Hornby Island Local Trust Committee
Regular Meeting Revised Agenda

Date: September 13, 2019
Time: 11:30 am
Location: New Horizons
1765 Sollans Road, Hornby Island, BC

Pages

1. CALL TO ORDER 11:30 AM - 11:35 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 11:35 AM - 11:55 AM

3.1 Trustee Reports

3.2 Chair's Report

3.3 Electoral Area Director's Report

4. TOWN HALL 11:55 AM - 12:05 PM

5. MINUTES 12:05 PM - 12:10 PM

5.1 Local Trust Committee Minutes dated July 5, 2019 - for adoption 4 - 11

5.2 Section 26 Resolutions-Without-Meeting - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES 12:10 PM - 12:30 PM

6.1 Follow-up Action List Report dated September 4, 2019 12 - 14

6.2 Hornby Island Local Trust Committee Bylaw No. 159 (BEN) - for discussion

6.3 First Nations Relationship Building Action - for discussion

6.4 Request to the Executive Committee Regarding Agricultural Land Commission (ALC)

7.	**APPLICATIONS AND REFERRALS**	12:30 PM - 1:00 PM	
7.1	**HO-DP-2018.1 (Fredbeck - Fords Cove Marina) - Staff Report**		15 - 34
7.2	**HO-DVP-2018.1 (Fredbeck - Fords Cove Marina) - Staff Report**		35 - 42
7.3	**HO-RZ-2018.1 (Wiseman - 5020 Fowler Road) - Staff Report**		43 - 67
7.4	**HO-DP-2019.3 (Lones and Jackson - 4685 & 4715 Central Road) - Staff Report**		68 - 108
8.	**LOCAL TRUST COMMITTEE PROJECTS**	1:00 PM - 1:10 PM	
8.1	**Official Community Plan and Land Use Bylaw Amendments Project Update - Staff Report**		109 - 113
9.	**DELEGATIONS - None**		

------ BREAK - 1:10 PM to 1:30 PM ------

10.	**CLOSED MEETING**	1:30 PM - 1:40 PM	

10.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a), (d), (j) and (2)(b) for the purpose of considering Appointment of APC Members, Adoption of In-Camera Meeting Minutes dated April 5, 2019, to receive information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act and the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party, and that the recorder and staff attend the meeting.

10.2 Recall to Order

10.3 Rise and Report

11.	**CORRESPONDENCE**	1:40 PM - 1:50 PM	

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

11.1	**Email dated August 6, 2019, HICEEC request for letter of support**	114 - 117

12.	**NEW BUSINESS**	1:50 PM - 2:10 PM	
12.1	**Model Cell Tower Consultation Process - Briefing**		118 - 161
12.2	**Climate Change Adaptation and Mitigation Strategies - Memorandum**		162 - 180
12.3	**Trends in Applications - for discussion**		

	12.4	Islands 2050 - for discussion	
	12.5	*Letter sent to Ministers Sims and Bains re Internet Accessibility and Connectivity throughout the Trust Area*	*181 - 182*
	12.6	*Advisory Planning Commission (APC) Terms of Reference - for discussion*	
13.	REPORTS	2:10 PM - 2:30 PM	
	13.1	Trust Conservancy Report - none	
	13.2	Applications Report dated September 4, 2019	183 - 190
	13.3	Trustee and Local Expense Report dated July, 2019	191 - 191
	13.4	Adopted Policies and Standing Resolutions	192 - 194
	13.5	Local Trust Committee Webpage	
14.	WORK PROGRAM	2:30 PM - 2:40 PM	
	14.1	Top Priorities Report dated September 4, 2019	195 - 195
	14.2	Projects List Report dated September 4, 2019	196 - 197
15.	UPCOMING MEETINGS		
	15.1	Next Regular Meeting Scheduled for November 8, 2019 at 11:30 am at New Horrizons, 1765 Sollans Road, Hornby Island, BC	
16.	ADJOURNMENT	2:40 PM - 2:40 PM	

Hornby Island Local Trust Committee
Minutes of Regular Meeting

Date: July 5, 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: David Marlor, Director Local Planning Services
Jaime Dubyna, Planner 2
Bronwyn Sawyer, Planner 2
Miles Drew, Bylaw Compliance and Enforcement Manager
Vicky Bockman, Recorder

Others Present: Approximate sixty (60) 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 11:36 am. She acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

HO-2019-051
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee approve the agenda as presented.

CARRIED

3. REPORTS

3.1 Trustee Reports

Trustee Allen reported that he attended the following:

- Trust Council on Galiano Island;
- A septic system workshop.

Trustee Scott reported that he has had many conversations with community members regarding items on today's agenda.

3.2 Chair's Report

Chair Fast reported on the following meetings attended:

- Trust Council;
- Executive Committee meeting where work was conducted on the Strategic Plan and climate action;
- Denman Island Local Trust Committee.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Members of the public commented with the following noted:

- Bylaw Enforcement Notification (BEN) Bylaw
  - Adoption was supported to protect groundwater;
  - Adoption was supported by the Sustainability Group and other individuals to address Vacation Home Rental (VHR) concerns;
  - Consideration should be deferred: explanation and community consultation should be conducted;
  - A Bylaw Enforcement Policy Standing Resolution should be created to address concerns of enforcing on non-conforming housing;
  - Should be referred to the Advisory Planning Commission (APC);
  - Adoption was opposed; a review of the impact on the community is needed;
  - A review of the Official Community Plan (OCP) should be undertaken as too many regulations are not reflective of the community's way of life at this time;
  - The list of infractions is too large and needs to be prioritized and limited to the most offensive infractions;
  - Adoption was not supported as it will affect people with limited means and small lots disproportionately and create ill feelings toward the Islands Trust;
  - Adoption was supported as voluntary compliance is not effective enough;
  - Deferral of decision was supported until September; consideration of the bylaw should not be deferred until after OCP and Land Use Bylaw (LUB) reviews as they can take years to complete;
  - Adoption after more community consultation was supported as it will give the Trust a tool to gain compliance without litigation and would still be a complaint-driven process.

- Ford's Cove Development Variance Permit (DVP) Application
  - A number of individuals voiced support for the application
  - Supported as current revisions to the number of parking spaces will make it safe;
  - Expanding the store and restaurant is supported;
  - Not supported as septic capability has not been demonstrated, parking is inadequate, the number of proposed restaurant seating is too large, water usage has not been addressed;
  - Not supported given the number of non-compliant issues addressed in the Staff Report on today's agenda;
  - Support for the recommendations in the Staff Report; Concerns were expressed regarding the size of the expansion of the building and level of services required, fire protection due to parking congestion, infringement on public areas, foreshore development given predicted sea level rise;
  - Consultation should involve entire community not just the neighbours.

- Other Topics
  - David Wiseman, the applicant for HO-RZ-2018.1, urged the LTC to approve his application, providing background and rationale to support this request;
  - Septic systems are not being adequately inspected;
  - Solar, wind and water collection should be encouraged;
  - Sewage problems are island-wide; the Trust should assist with upgrades to systems in need;
  - Climate change actions must be put into operation in a year or less;
  - The Local Trust Committee (LTC) was urged to expedite an application for a concert proposed to be held in August at the Isla de Lerena Vineyard;
  - Requirement for VHR signs on roads was opposed as it does not reflect Island culture.

By general consent the meeting recessed at 1:22 pm and reconvened at 1:52 pm.

5. MINUTES

5.1 Local Trust Committee Minutes dated May 24, 2019 - for adoption

HO-2019-052
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee adopt the Local Trust Committee minutes dated May 24, 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 June 27, 2019

Received.

6.2 First Nations Relationship Building Action - for discussion

HO-2019-053
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee postpone item 6.2 First Nations Relationship Building Action until the September 13, 2019 meeting.

CARRIED

7. DELEGATIONS

7.1 Hornby Island Community Economic Enhancement Corporation regarding Hornby Vacation Rentals - looking to the future

John Heinegg and Karen Ross spoke on behalf of the Hornby Island Community Economic Enhancement Corporation (HICEEC), objecting to the BEN bylaw having received three readings in one meeting and the potential effect it could have on VHRs which are a significant economic driver on Hornby Island. They requested more community consultation and an analysis of the economic impact of wholesale enforcement, a review of the scope of the bylaws, and a referral to the APC.

8. APPLICATIONS, REFERRALS and BYLAWS

8.1 Hornby Island Local Trust Committee Bylaw No. 159 (BEN) - for consideration of adoption

Bylaw Compliance and Enforcement Manager Drew provided a summary of the BEN system and noted that it would facilitate compliance of unlawful land use activities and assist in performing the LTC's request for proactive enforcement of VHRs. He clarified that the system is generally complaint-driven with the exception of specific circumstances that were outlined.

Trustees discussed possible options to address the proposed BEN Bylaw.

HO-2019-054
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee refer Vacation Home Rentals to the Advisory Planning Commission requesting review of Vacation Home Rental bylaws and draft recommendations for an Enforcement Policy, and report back to the Local Trust Committee by January 1, 2020.

CARRIED

HO-2019-055
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee request staff to present information about the bylaw enforcement process and the Bylaw Enforcement Notification Bylaw at an evening Community Information Meeting in the Community Hall.

CARRIED

8.2 HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina) - Staff Report

Planner Sawyer presented a summary of the Staff Report that asks the LTC to consider a DVP application (Fredbeck, Ford's Cove Marina). She outlined the eight variances required to authorize existing and proposed development and provided background for staff's recommendation to defer consideration pending receipt of a flood hazard assessment and professional confirmation that the building will not interfere with natural coastal processes.

Chair Fast invited the applicant to comment.

Ronaldo Cruz described the proposed renovations and commented that, from what he understood, the footprint of the store did not change, an application has been made to make alterations to a legal non-conforming building, the septic system has been upgraded, the intent is to cluster the various elements into one building, and the outside wall has been designed by an engineer with potential impact of water given consideration. He asked for minor changes to the size of the kitchen and that the archeological information not be required to be on title.

Trustees discussed the proposed DVP with the following noted items:

- Parking is a safety issue, however there are multiple users of the parking in this busy area;

- It might be appropriate to work on the item in the Projects List: "Ford's Cove Consultation" to address parking and other complex issues in the area;
- The store is important to the community and the application process has been lengthy;
- The recommended assessment and confirmation of potential coastal processes was not supported as the building is already existing;
- Concern was expressed regarding the size of the proposed restaurant and it was suggested that a reduced number of seats might be permitted until such time as the Ford's Cove Consultation project takes place when it might be reconsidered. Twenty four of the proposed parking spaces would support a 48-seat restaurant.

By general consent the meeting was recessed at 3:33 pm and reconvened at 3:46 pm.

HO-2019-056
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee approve issuance of HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina) with the exception of the variance for the parking.

CARRIED

8.3 HO-TUP-2018.1 (Baird, 6060 Central Road) - Staff Report

Planner Dubyna summarized the Staff Report that asks the LTC to consider a request for a Temporary Use Permit (TUP) to enable a seasonal juice bar and outdoor vendor tables. She advised of a minor correction to the size of the structure proposed and noted that the twenty parking spaces specified in the Site Plan should be removed, noting that the LUB requires that a total of forty parking spaces be provided for all uses on the lot.

In discussing the proposal, Trustees considered that the twenty parking spaces provided on the site would be adequate for the addition of the juice bar and vendor tables.

HO-2019-057
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee request staff to amend the Site Plan to 160 square feet instead of 180 square feet, parking spots be removed, the number 18 be replaced with the number 16 on the Site Plan and the square meterage reflect that as well, and that section 'e' of the permit regarding parking be removed.

CARRIED

HO-2019-058
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee approve issuance of Temporary Use Permit HO-TUP-2018.1 for a seasonal juice bar and outdoor seasonal vendor tables for a period of three (3) years from the date of issuance, as amended.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Official Community Plan and Land Use Bylaw Amendments Project - Staff Report

Planner Dubyna summarized the Staff Report that asks the LTC to consider separating the project into two phases: Phase 1 - Minor technical OCP/LUB amendments and Phase 2 - Major OCP/LUB amendments. She advised that a revised Project Charter is provided

for consideration of LTC endorsement and suggested that staff might commence preparation of a draft OCP and LUB amendment bylaw for the proposed Phase 1 of the project.

HO-2019-059
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee endorse the revised "Official Community Plan and Land Use Bylaw Amendments Project" Project Charter v 2.1 dated July 5, 2019.

CARRIED

HO-2019-060
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend Hornby Island Official Community Plan Bylaw No. 149, 2014.

CARRIED

HO-2019-061
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend Hornby Land Use Bylaw No. 150, 2014.

CARRIED

10. CORRESPONDENCE

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

10.1 Letter dated June 23, 2018 from Tony Law regarding Vacation Home Rental Regulations

HO-2019-062
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee refer the letter dated June 23, 2018 from Tony Law regarding Vacation Home Rental Regulations to the Advisory Planning Commission for their consideration on the Vacation Home Rental Review project.

