic Zone) in Canada, with less than eight percent of this area supporting rare and fragile ecosystems. This natural ecosystem provides specialized habitat for many rare species that are only known to occur in specific ecosystems. Intense development pressures have resulted in habitat fragmentation, degradation, and loss.

The Islands Trust Council supports the Provincial Aquaculture Program's implementation of protocols through aquaculture tenure agreements to ensure 'safe, clean and sanitary conditions' are upheld by tenure holders. Despite recent efforts to improve the amount of aquaculture debris in local waters, the Denman Island Local Trust Committee, a locally-elected body within Islands Trust, continues to regularly receive complaints regarding marine plastic debris and ghost netting washing up on Denman Island shores.

Islands Trust supports the efforts being made by the provincial government to establish and/or enforce management plans, regulation, and legislation for tenure agreements. All parties want to ensure the aquaculture industry succeeds while adhering to best practices to be good neighbours and environmental stewards. Accordingly, we request that FLNRORD allocate more resources to ensure aquaculture tenure requirements can be enforced effectively.

Thank you for considering this matter.

Yours sincerely,



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

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cc: Islands Trust Area MLAs
Federal Minister of Fisheries and Oceans,
and the Canadian Coast Guard
BOŶÉĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees)
Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Skwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SŶÁUTW (Tsawout) First Nation
Stz'uminus First Nation

SXIMEŁEŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOŁEŁP (Tsartlip) First Nation
WŚIKEM (Tseycum) First Nation
xʷməθkʷəy̓əm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Bowen Island Municipal Council
BC Shellfish Growers Association
Association of Denman Island Marine Stewards
World Wildlife Fund Canada
Denman Island Local Trust Committee
Hornby Island Local Trust Committee
Islands Trust Council
Islands Trust website