CARRIED

11. NEW BUSINESS

11.1 Trust Council Climate Change Resolution - for information

HO-2019-063
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee postpone item 11.1 Trust Council Climate Change Resolution until the September 13, 2019 Local Trust Committee meeting.

CARRIED

11.2 Board of Variance Appointments - Memorandum - for decision

HO-2019-064
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee appoint Jack Woodward, Laurie Jackson and Sheila Ray to the Hornby Island Board of Variance for a three-year term effective July 27, 2019.

CARRIED

11.3 Model Cell Tower Consultation Process – Briefing

HO-2019-065
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee postpone item 11.3 Model Cell Tower Consultation Process until the September 13, 2019 Local Trust Committee meeting.

CARRIED

11.4 Screening Officer Policy (Bylaw Enforcement Notification - BEN) - Staff Report

HO-2019-066
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee postpone item 11.4 Screening Officer Policy (Bylaw Enforcement Notification – BEN) until such a point as there is a Bylaw Enforcement Notification bylaw in place.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report dated May, 2019

Received.

12.2 Applications Report dated June 27, 2019

Received.

12.3 Trustee and Local Expense Report - none

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

There were no changes requested at this time.

13. WORK PROGRAM

13.1 Top Priorities Report dated June 27, 2019

HO-2019-067
It was MOVED and SECONDED,
that Hornby Island Local Trust Committee request staff to update the wording in item No. 1 “Land Use Bylaw Amendments” to reflect the wording in agenda item 9.1 Official Community Plan and Land Use Bylaw Amendments Project - Staff Report.

CARRIED

13.2 Projects List Report dated June 27, 2019

Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for September 13, 2019 at 11:30 am at New Horizons, 1765 Sollans Road, Hornby Island, BC

LTC members confirmed the next regular meeting date, time and location.

15. ADJOURNMENT

By general consent the meeting was adjourned at 4:35 pm.

_____
Sue Ellen Fast, Chair

Certified Correct:

_____
Vicky Bockman, Recorder

DRAFT

Islands Trust

Print Date: September 5, 2019

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 reconcilation workshop with the community.	Lisa Wilcox		In Progress

Follow Up Action Report

Hornby Island

24-May-2019

Activity	Responsibility	Dates	Status
2 LTC approved the following engagement activities to take place on Hornby Island in support of Trust Council's Visions 2099 (Islands Trust Policy Statement review) Project: ·Hold a community engagement meeting including a presentation and topic-focused discussion groups (where participants can self-select their discussion group(s)). ·Undertake a community survey (through online engagement and in the local newspaper). and requested that the project title be changed.	Gillian Nicol		In Progress
3 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		In Progress

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		In Progress

Islands Trust

Print Date: September 5, 2019

Follow Up Action Report

Hornby Island

05-Jul-2019

Activity	Responsibility	Dates	Status
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		In Progress
3 LTC approved issuance of HO-DVP-2018.1 as amended.	Becky McErlean Bronwyn Sawyer		In Progress
4 LTC approved issuance of HO-TUP-2018.1 as amended.	Becky McErlean Jaime Dubyna		Completed
5 LTC endorsed the revised project charter for the Top Priority Project - OCP/LUB Amendments, and requested staff to prepare draft bylaws to amend the OCP and LUB.	Jaime Dubyna		In Progress
6 LTC referred Agenda item 10.1 - Correspondence to the Advisory Planning Commission.	Jaime Dubyna Penny Hawley		In Progress
7 LTC deferred Agenda items 6.2, 11.1, and 11.3 until the September 13, 2019 HO LTC regular business meeting.	Becky McErlean	Target: 13-Sep-2019	Completed
8 LTC deferred Agenda item 11.4 until adoption of BEN Bylaw.	Becky McErlean		Completed

STAFF REPORT

File No.: HO-DP-2018.1
(X Ref. No. HO-DVP-2018.1)

DATE OF MEETING: September 13, 2019

TO: Hornby Island Local Trust Committee

FROM: Bronwyn Sawyer, Planner 2
Northern Team

SUBJECT: Commercial Development Permit Application
Applicant: Matthew Fredbeck, Owner
Location: 10835 Central Road, Hornby Island (PID 005-574-285)
Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 Except part lying to the north east of a boundary parallel to and perpendicularly distant 50 feet from the north easterly boundary of said lot

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee request that the applicant of HO-DP-2018.1 revise and submit to staff the following plans by October 14, 2019:**

    a. **Elevation drawings from all four directions showing the commercial building will be finished in natural products such as wood or brick (Commercial Development Permit Guideline 10); and**

    b. **A landscape plan that shows all existing and proposed landscaping on the subject property (Commercial Development Permit Guidelines 3 and 8).**

REPORT SUMMARY

The Hornby Island Local Trust Committee (LTC) is asked to consider development permit (DP) application HO-DP-2018.1 to authorize recent and future modifications to a commercial property in the Ford's Cove neighbourhood. At the July 5, 2019 LTC meeting, the LTC considered a development variance permit (DVP) application for this property and staff stated the development permit would be brought forward at a subsequent meeting. The applicant has provided some plans of the works proposed. However, given the high exposure of the site and the focus on form and character in the Hornby Island Official Community Plan Bylaw No. 149, 2014 commercial centers development permit area, it is staff view that more detail should be provided in order for the LTC to determine if all the OCP guidelines have been adequately met.

BACKGROUND

The subject property is located at the end of Central Road at Fords Cove, as shown in Figure 1 below.

There have been several planning applications made over the years. They were itemized in the August 3, 2018 Memorandum and have been communicated in the Site Context (Attachment 1).

The proposed development permit that is the subject of this application is the result of an unauthorized addition and renovation to an existing building. The application states that the building was previously a store and gallery (Attachment 2). The renovation and ongoing construction at the site was initiated by a bylaw enforcement investigation and it was determined that a siting and use permit was not issued prior to the construction and that, if the building was not going to be removed, the construction being undertaken would require a DP and DVP. A staff report regarding the DVP was brought to the LTC on July 5, 2019.

According to the plans attached to the application, proposed changes to the commercial building include the following:

- Changing the roofline, installing solar panels and building a deck
- Increasing the floor area of the store and gallery (future restaurant use)
- Exterior finishes
- Provision of on-site parking

Although some information on the above items has been provided via email communication, very little has been shared that can be incorporated in the development permit, such as drawings and detailed plans. In general, the form and character of the proposed commercial development is difficult to assess without additional information. There has also been little information provided on what changes to the landscaping will be undertaken as part of the redevelopment of the property, which will see campsites converted into parking spots.

ANALYSIS

Islands Trust Policy Statement:

Staff have reviewed the Islands Trust Policy Statement (ITPS) and have highlighted the relevant policies in Attachment 1.

Official Community Plan:

The Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP) designated the subject property as CS/VA (Retail and Personal Service/Visitor Accommodation). The subject property is located within the Commercial Centres (Retail and Visitor Accommodations) Development Permit Area. The Commercial Centres Development Permit Area guidelines are included in Attachment 3.

Land Use Bylaw:

The subject property is zoned Commercial 5 (C5) in the Hornby Island Land Use Bylaw, No. 150 (LUB). The uses proposed, retail and restaurant are permitted in the C5 zone. The DVP application that was reviewed by the LTC at the July 5, 2019 meeting varied several sections of the LUB to allow the recent store construction and to allow the proposed restaurant construction.

Issues and Opportunities

Several of the development permit area guidelines have been met with the information provided by the applicant (see Attachment 3), but further information is needed.

Building finishes

It appears that many recent alterations have been made to the building, such as a change to the roofline and new siding. From one of the drawings submitted, the applicant has stated that vertical board and batten siding will be

used and reused from the existing store. However, the applicant has only provided one elevation drawing showing what materials will be used. If solar panels are installed, as stated in the DP application, they should be shown for the staff and LTC review. It is difficult for staff to determine if Guideline 10 will be met with the drawings that have been submitted.

Landscape Plan

The owner has stated in email that a hedge will be planted from fuels tanks to the front of the lot when the fish and chips concession trailer is removed, but this not shown on the site plan. By email, the applicant has mentioned that they intend to keep the area as an open space to the public and replant in grass. It is unknown where other vegetation will be removed and added to accommodate the necessary parking as no landscape plan has been submitted. Although the applicant has provided photos of a hedge along property line, staff have asked that that vegetation be shown on a site plan or professional prepared landscape plan; this has not been done. The applicant has stated that 18 yew bushes and 1 green bush will be planted; however, the location of these plantings is unknown. Staff are not able to verify if Guidelines 3 and 8 are met based on the information submitted with the application.

Consultation

Statutory Requirements

Development permits do not trigger statutory notifications or agency or First Nations referrals.

Rationale for Recommendation

Further information is required from the applicant in order for the LTC to have adequate information to make a decision. This process also ensures that an applicant will construct in accordance with plans submitted and gives staff a complete permit that can be used to verify guidelines were met post-construction and development. Refer to the formal recommendation, included on Page 1 of the report.

ALTERNATIVES

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

1. **Permit Approval with Condition**

   If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

   That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2018.1 conditional upon receipt by staff of the following: revised elevation drawings from all four directions showing that the building will be finished in natural products such as wood or brick and a landscape plan that shows all existing and proposed landscaping on the subject property.

2. **Refer to Advisory Planning Commission (APC)**

   The LTC may determine that review by the Hornby Island APC is in the community's interest. Recommended wording for such a resolution is as follows:

   That the Hornby Island Local Trust Committee request staff to refer development permit application HO-DP-2018.1 to the Hornby Island Advisory Planning Commission for comment.

NEXT STEPS

If the LTC resolves to request revised plans from the applicants, staff will await submission of such plans, assess them, and return to the LTC for decision at the next LTC meeting.

Submitted By:	Bronwyn Sawyer Planner 2	August 28, 2019
Concurrence:	David Marlor, MCIP, RPP Director, Local Planning Services	August 28, 2019

ATTACHMENTS

1. Site Context
2. Excerpt from Development Permit Application
3. Development Permit Guidelines
4. Draft Development Permit (as per Alternative 1)

ATTACHMENT 1 – SITE CONTEXT AND POLICIES

LOCATION

Legal Description	Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 Except part lying to the north east of a boundary parallel to and perpendicularly distant 50 feet from the north easterly boundary of said lot
PID	005-574-285
Civic Address	10835 Central Road, Hornby Island
Lot Size	0.85 Ha

LAND USE

Current Land Use	Commercial – retail, visitor accommodations, restaurant and accessory residential
Surrounding Land Use	West – Marina East – Agriculture North – Commercial South – Water



HISTORICAL ACTIVITY

File No.	Purposes/Notes (information from August 3, 2018 memorandum)

HO-DP-1981.10	To vary and supplement Hornby LUB (1972) related to construction of sundeck extension to existing store, including landscaping and provision of parking. Repealed and replaced by HO-DP-1996.1
HO-DP-1982.14	To vary and supplement Hornby LUB (1972) to permit 4 visitor accommodation cottages with limited floor area, plus setback requirement and exterior finishing requirements. Repealed and replaced by **HO-DP-1996.1**
HO-DVP-1992.13	*Not issued*
HO-SUB-1991.22	Created parcel A from Lot 9 (PID 005-574-668)
HO-DP-1996.1	To account for all existing and proposed development at the time (repealing and replacing **HO-DP-10-81** and **HO-DP-14-82**) and to vary/supplement Hornby LUB No. 86. Excerpts from the 1996 Permit: "Section 9.21.6.1 of Hornby Island Land Use Bylaw No. 86, 1993 (setback from natural boundary of the sea) is varied from 15 metres to 3 metres that applies to the existing store/café/gallery building only as shown on Schedule "A"" "Any **future alterations or additions to the store/café/gallery building or any other buildings on lands subject to this permit will be required to comply with the minimum 15-metre setback to the natural boundary of the sea**, as per Section 9.21.6.1 of the LUB"
HO-RZ-1996.1	Bylaw No. 91 amended HO LTC Land Use Bylaw No. 86 to site-specific rezone from Commercial Resort – Marina (C5) to Commercial Resort – Marina 1 (C5-1) for PID 005-574-285
HO-DVP-2009.1 & HO-DP-2010.1	To increase the maximum height of an accessory structure and decrease the setback from the natural boundary of the sea for a wind turbine. Variances granted. Permits issued.

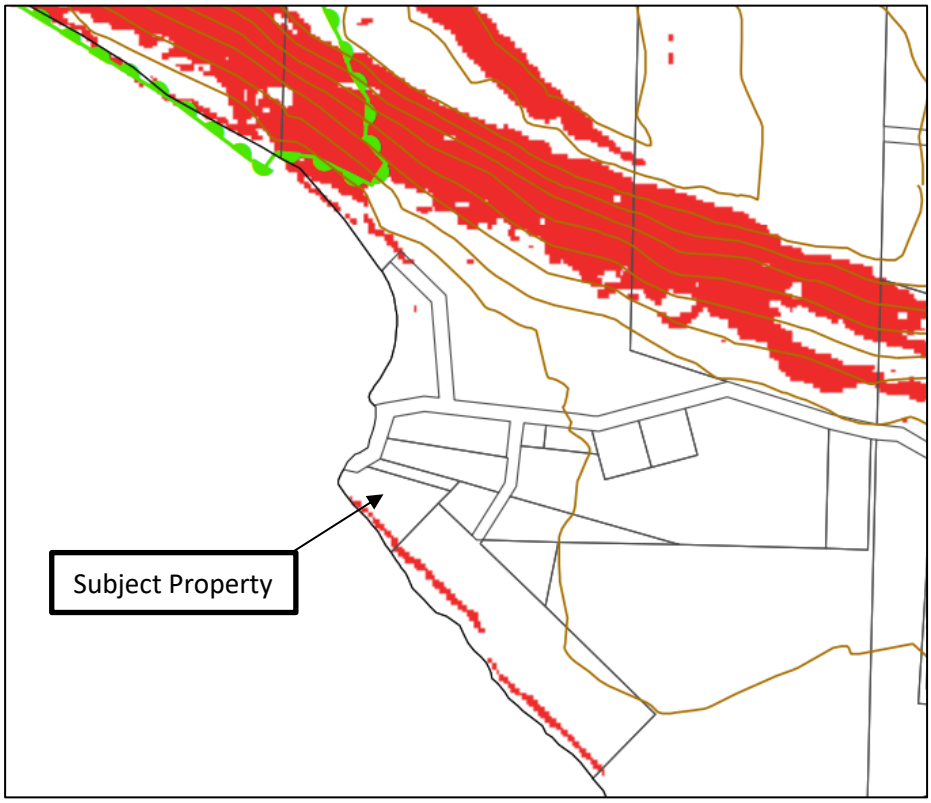
POLICY/REGULATORY

Islands Trust Policy Statement	**a)** **Commitments of Trust Council 5.1.2** It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character. **b)** **Directive Policy 5.1.3** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area. **c)** **Recommendation 5.1.4** Trust Council encourages property owners, residents and visitors to reduce the burning of wood and fossil fuels by adopting alternative or innovative technologies. **d)** **Commitments of Trust Council 5.2.1** Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character. **e)** **Directive Policy 5.2.3** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development. **f)** **Directive Policy 5.2.4** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.

Hornby Island Official Community Plan	Subject property is located within a development permit area (Commercial). Relevant OCP objectives include: **6.5 Commercial and Home Occupations** Section 6.5.1 Retail and Personal Service Objectives (1) To support the existing pattern of one major and three lesser centres for general or limited commercial uses; (2) To protect the environment from degradation and resources from depletion while providing opportunity for commercial activities; (3) To protect the integrity of quiet residential and rural neighbourhoods; (4) To prevent commercial strip development; and (5) To ensure the scale, form and character of all commercial development harmonize with the natural surroundings and the rural character of the island 6.5.1.4 The degree of servicing, including roads and parking, the provision of open space, signage and the form and character of any new commercial development shall be regulated through Development Permit. **6.9.1 Development Permits to Define the Form and Character of Commercial Development** Objective: To ensure that the form and character of commercial development are compatible with the quiet rural atmosphere of the community and to encourage continuation of that trend and to maintain the island's rural atmosphere.
Hornby Island Land Use Bylaw, No. 150	Commercial 5 (C5) Permitted uses in the C5 zone include: visitor accommodation, restaurant, retail, liquid fuel sales (boats) and accessory residential. Present and proposed uses are consistent with zoning.
BC Sewerage System Regulation, 2010	Sewerage system capacity and maintenance confirmed
Covenants	Currently none recorded
Bylaw Enforcement	HO-BE-2008.1 HO-BE-2009.1 HO-BE-2018.1

SITE INFLUENCES

Islands Trust Conservancy	This proposal does not directly affect an Islands Trust Conservancy Board (ITC)-owned property or conservation covenant nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore, referral to ITC for comment is not required.
Islands Trust Regional Conservation Plan (2018-2027)	Fords Cove is identified on map "Important Natural Areas in the Hornby Island Local Trust Area" as having medium value.
Species at Risk	Schedule D1 Environmentally sensitive areas **Primary Class – Woodland** (parking areas) **Secondary Class – WN** **Tertiary Class - WD**

Sensitive Ecosystems	Rare Ecosystem – Mature Forest/Primary Ecosystem (western portion of property) Woodland (WD) – Tertiary (shoreline) Wetland (WN) – secondary (shoreline)
Hazard Areas	Schedule D2 Environmentally Sensitive Areas Aquifers **IIIA – moderately developed, high vulnerability** Schedule F Hazard Areas **Property identified as having slopes > 30%** 
Archaeological Sites	Owner has contacted Archaeology Branch
Climate Change Adaptation and Mitigation	Sea level rise Increased motor vehicle traffic to the property should be expected
Shoreline Classification	The following information comes from Shoreline Maps for Hornby Island. The subject property is adjacent to a pebble/sand beach (see Map 1). The beaches comprise 13% of the Hornby shoreline. The beach has also be identified as a low lying area (see Map 3). Areas 0-4m in elevation about existing mean sea level and greater than 50m of width from the shore are mapped 'vulnerable' to sea level rise. The beach is identified in Map 3 as a soft shoreline, which is defined as typically associated with high recreational values and high ecological values (pocket beaches, estuaries, etc).
Shoreline Data in TAPIS	Islands Trust mapping indicates the presence of eel grass offshore of the subject property.

Attachment 2 - Excerpt from DP Application

Section 7:

Renovations to the store/gallery building at Ford's Cove started in 2007. In 2009 the Islands Trust (IT) received complaints and no bylaw enforcement action was taken. We were advised by the IT that it was fine to renovate the building over time as long as the footprint was not changed. In 2018 the IT received complaints and the IT advised us that the renovations were fine but if we lower the floor we are in violation of Bylaw 150 as this is an expansion downward. We have been instructed to apply for a variance to lower the floor. We are lowering the floor to make the store wheelchair accessible and barrier free which will eliminate the steps to access the building. We also are applying for a variance to change the roofline to accommodate 21,000-watts of solar panels so the roof will be high to the North and low to the South, ideally at a 30-degree angle. This will be the largest solar panel installation on Hornby Island. We are going with a lesser 15-degree angle so that the building remains under height. The 15-degee angle will result in a small loss of power production but is acceptable to us so as to not put the building over regulation height.

ATTACHMENT 3 – DEVELOPMENT PERMIT (DP) GUIDELINES FOR THE COMMERCIAL CENTRES (RETAIL AND VISITOR ACCOMMODATIONS) DEVELOPMENT PERMIT AREA

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Commercial Centres (Retail and Visitor Accommodations) Development Permit area shall apply to the Hornby Island Local Trust Committee for a development permit. Development Permits issued in this area should be in accordance with the following guidelines:

	Guideline	Complies	Notes
1	The character of each development (including campgrounds) should be in keeping with the rural environment and blend in with the aesthetic qualities of the natural surroundings.	Yes	Use of vertical board and batten siding from existing store
2	The form of the development should incorporate low, small-scale building designs with such amenities as public walkways and outdoor open spaces for use by the public, and include sufficient services.	Yes	The proposed alteration to the existing building on the waterfront amends the roofline and introduces a deck. New development will have an impact on the public users of waterfront.
3	Natural vegetation and trees should be maintained for screening of parking and storage areas and to enhance the privacy and rural flavour of public open spaces.	No	Existing vegetation should be shown on site plan or landscape plan to confirm. Not enough information to verify.
4	In order to minimize light pollution to neighbouring properties, lighting should be softer and lower than supplied by mercury vapour lighting towers, and alternatives that do not light up adjacent private properties shall be required.	Yes	Applicant has stated that light fixtures will be directed down
5	Off-street automobile parking should be provided as required by bylaw and the Permit should ensure that it is adequately screened and unobtrusive and, if possible, is located to the rear of the parcel and away from public open spaces and eating places.	Yes	See HO-DVP-2018.1
6	Adequate convenient toilet and washroom facilities should be provided for the number of customers anticipated.	Yes	Washrooms are shown – see HO-DVP-2018.1.

7	Clustering of businesses in order to share in the provision of parking, services, and public facilities and open space should be encouraged.	Yes	The retail and restaurant use are proposed to both occur in the same building, thereby clustering the uses to share parking, services, facilities, and open space on-site.
8	A landscape plan incorporating natural landscaping should be required.	No	A landscape plan should be provided by the applicants. Not enough information to verify.
9	Neon or internally lit signs should not be permitted.	Yes	None proposed.
10	All buildings should be finished in natural products such as wood or brick.	No	Proposed building materials and drawing of façade should be provided showing all elevation of building. Not enough information to verify.
11	On any lot where residential use is permitted the sequence of construction should be that buildings to be used only for commercial purposes should be constructed prior to any construction of any building that may accommodate residential use, with the exception that one building to be used for commercial purposes that includes one dwelling unit may be constructed, if authorized by zoning regulation, in any sequence of construction on the lot.	Yes	Commercial and residential building already constructed.
12	Universal access design principles should be incorporated into the built environment to support the provision of equitable access for all abilities.	Yes	Owner/applicant has stated that aspects of the new development are intended to improve access

Islands Trust	**HORNBY ISLAND LOCAL TRUST COMMITTEE** **DEVELOPMENT PERMIT** **HO-DP-2018.1**

TO: FORD'S COVE MARINA LTD. AND MATTHEW FREDBECK

1. This Development Permit (the "Permit") applies to the land described below, and all buildings, structures, and other developments therein:

PID 005-574-285
Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 except part lying to the North East of a Boundary Parallel to and Perpendicularly Distant 50 feet from the North Easterly Boundary of said Lot.

2. Pursuant to Section 488 of the *Local Government Act*, a portion of the subject property as described above lies within the Commercial Development Permit Area as identified on Schedule E of *Hornby Island Official Community Plan No. 149, 2014*.

3. Pursuant to Section 490 of the *Local Government Act* this Permit is issued in accordance with the *Hornby Island Use Bylaw No. 150, 2014*, authorizing **the redesign and new construction of a commercial building and the associated landscaping in accordance with the attached Schedules** for 10835 Central Road, Hornby Island, as attached to and forming part of this Permit.

4. This Permit **replaces all previous Development Permits for this property, namely HO-DP-1996.1** and is authorized in accordance with the following schedules attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:

Schedule "A" – Site plan (showing existing buildings including concession trailer to be removed)

Schedule "B" – Elevation (North east)

Schedule "C" – Elevation (North west)

Schedule "D" – Elevation (South east)

Schedule "E" – Elevation (South west)

Schedule "F" – Landscape Plan

5. The permit is subject to the following conditions:

3.1 Site Plan
Development on the subject property shall be substantially in accordance with attached Schedule "A".

3.2 Building Elevations
North east, north west, south east and south west building elevations shall be substantially in accordance with Schedules "B", "C", "D" and "E".

3.3 Landscape Plan
Landscaping in the parking lot area and in the location of the former concession trailer shall be substantially in accordance with Schedule "F".

6. Any alterations requiring a Development Permit and not specifically authorized in this Permit may require a new Development Permit or a Development Permit Amendment.

7. 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 the lawful completion of the proposed development.

8. The land described herein shall be developed in accordance with the terms, conditions, and provisions of this Permit, and any schedules, plans, and specifications attached to this Permit, which shall form a part thereof.

9. If a condition of this Permit respecting landscaping has not been satisfied, an unsafe condition has resulted as a consequence of a contravention of a condition in this Permit, or damage to the natural environment has resulted as a consequence of a contravention of a condition in this Permit, the Local Trust Committee may:

(a) undertake, at the expense of the holder of the Permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment.

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ___ DAY OF ____, 2019.

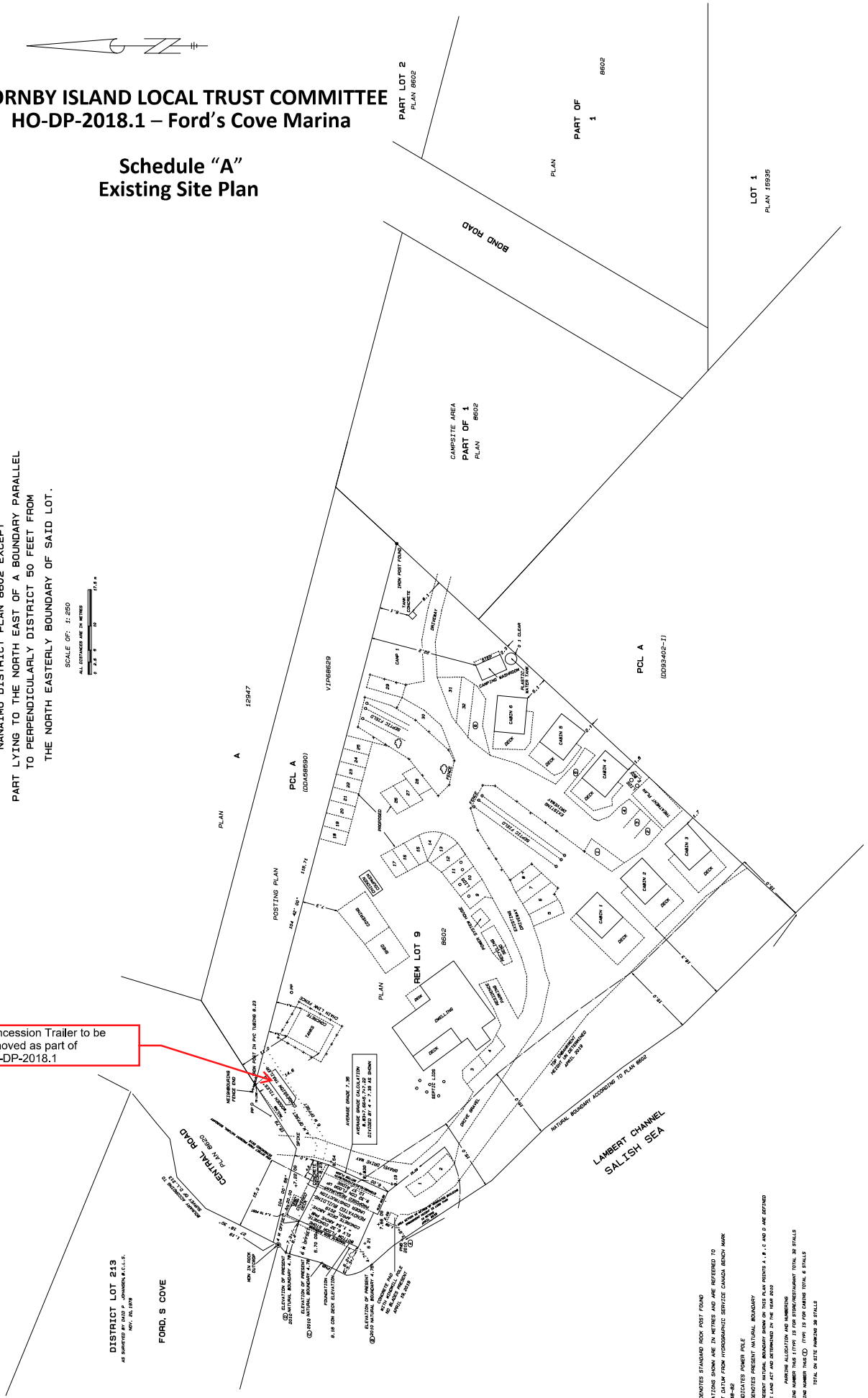
_____
Deputy Secretary, Islands Trust

_____
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 2021, THIS PERMIT AUTOMATICALLY LAPSES.

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DP-2018.1 – Ford's Cove Marina

Schedule "A"
Existing Site Plan



Schedule "B"

Building Renovation - Elevation (North East)

Schedule "C"

Building Renovation - Elevation (North West)

Schedule "D"

Building Renovation - Elevation (South East)

Schedule "E"

Building Renovation - Elevation (South West)

Schedule "F"

Landscape Plan

STAFF REPORT

File No.: HO-DVP-2018.1 (Ford's Cove Marina)

DATE OF MEETING:	September 13, 2019
TO:	Hornby Island Local Trust Committee
FROM:	Bronwyn Sawyer, Planner 2 Northern Team
SUBJECT:	Resolution HO-2019-056 from July 5, 2019 meeting regarding application HO-DVP-2018.1

RECOMMENDATION

1. That the Hornby Island Local Trust Committee rescind motion HO-2019-056 passed at the July 5, 2019 meeting.

2. That the Hornby Island Local Trust Committee amend draft permit HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina) by removing Section 2.c).

3. That the Hornby Island Local Trust Committee approve issuance of HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina) as amended.

REPORT SUMMARY

At the July 5, 2019 Hornby Island Local Trust Committee (LTC) meeting, the LTC reviewed the development variance permit application for Ford's Cove Marina (HO-DVP-2018.1) and passed a resolution to issue a modified version of the development variance permit. There were two sections of the development variance permit that related to parking and staff are requesting clarity prior to the issuance of the development variance permit to ensure that the intention of the LTC is respected.

BACKGROUND

The resolution that made by the LTC at the July 5, 2019 meeting, as per the draft minutes, was as follows:

> **HO-2019-056**
> **It was MOVED and SECONDED,**
> that the Hornby Island Local Trust Committee approve issuance of HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina) with the exception of the variance for the parking.
> **CARRIED**

Staff recommends this motion be rescinded and that the permit be amended and approved by resolution.

ANALYSIS

Policy/Regulatory

During consideration of HO-DVP-2018.1, the LTC asked various questions of the applicant and discussed the several variances sought in this application. Following discussion, resolution HO-2019-056 carried. The resolution does not clearly articulate which sections of the development variance permit were supported and which ones were to be removed. This question of clarity arose once the Legislative Clerk received the draft minutes and began making the changes as instructed through the resolution "the exception of the variance for the parking". In conversation with planning staff, it was determined that not enough information had been provided in the resolution as the Legislative Clerk had interpreted this resolution to mean both Section 2.b) and Section 2.c) of the draft permit (Attachment 1). Staff did not recall any LTC discussion during the LTC meeting regarding the design standards and there was no mention of 2.b) in the draft minutes; however, staff felt it was prudent to ask the LTC to provide clarification prior to the issuance of the development variance permit to ensure that no misinterpretation occurs.

Rationale for Recommendation

The rationale for the above recommendation is to provide clarity prior to the issuance of HO-DVP-2018.1.

ALTERNATIVES

1. **Modify the resolution to exclude all parking provisions**

   The LTC may have intended to remove all parking variances from the draft development variance permit and wording of the resolutions to achieve this would be as follows:

   a) "That the Hornby Island Local Trust Committee amend draft permit HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina) by removing Section 2.b) and 2.c)."

   b) "That the Hornby Island Local Trust Committee approve issuance of HO-DVP-2018.1 (Fredbeck, Ford's Cove Marina) as amended."

2. **Receive for information**

   The LTC may receive the report for information.

NEXT STEPS

Issue Development Variance Permit HO-DVP-2018.1 with changes as endorsed by LTC.

Submitted By:	Bronwyn Sawyer RPP, MCIP Planner 2	September 3, 2019
Concurrence:	Sonja Zupanec, MCIP, RPP Acting Regional Planning Manager	September 5, 2019

ATTACHMENTS

1. Draft Development Variance Permit

PROPOSED

Islands Trust	**HORNBY ISLAND LOCAL TRUST COMMITTEE** **DEVELOPMENT VARIANCE PERMIT - HO-DVP-2018.1** **FORD'S COVE MARINA**

TO: Matthew Fredbeck and Ford's Cove Marina Ltd.

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

PID: 005-574-285
Lot 9, Sections 2 and 18, Hornby Island, Nanaimo District, Plan 8602 Except part lying to the north east of a boundary parallel to and perpendicularly distant 50 feet from the north easterly boundary of said lot (10835 Central Road, Hornby Island)

2. Pursuant to Section 498 of the *Local Government Act*, the *Hornby Island Land Use Bylaw No. 150, 2014* is varied as follows:

a) **PART 3 GENERAL REGULATIONS**, Section **3.3 Siting and Setback Regulations,** Article **3.3(2)**: "No building or structure may be located within 15.0 metres or, nor less than 1.5 metres above, the natural boundary of any lake, watercourse, or the sea";

- Is varied to reduce the setback of a building or structure to the natural boundary of the sea from 15.0 metres to 4.7 metres for an existing commercial building as shown on Schedule "A".

b) **PART 5 PARKING REGULATIONS**, Section **5.2 Design Standards,** Article **5.2(3)**: "Where more than four parking spaces are provided, other than on a residential lot, the parking area must have a hard, permeable, durable surface such as interlocking bricks or well packed gravel that does not produce dust";

- Is varied to allow parking surfaces other than hard, permeable, durable surfaces that do not produce dust.

c) **PART 5 PARKING REGULATIONS**, Section **5.4 Number of Off-Street Parking Spaces,** Article **5.4(1)**: "Every owner of land must provide and maintain on the lot off-road vehicle parking spaces in accordance with Table 5.4":

- Is varied to reduce the minimum number of parking spaces for a 76-seat restaurant from 38 to 24;
- Is varied to reduce the minimum number of parking spaces for persons with disability from 1 to 0, for visitor accommodation.
- Is varied to reduce the minimum number of parking spaces for 140.6m^2 retail use from 8 to 6.

d) **PART 8 ZONE REGULATIONS**, Section **8.13 Commercial 5 – Comprehensive Commercial (C5) Zone (Ford Cove),** Subsection **Siting and Size,** Article **8.13(4)(d)**: "The minimum setback for any building or structure, except for a fence or pump/utility house shall be: 6.0 metres from an exterior side lot line";

- Is varied to reduce the exterior side lot line setback from 6.0 metres to 1.4 metres for an existing commercial building and covered deck as shown on Schedules "A" and "B".

e) **PART 8 ZONE REGULATIONS**, Section **8.13 Commercial 5 – Comprehensive Commercial (C5) Zone (Ford Cove),** Subsection **Siting and Size,** Article **8.13(7)**: "The floor area of a restaurant must not exceed 46m^2 per lot";

- Is varied to increase the maximum allowable floor area of a restaurant from 46m^2 to 144.5m^2 as shown on Schedule "C".

f) **PART 8 ZONE REGULATIONS**, Section **8.13 Commercial 5 – Comprehensive Commercial (C5) Zone (Ford Cove),** Subsection **Siting and Size,** Article **8.13(8)**: "The floor area of a retail stores must not exceed 46m^2;

- Is varied to increase the maximum allowable floor area of a retail store from 46m^2 to 140.6m^2 as shown on Schedule "D".

3. Schedule "A" indicates the existing site plan and the buildings shall be consistent with Schedule "B", which are both attached to and form part of this permit. This permit is not a Building Permit or 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 _____, 2019.

_____ **_____**

Deputy Secretary, Islands Trust **Date of Issuance**

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2021, THIS PERMIT AUTOMATICALLY LAPSES.

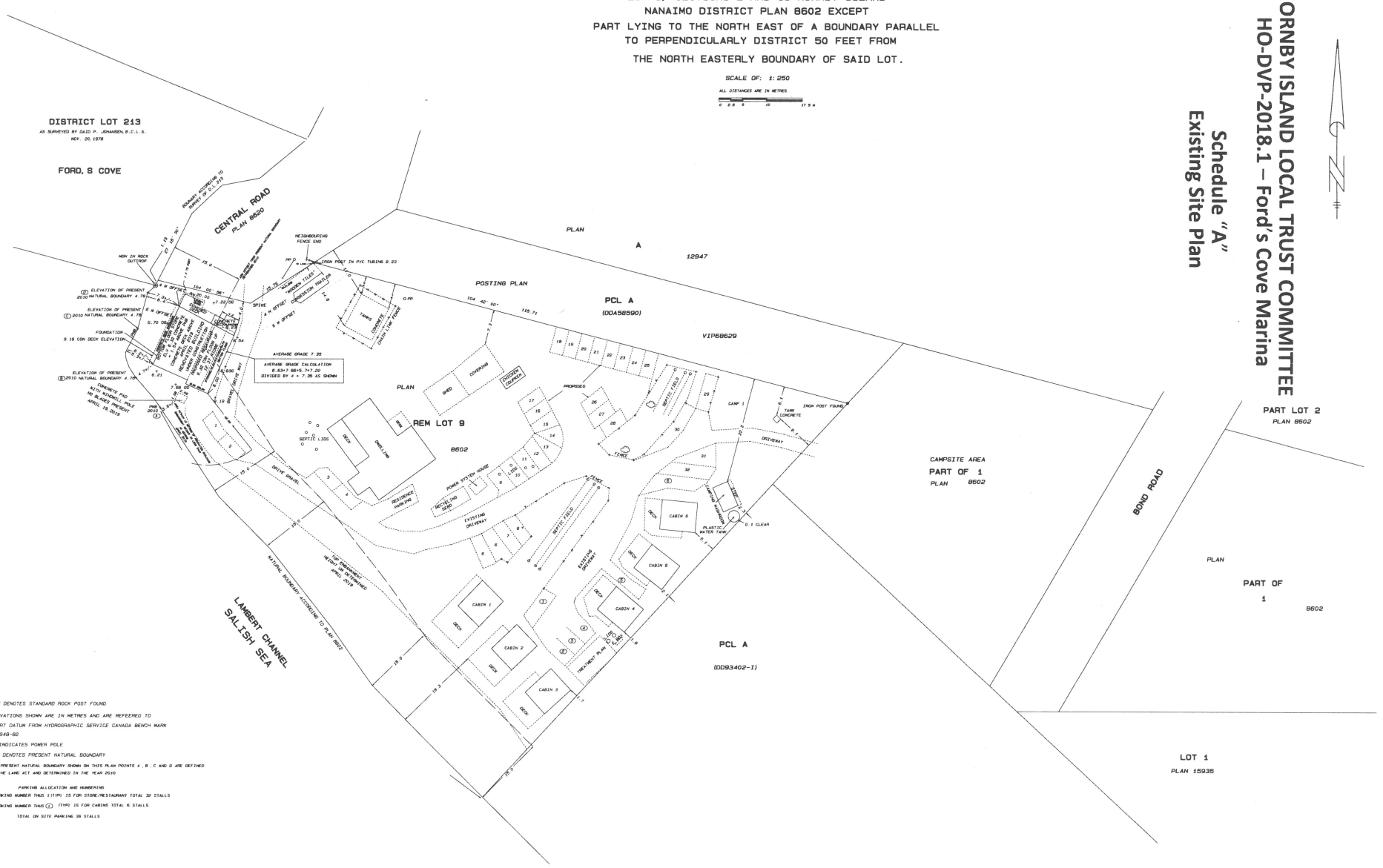
HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2018.1 – Ford's Cove Marina

Schedule "A"
Existing Site Plan

PLAN OF SURVEY OF PART OF
LOT 9, SECTIONS 2 AND 18 HORNBY ISLAND
NANAIMO DISTRICT PLAN 8602 EXCEPT
PART LYING TO THE NORTH EAST OF A BOUNDARY PARALLEL
TO PERPENDICULARLY DISTRICT 50 FEET FROM
THE NORTH EASTERLY BOUNDARY OF SAID LOT.

SCALE OF: 1: 250

ALL DISTANCES ARE IN METRES.



MON DENOTES STANDARD ROCK POST FOUND

ELEVATIONS SHOWN ARE IN METRES AND ARE REFEERED TO
CHART DATUM FROM HYDROGRAPHIC SERVICE CANADA BENCH MARK
BM1948-B2

PP INDICATES POWER POLE

PNB DENOTES PRESENT NATURAL BOUNDARY

THE PRESENT NATURAL BOUNDARY SHOWN ON THIS PLAN POINTS A , B , C AND D ARE DEFINED
BY THE LAND ACT AND DETERMINED IN THE YEAR 2010

PARKING ALLOCATION AND NUMBERING

PARKING NUMBER THUS 1 (TYP) IS FOR STORE/RESTAURANT TOTAL 32 STALLS

PARKING NUMBER THUS (1) (TYP) IS FOR CABINS TOTAL 6 STALLS

TOTAL ON SITE PARKING 38 STALLS

PETER T. MASON
BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 185
BOWSER, B.C
V0R 1G0

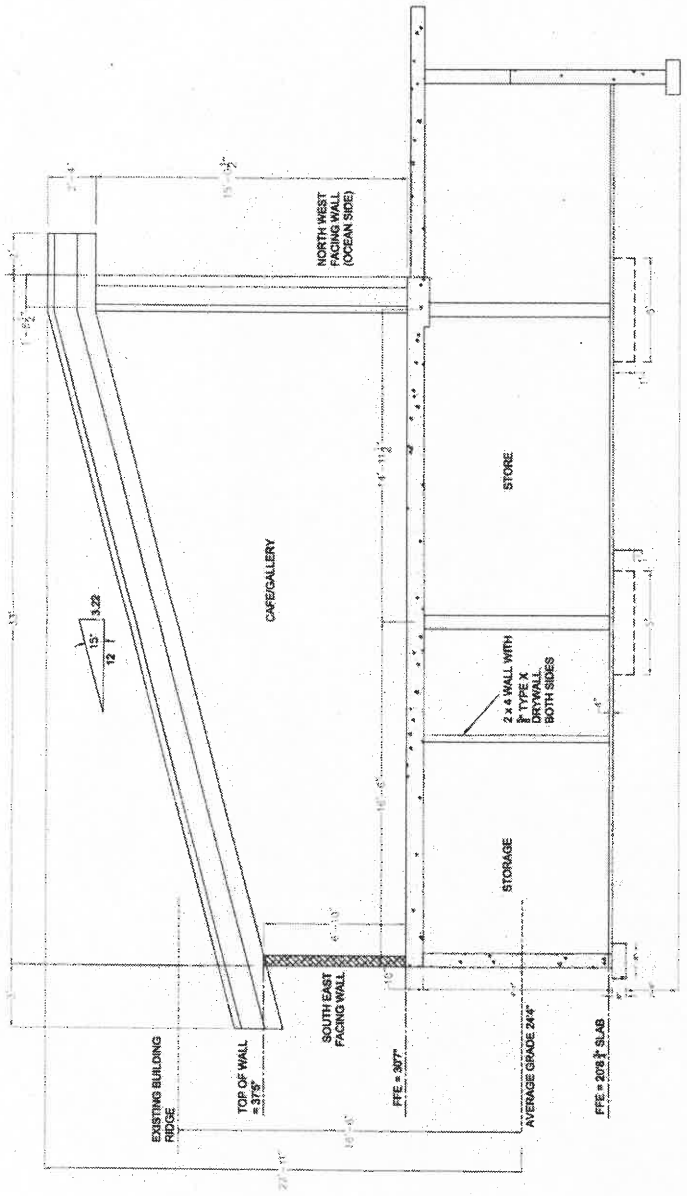
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SURVEYED AND PREPARED BY PETER T. MASON, B.C.L.S.
THIS PLAN IS A COMPILATION OF SURVEYS CONDUCTED
IN 2010, 2018 AND 2019

Peter Mason RGJENK
Digitally signed by Peter Mason RGJENK
Date: 2019.05.14 11:08:43 -07'00'

HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2018.1 – Ford's Cove Marina

Schedule "B"
Proposed Building Renovation – Elevations

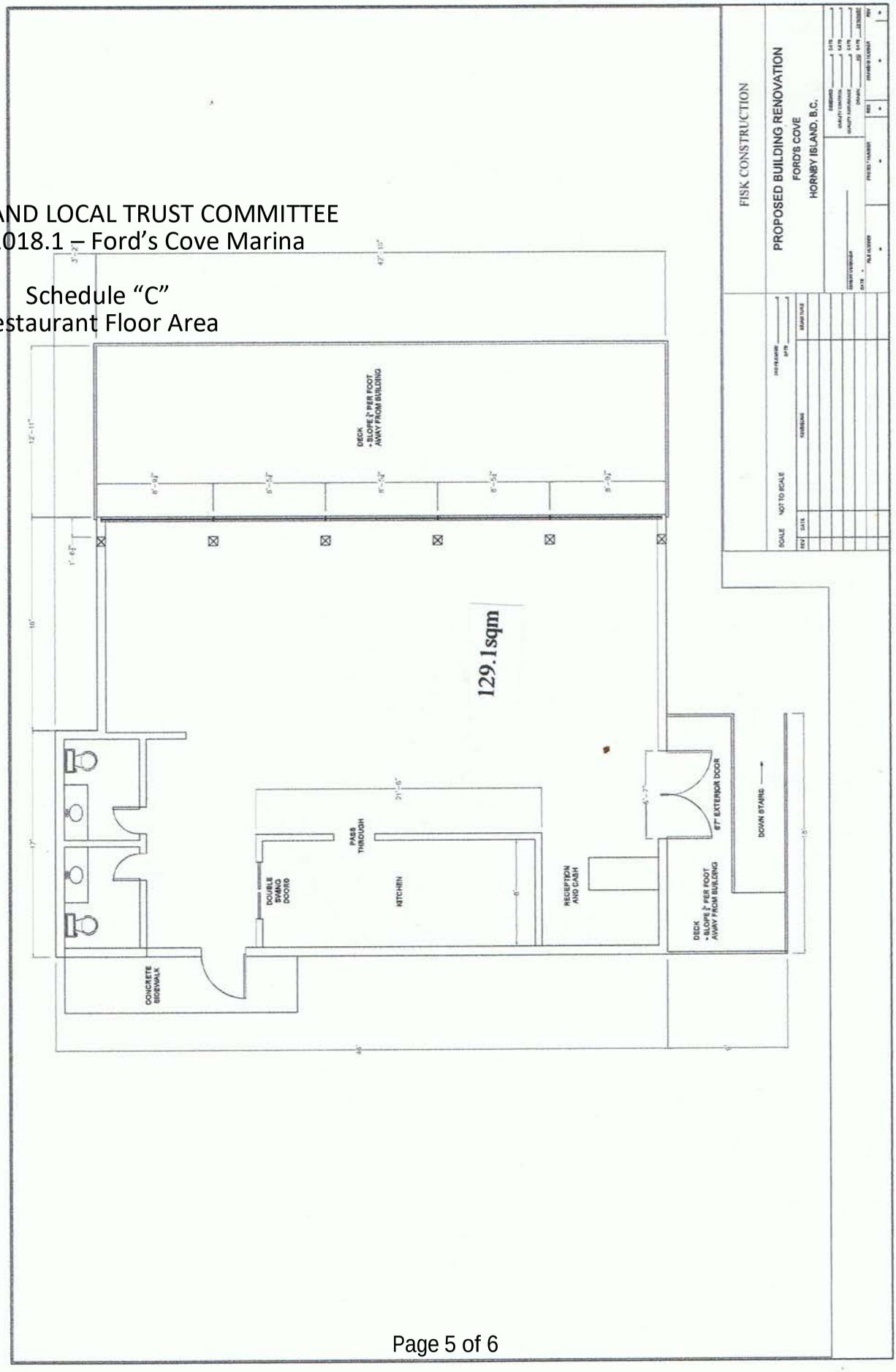


FISK CONSTRUCTION

PROPOSED BUILDING RENOVATION
FORD'S COVE
HORNBY ISLAND, B.C.

SCALE NOT TO SCALE

Schedule "C"
Restaurant Floor Area



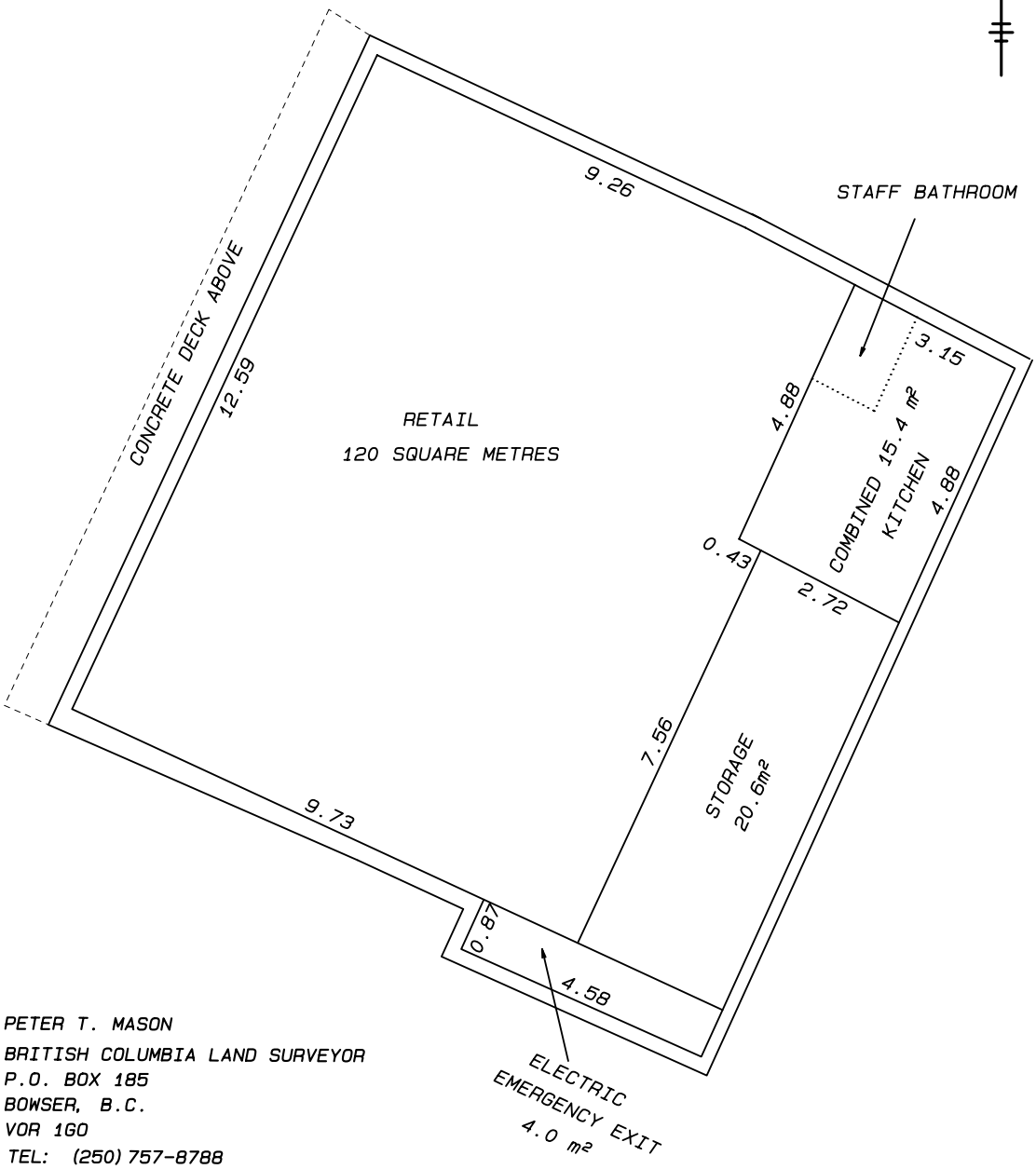
Floor area calculation is
33 ft x 46 ft = 1518 sqft - 3 ft x 16 ft (48 ft) =1470 sqft outside dimension of the floor
1470sqft =136.6sqm – exterior walls (7.5 sqm) = 129.1 sqm total floor area of building

BOTTOM FLOOR DETAILS

SCALE: 1: 100

0 1.0 2.0 4.0 6.0 10.0 14.0

PREPARED BY PETER T. MASON, B.C.L.S.



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HORNBY ISLAND LOCAL TRUST COMMITTEE
HO-DVP-2018.1 – Ford's Cove Marina
Schedule "D"
Bottom Floor Details

STAFF REPORT

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

DATE OF MEETING:	September 13, 2019
TO:	Hornby Island Local Trust Committee
FROM:	Marnie Eggen, Island Planner Northern Team
RE:	Rezoning Application HO-RZ-2018.1
	Applicant: David Wiseman Location: 5020 Fowler Road, Hornby Island

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee deny application HO-RZ-2018.1, and that the applicant be advised that pursuant to Section 4 of Hornby Island Trust Committee Development Procedure Bylaw No. 74, 1992, an application or substantially similar application may not be submitted less than one year from the date of this resolution.**

REPORT SUMMARY

The applicant for the above noted rezoning application requests that the Hornby Local Trust Committee (LTC) re-consider advancing this application. At their April 27, 2018 LTC meeting, the LTC deferred consideration of this application until such time that the minimum average lot area provision in the Hornby Island Land Use Bylaw No. 150 (LUB) is considered and addressed in the current LTC project- Hornby Island Official Community Plan (OCP) and LUB Review Project. Recent changes to the Project Charter for this project do not anticipate consideration of this issue until spring 2020 (see Project Charter in Staff Report for the Hornby OCP and LUB Review Project in September 13, 2019 agenda package). The applicant requests that their application not be delayed until then.

No new information has been received from the applicant since deferral of the application. Staff recommends that the application be denied based on the reasons outlined in the original staff report (Attachment 1) received by the LTC at their April 27, 2018 LTC meeting.

BACKGROUND

At the April 27, 2018 LTC meeting, the Hornby LTC passed the following resolution regarding this rezoning application:

> **HO-2018-08**
> **It was Moved and Seconded,**
> That the Hornby Island Local Trust Committee defer consideration of rezoning application HO-RZ-2018.1 until issues regarding the Official Community Plan and Land Use Bylaw Minimum Average Lot Area inconsistencies are resolved.
> **CARRIED**

ANALYSIS

Issues and Opportunities

Since the April 27, 2018 LTC meeting, the Hornby LTC endorsed a revised Project Charter v 2.1 for the Hornby OCP and LUB Review Project at their July 5, 2019 LTC meeting. The revisions included changes to the milestones of the project and identified that the topic of minimum average lot area for R2 zoning be addressed during Phase 2 of the project, scheduled to commence in the spring of 2020.

As a result of the revised Project Charter and the change to the anticipated timeline to address this issue, the applicant has requested that the LTC re-consider their application to rezone in order to advance its consideration.

The preliminary staff report prepared for the LTC for their April 27, 2018 LTC meeting provides relevant information respecting this rezoning application (Attachment 1) and no new information has been provided by the applicant. Staff have attached the original rezoning application for reference (Attachment 2). The proposal is not compatible with the OCP statements that encourage retention of large lots and existing densities; would increase residential density near agricultural lands; and lacks a demonstrable public benefit.

Rationale for Recommendation

Staff continue to recommend that the application be denied based on the reasons outlined in the original staff report received by the LTC at their April 2018 LTC meeting. The formal recommendation is included on Page 1 of the report.

ALTERNATIVES

1. **Request further information**

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

   That the Hornby Island Local Trust Committee request that the applicant submit to the Islands Trust [insert requested information and rationale for request].

2. **Refer the Application to APC for Comment**

   The LTC may refer the application to the APC. Recommended wording for the resolution is as follows:

   That the Hornby Island Local Trust Committee request staff to refer application HO-RZ-2018.1 to the Hornby Island Advisory Planning Commission for comment.

3. **Proceed with Application Process**

   The LTC may choose to request staff to proceed with processing the application. If selecting this alternative, staff note that an OCP amendment would be required and that the applicant should pay an additional fee of $550.00. Recommended wording for the resolution is as follows:

   That the Hornby Island Local Trust Committee request staff proceed with processing application HO-RZ-2018.1.

NEXT STEPS

If the LTC resolves to deny the application as recommended by staff, staff would close the file and issue a partial refund to the applicant in the amount of $1650.00 as per the Hornby Island Fees Bylaw No. 132.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	September 3, 2019
Concurrence:	Sonja Zupanec, RPP, MCIP Acting Regional Planning Manager	September 3, 2019

ATTACHMENTS

1. Staff Report, dated April 27, 2018
2. Rezoning application, received January 10, 2018

STAFF REPORT

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

DATE OF MEETING: April 27, 2018

TO: Hornby Island Local Trust Committee

FROM: Madeleine Koch, Planner 2
Northern Team

SUBJECT: Rezoning Application HO-RZ-2018.1
Applicant: David Wiseman
Location: 5020 Fowler Road

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee deny application HO-RZ-2018.1;**

2. **That the Hornby Island Local Trust Committee add "Land Use Bylaw Amendments" to the Projects List with the associated activity to include "Review Subdivision Lot Area Regulations for the Large Lot (R2) Zone".**

REPORT SUMMARY

The subject property is located at 5020 Fowler Road, at the corner of Fowler and Ostby Roads. The applicant/ owner, David Wiseman, proposes to rezone the 3.98 hectare R2 zoned lot to allow a Minimum Average Lot Area of 1.99 hectares. The purpose of the proposal is to allow subdivision of the lot into two parcels (see Attachment 1), so that one of the lots can be sold for residential purposes.

This report provides background information on the subject property's development history, and an analysis of the legislative and policy frameworks affecting consideration of this rezoning application.

The report also highlights a technical issue regarding the Land Use Bylaw provisions for subdivision in the Residential 2 zone, which was discovered during analysis of this application.

BACKGROUND

The subject property is zoned Large Lot (R2) and is within the Rural Residential (RR) Official Community Plan (OCP) designation. It is not within the Agricultural Land Reserve (ALR); however adjacent properties to the east and west are in the ALR, as are nearby lots to the south (see Attachment 2).

Since 2008, the subject property's parent parcels have been subdivided twice under former Hornby Island Land Use Bylaw No. 86. In 2016, the landowners made a third subdivision application, under current Hornby Island Land Use Bylaw No. 150, for the purpose of subdividing the subject property into two lots. The Provincial Approving Officer denied the 2016 proposal because the property had insufficient area to meet the Minimum Average Lot Area (MALA). Because MALA cannot be varied (as that would constitute a variance of density), the applicant chose to make this rezoning application. See Attachment 3 for copies of historic subdivision plans involving the subject property.

The applicant contends that the lot would have subdivision potential at present, if not for a surveying error that occurred when the lot was previously subdivided in 2011. Had the 2011 subdivision been configured slightly differently, the subject property could have been 4 hectares in area and thus able to meet a MALA of 2 hectares. However, the MALA for the R2 zone is in fact 4 hectares, not 2 hectares, due to a contradiction in the Land Use Bylaw (LUB) (see Attachment 4). This issue is discussed in detail below, under the "Issues and Opportunities" heading.

The application was made under the assumption that a 2 hectare MALA applies and therefore the rezoning request would allow for the creation of new lots that would be only 0.01 hectares smaller than the permitted lot area. Because the MALA is actually 4 hectares, the requested rezoning would allow lots that are 2.01 hectares smaller than the permitted lot area, which is a more significant request, and at greater odds with applicable OCP content (see Attachment 5).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement Relevant Policies:

Staff have identified the following applicable policies from the Islands Trust Policy Statement (ITPS):

> ***4.1.5*** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.*
>
> ***4.1.6*** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse effects on agricultural land.*
>
> ***5.2.5*** *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.*

The proposal would increase residential density in proximity to agricultural land, which is not considered a best practice for farm land protection, as higher residential density increases the likelihood of neighbour-to-neighbour conflicts related to odour, noise, and other farm-related nuisances.

Official Community Plan:

The OCP includes the following applicable statements:

> ***6.1*** **[Background]** *A review of the current and proposed parcels located within the land use categories contained within this plan and the level of land development activities in those categories indicate that there remains a sufficient inventory of lands to allow for sustainable future land use needs over the next five years and beyond*
>
> **[Excerpt from *Section 6.3.1 (Residential – General Background)*]** *Notwithstanding [the housing] challenges [facing Hornby], the location, amount, type and density of current residential lands; in conjunction with the designation of new lands for community housing and the addition of new policies enabling secondary suites and temporary housing; are deemed sufficient to meet anticipated housing needs over the next five years and beyond.*

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

6.1 **[Objectives]** ***(4)*** *to consider the community benefit in any significant rezoning application*

6.3.3 Rural Residential Background

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

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

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

6.3.3 Rural Residential Objectives **[Excerpt of relevant objectives]**

1) to promote retention of large parcels of land and existing densities;
2) to provide some limited opportunity for land sharing without encouraging subdivision;

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

Land Use Bylaw:

The Hornby Island Land Use Bylaw No. 150 provides the following applicable density and subdivision provisions:

8.2 – Residential 2 - Large Lot (R2) Zone **[Excerpt of relevant sections]**

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

(a) a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares;
(b) a maximum of two dwelling units per lot having an area of 4.0 hectares or larger;

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

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

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

The 4 hectare MALA stipulated in subsection 8.2(9) overrides the 2 hectare MALA cited in 8.2(8). The proposal would result in lots 2.01 hectares smaller than the R2 zone MALA required by the Land Use Bylaw.

Issues and Opportunities

Inconsistency with the OCP

In accordance with the *Local Government Act*, all bylaws are required to be consistent with the OCP. The OCP includes the following applicable objectives for the Rural Residential (RR) Designation (which coincides with the R2 zone) related to lot size and density:

- 6.3.3(1) to promote retention of large parcels of land and existing densities
- 6.3.3(2) to provide some limited opportunity for land sharing without encouraging subdivision

This proposal would not support objective 6.3.3(1), as it would result in the creation of smaller parcels of land and higher density. Because the lot is currently 3.98 hectares in area, it is 0.02 hectares below the 4 hectare lot area required to be eligible for two dwellings. However, if it were rezoned and subdivided, each lot could have a dwelling.

Objective 6.3.3(2) supports some level of land sharing (such as allowing two dwellings on lots greater than 4 ha), however it specifically discourages subdivision. It should be noted that, in the long term, subdivision constitutes a more permanent creation of density than simply allowing two dwellings per lot by way of zoning. While the Local Trust Committee (LTC) may consider making changes to zoning to gradually phase out uses that no longer serve the public interest, subdivision cannot be reversed except at the initiative of individual property owners.

It should be noted that, even if a 2 hectare MALA did apply and the application was only proposing a minor reduction in permitted MALA, this would not necessarily justify advancing the proposal. Either way, this rezoning would result in an increase in density, which is at odds with OCP objectives. Furthermore, the Local Trust Committee (LTC) should carefully consider the possible implications of setting a perceived precedent of allowing rezoning for the purpose of altering Minimum Average Lot Area to open up subdivision potential – especially in cases like this where the proposal does not make a demonstrable contribution to the public good.

Agricultural Edge Planning Considerations

The properties to the east and west of the subject property are within the Agricultural Land Reserve (ALR). Typically, increasing residential density near agricultural land is not considered best planning practice, due to the potential for conflicts to arise based on odours, noise, and other nuisances that may be associated with operating farms. OCP Policy 6.4.2.6 states “uses should be regulated in buffer areas on properties adjacent to land in the Agricultural Land Reserve to minimize any adverse impacts”. If the LTC chooses to advance this proposal, consideration could be given to establishing agricultural buffers on the subject property.

Minimum Average Lot Area Contradiction

The following analysis does not directly impact the proposal. It is addressed here because this proposal brought the issue to light and it should be dealt with. This analysis is also helpful in illuminating the intent of the bylaw, and therefore the extent of the rezoning request.

Section 8.2(8) of the Land Use Bylaw states that the Minimum Average Lot Area (MALA) for the R2 zone is 2 hectares. However, Section 8.2(9) states: “Despite 8.2(8) for lots where two legal dwellings are permitted, the minimum average lot area must be greater than 4.0 hectares”. Section 8.2(2)(b) permits two dwellings on lots with an area of 4 hectares or more. This effectively triggers a 4 hectare MALA in all instances, since 4 hectares is the minimum area required to be able to subdivide to a MALA of 2 hectares, and it is also the size at which an R2

zoned lot is permitted two legal dwellings, and is therefore subject to a MALA of 4 hectares. It appears that the 2 hectare MALA provision is redundant, as there would be no circumstance in which it could be applied. While a technical interpretation of the LUB makes it quite clear that a MALA of 4 hectares would apply for any subdivision application in the R2 zone, the fact that Section 8.2(8) exists begs the question: what was the intended MALA at the time the bylaw was adopted?

Staff reviewed records from when the Land Use Bylaw was in development in an attempt to ascertain the MALA intended for the R2 zone, but did not find any clear analysis to help answer the question. While a 2014 staff report cites a proposed MALA of 2 hectares for the R2 zone, Hornby Island Official Community Plan No. 149 – adopted in 2016 – includes statements that suggest a larger MALA was intended.

The Rural Residential (RR) Official Community Plan designation coincides with the R2 zone and, as discussed earlier, includes an objective "to promote retention of large parcels of land and existing densities". Applying a minimum average lot area of 2 hectares would not support the OCP objective to retain larger lots, because the previous Hornby Island LUB No. 86 required a minimum average lot area of 4 hectares, as per the former R3 zoning that was applicable to the subject property (see Attachment 6). Applying a minimum average lot area of 2 hectares would allow the creation of smaller lots than were possible under the previous bylaw, which is not the intent expressed in the OCP. Based on applicable OCP objectives, it appears that a 4 hectare MALA is more appropriate for the R2 zone.

Further exploration of this issue via a land use bylaw amendment project is recommended.

Rationale for Recommendation

Staff recommends that the application be denied. This recommendation is based on the proposal's lack of compatibility with OCP statements that encourage retention of large lots and existing densities within the Rural Residential Designation. Secondary reasons for the recommendation are: the fact that the proposal would increase residential density near agricultural lands, and the proposal's lack of demonstrable public benefit.

It is also recommended that the wording regarding the R2 zone MALA be clarified through an amendment bylaw at the same time as other minor bylaw issues are addressed. The staff recommendation is noted on page 1 of the report.

ALTERNATIVES

1. **Request further information**

   That the Hornby Island Local Trust Committee request staff to obtain further information from the applicant including [specific information to be provided].

2. **Refer Application to APC for Comment**

   That the Hornby Island Local Trust Committee request staff to forward the application to the Hornby Island Advisory Planning Commission for comment.

3. **Proceed with Application Process**

   That the Hornby Island Local Trust Committee request staff to proceed with the application process by preparing a staff report including draft bylaws and recommended referrals.

   Staff note that an OCP amendment would require the applicant to pay an additional fee of $550.00.

NEXT STEPS

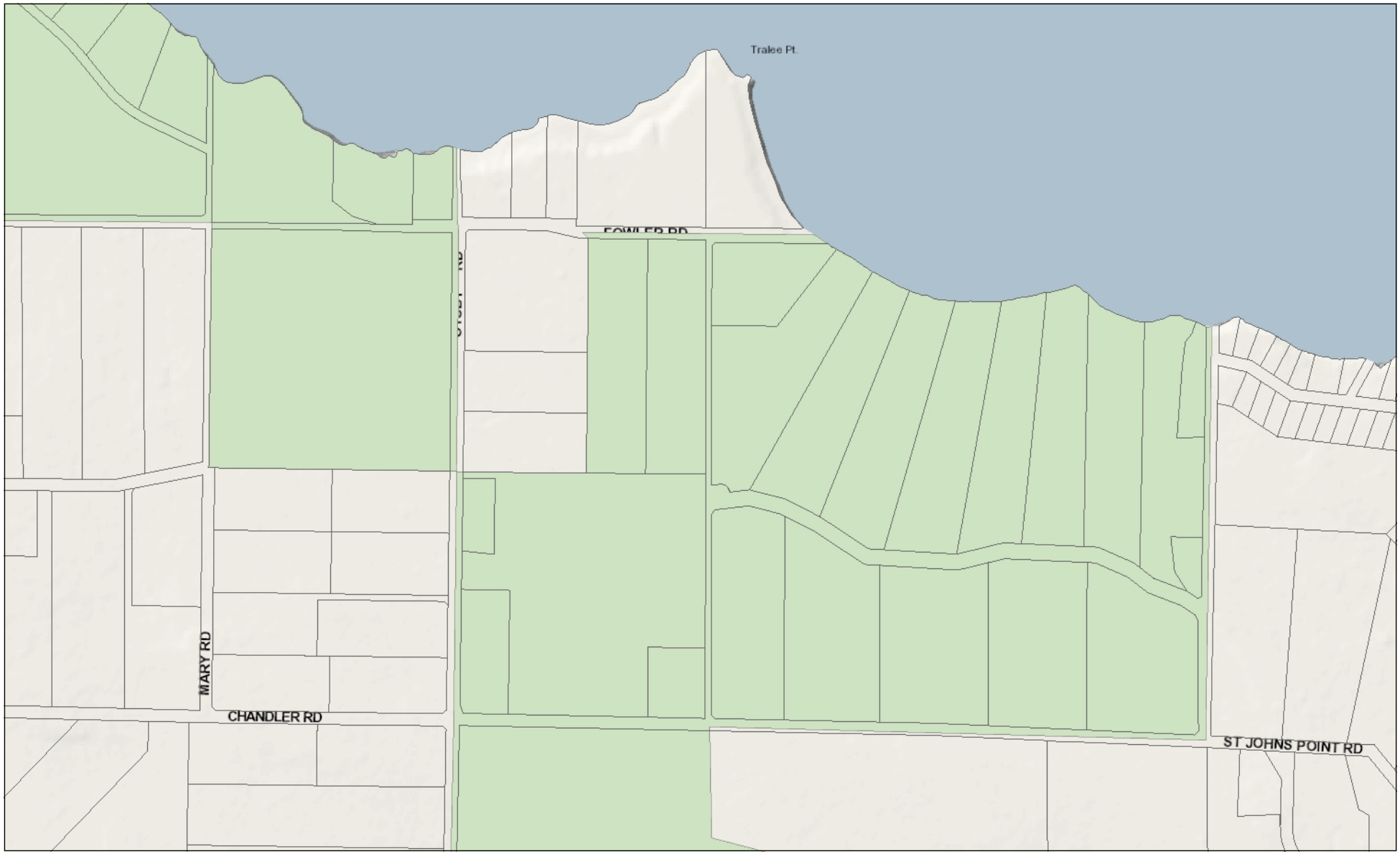
If the LTC moves the recommendation, staff would close the file and issue a partial refund to the applicant in the amount of $1650.00 as per the Hornby Island Fees Bylaw No. 132.

Submitted By:	Madeleine Koch, MCIP, RPP Planner 2	April 11, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 17, 2018

ATTACHMENTS

1. Proposed plan of subdivision
2. ALR Map
3. Historic subdivision plans
4. Large Lot (R2) zone
5. Rural Residential OCP Designation
6. Previous zoning applicable to the subject property (Excerpt from Bylaw 86)

ALR Map



458.6 0 229.3 458.6 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Islands Trust

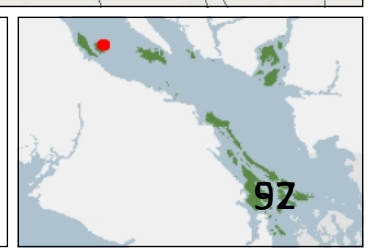
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April 11, 2018

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Islands Trust makes no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



LEGEND - Base Maps

- Property Boundary
- Roads
- Water Courses
- Lakes
- Zoning Boundary

Zoning Class

- Not Zoned
- Commercial/Industrial
- Community
- Residential
- Resource
- Water

Contours

- Index Contour
- Intermediate Contour

LEGEND - Operational Layers

- Agriculture Land Reserve
- First Nations Reserves

8.2 Residential 2 – Large Lot (R2) 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) secondary suite in a dwelling on lots 2.0 hectares or larger;

(d) horticulture accessory to a principal residential use;

(e) agriculture accessory to a principal residential use on lots 2.0 hectares or larger;

(e) silviculture accessory to a principal residential use on lots 2.0 hectares or larger;

(f) accessory uses, buildings and structures, including but not limited to home occupations; and

(g) vacation home rental use.

Permitted Buildings, Structures and Density

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

(a) a maximum of one residential dwelling unit per lot having an area less than 4.0 hectares;

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

(c) accessory buildings and structures.

(3) Lot coverage must not exceed 10% of any lot having an area of 1.0 hectare or more, nor 15% of any lot having an area of less than 1.0 hectare.

Siting and Size

(4) The minimum setback for any building or structure, except for a fence or pump/utility house shall be:

(a) 8.0 metres from a front lot line;

(b) 8.0 metres from a rear lot line;

(c) 8.0 metres from any interior side lot line; and

(d) 8.0 metres from any exterior side lot line.

(5) The floor area of a residential dwelling unit must not exceed 300 m^2.

(6) The total combined floor area of all accessory buildings on a lot must not exceed 200 m^2.

Subdivision Lot Area Requirements

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

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

Other Regulations

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

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

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

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

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

6.3.3 Rural Residential

Background:

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

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

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

Area

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

Objectives:

The objectives of this subsection are:

(1) to promote retention of large parcels of land and existing densities;

(2) to provide some limited opportunity for land sharing without encouraging subdivision;

(3) to enable some residents to resolve existing land sharing challenges; and

(4) to allow for a wide diversity of home occupations subject to regulations which ensure maintenance of the rural residential character of the areas designated rural residential and to ensure minimal negative impact on neighbouring properties.

Policies:

6.3.3.1 For subdivision of properties in the Rural Residential designation where two dwellings are permitted, a minimum lot size of one hectare (2.5 acres) should be maintained with no more than one dwelling per lot. A lot size less than one hectare may be considered if the subdivision is for the purpose of creating park, ecological reserve, community land trust or other community service use.

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

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

6.3.3.3 The principal use in this category should be residential with any accessory uses consistent with the residential character.

6.3.3.4 Only one dwelling unit should be permitted on parcels smaller than 3.5 hectares (8.75 acres) and a maximum of two dwellings should be permitted on lots 3.5 hectares (8.75 acres) or greater.

6.3.3.5 Home occupations may be permitted but should be limited to those having little impact on the rural residential character of the area and its environmental qualities.

6.3.3.6 Bed and Breakfasts and vacation home rentals should only be permitted if the number of guests does not exceed the design capacity of the sewage treatment system.

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

6.3.3.8 New road development in association with subdivision in this designation is discouraged and the use of road allowances developed as public trails to provide vehicle access to lots created by subdivision in this designation is not supported.

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

6.3.4 Forest

Background:

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

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

Area

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

Objectives:

The objectives of this subsection are to:

(1) preserve scenic, aesthetic and ecological values;

(2) minimize ground disturbance and retain forest cover in order to protect water catchment areas;

(3) preserve traditional public trail access through forested areas especially to escarpment view points;

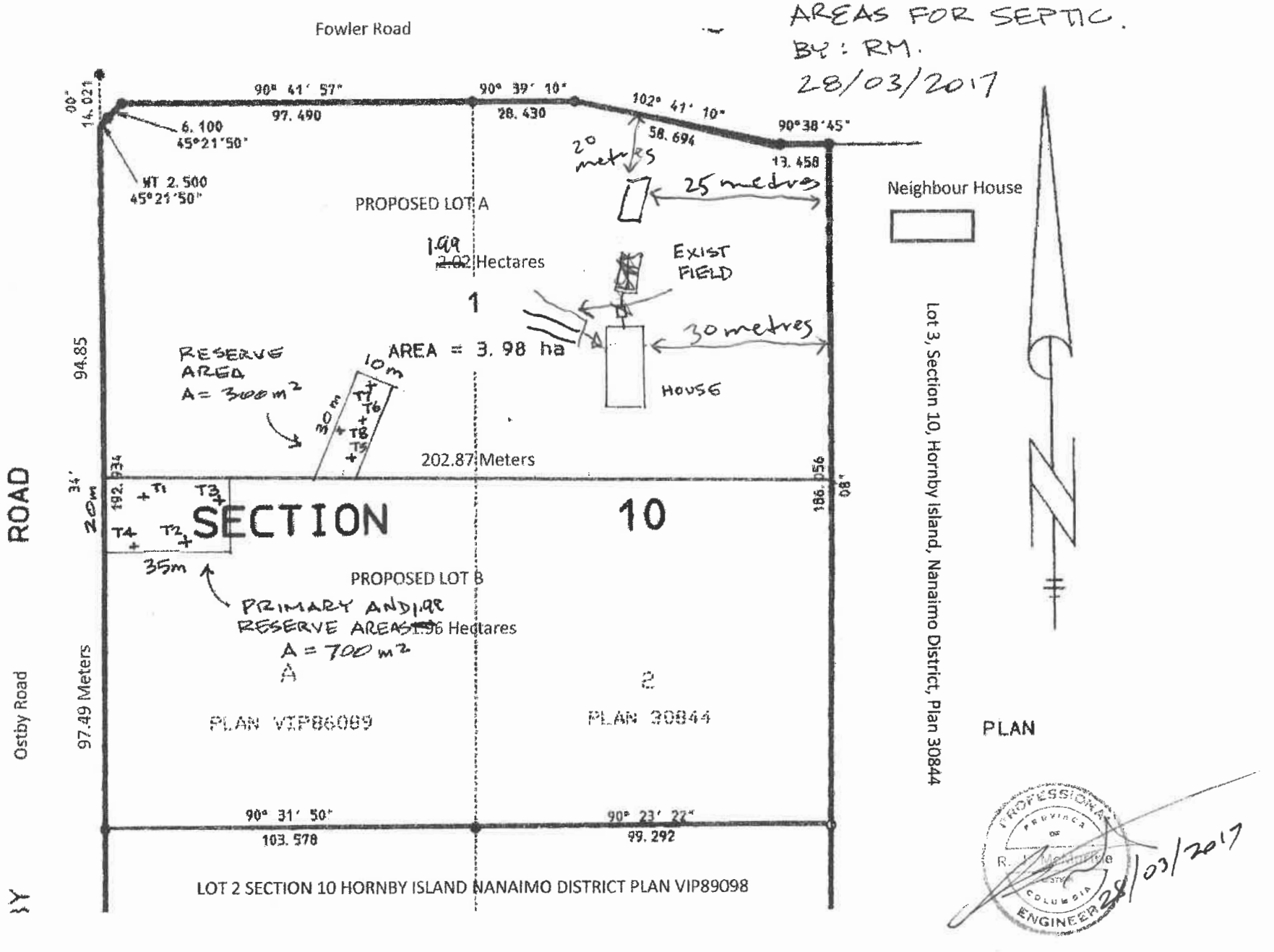
(4) promote retention of large parcels of land;

(5) provide some limited opportunity for land sharing without encouraging subdivision,

Drawn: March 3, 2016

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

PROPOSED DISPERSAL AREAS FOR SEPTIC.
BY: RM.
28/03/2017



Scale
1 cm = 14.5 Meters

Note:
Hydro exists Osby & Fowler Roads

PROFESSIONAL ENGINEER
PROVINCE OF BRITISH COLUMBIA
R. J. McIntyre
28/03/2017

LTB/CD/14/06/02

06-XS

SUBDIVISION PLAN OF THE N 1/2 OF THE E 1/2 OF THE NW 1/4 OF SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT.

Scale: 1 Inch = 200 Feet

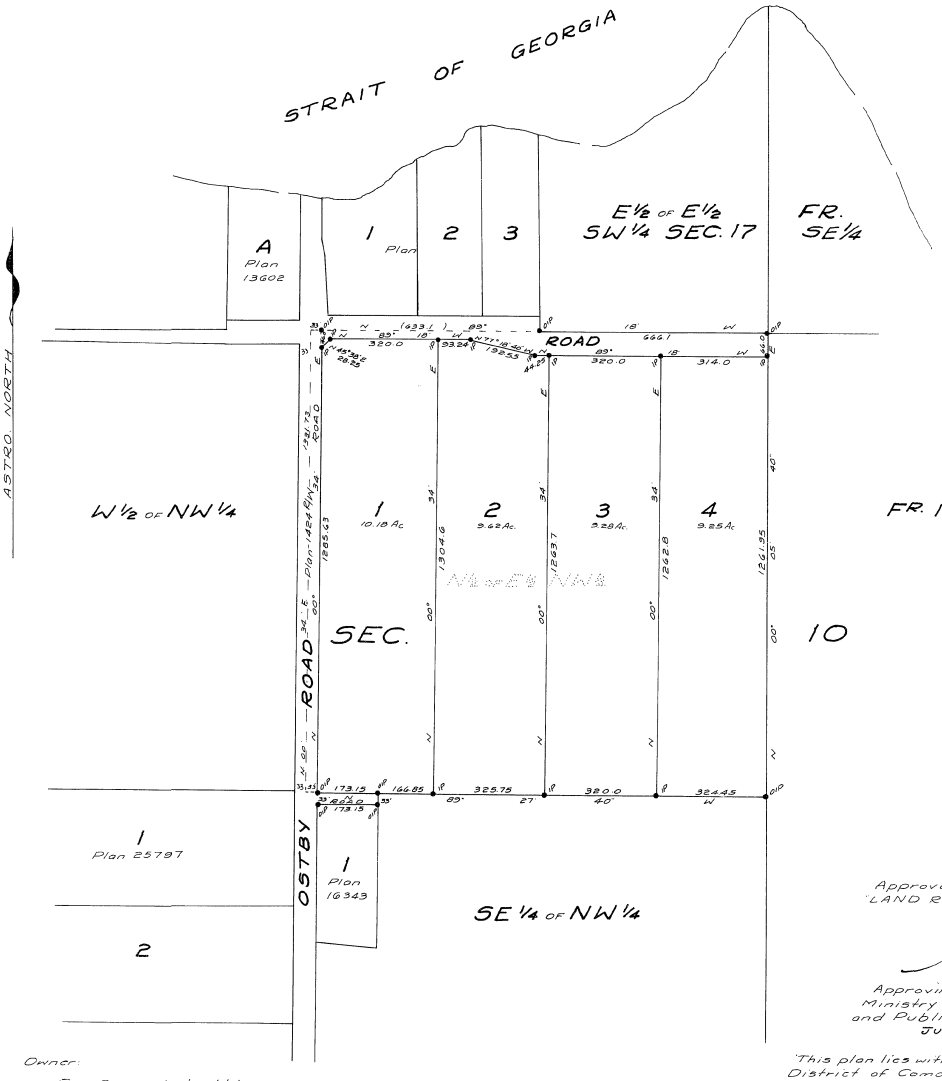
Bearings from Plan 1484 R/W

• OIP - denotes old iron pin found.
• IP - denotes standard iron pin set.

PLAN 30844

Deposited in the LAND REGISTRY OFFICE at Victoria, B.C. this 26th day of July 1977

ASST. DEPUTY Registrar



Approved under the "LAND REGISTRY ACT"

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

"This plan lies within the Regional District of Comox-Strathcona"

Owner:
Sea Breeze Lodge Ltd.
Director

Mortgagees:
William Hope Fowler
Evelyn Vergie Fowler

Witness as to both signatures.
G.G.H. Wagner
Address: Courtenay B.C.
Occupation: Surveyor

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

G.G.H. Wagner B.C.L.S.

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

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

Gordon G.H. Wagner
G. Keith Wagner
B.C. Land Surveyors & Notary Public
Suite D - 565 England Ave.
Box 3118 - Courtenay, B.C.
File: 1068-75

PLAN OF SUBDIVISION OF LOT 1, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 30844.

PURSUANT TO SECTION 946 OF THE LOCAL GOVERNMENT ACT.

B. C. G. S. 92F. 057

PLAN VIP 86089

DEPOSITED IN THE LAND TITLE OFFICE AT VICTORIA, B.C., THIS 19 DAY OF December, 2008

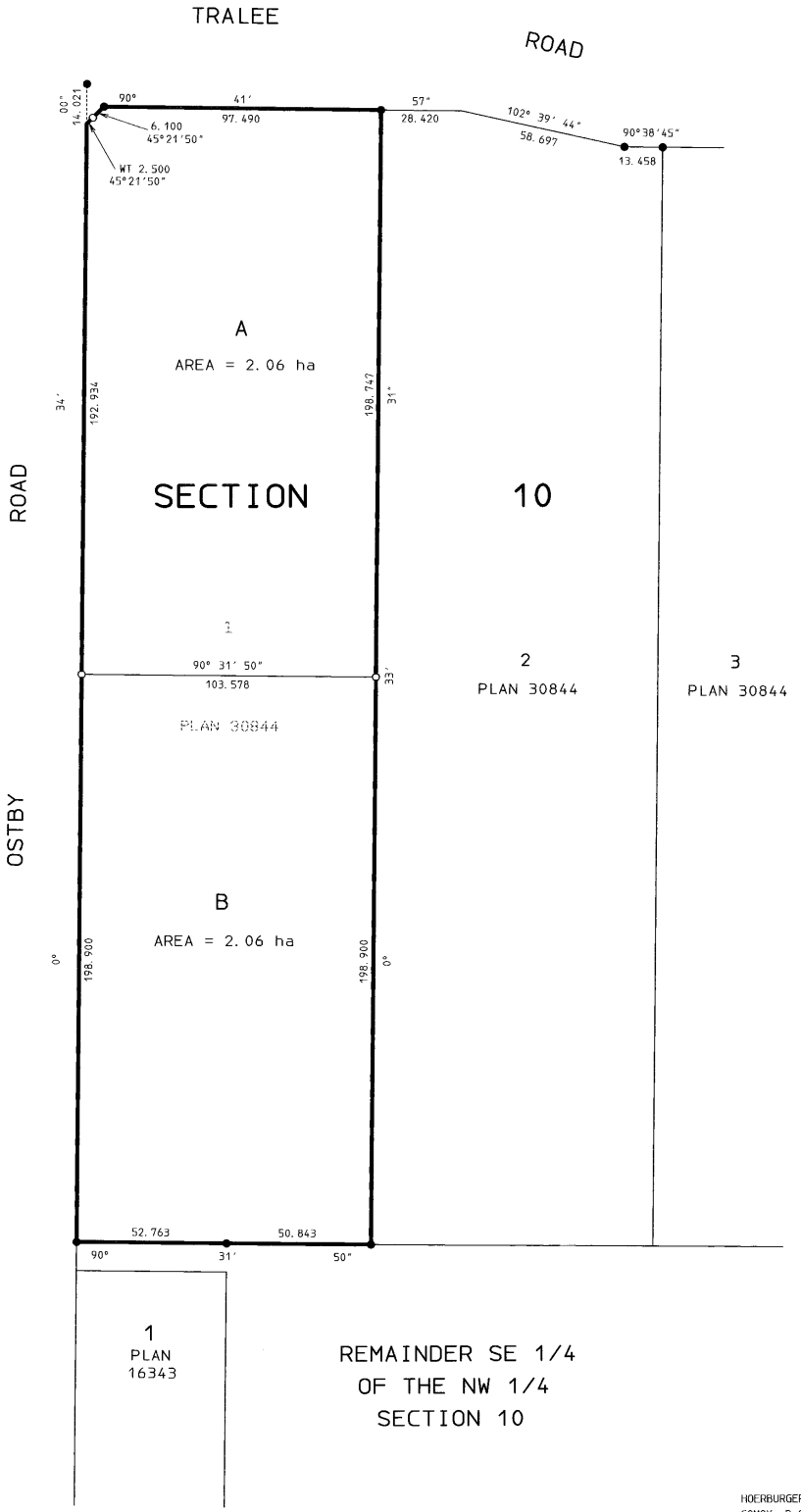
C. D. Johnston per [illegible]
REGISTRAR

REF: FB237795

SCALE: 1:1250 (METRIC)

0 10 20 50 100m

ALL DISTANCES ARE IN METRES



LEGEND:

BEARINGS ARE ASTRONOMIC AND ARE DERIVED FROM PLAN 30844.

- ● STANDARD IRON POST FOUND
- ○ STANDARD IRON POST SET

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.

OWNER: David Paul Wiseman
DAVID PAUL WISEMAN

OWNER: Joan Harris
JOAN HARRIS

WITNESS: [signature]

532 11th St Courtenay
ADDRESS OF WITNESS

Administrator SD#71
OCCUPATION OF WITNESS

THE REGISTERED OWNERS DESIGNATED HEREON HEREBY DECLARE THAT THEY HAVE ENTERED INTO A COVENANT IN FAVOUR OF HORNBY ISLAND LOCAL TRUST COMMITTEE UNDER SECTION 219 OF THE LAND TITLE ACT.

APPROVED UNDER THE LAND TITLE ACT
DATED THIS 11 DAY OF Dec, 2008.

[signature]
APPROVING OFFICER FOR THE MINISTRY OF TRANSPORTATION

THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT.

I, STEVEN R. HOERBURGER, A BRITISH COLUMBIA LAND SURVEYOR OF COMOX, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT.
THE FIELD SURVEY WAS COMPLETED ON THE 16TH DAY OF JULY, 2008. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER No. 84055, ON THE 17TH DAY OF JULY, 2008.

[signature]
B. C. L. S.

HOERBURGER LAND SURVEYORS
COMOX, B.C.
890 - 0100
FILE: 1375SUB/118.29 FB54/16 USB3

PLAN OF SUBDIVISION OF LOTS A AND B, PLAN VIP86089; AND LOT 2, PLAN 30844: ALL OF SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT.

PLAN VIP 89098

DEPOSITED IN THE LAND TITLE OFFICE AT VICTORIA, B.C., THIS 12 DAY OF September, 2011

C. MacDonald (pro MJ)
REGISTRAR

REF. FB434463

B. C. G. S. 92F. 057

SCALE: 1:1250 (METRIC)

0 10 20 50 100m

ALL DISTANCES ARE GROUND LEVEL, HORIZONTAL, IN METRES

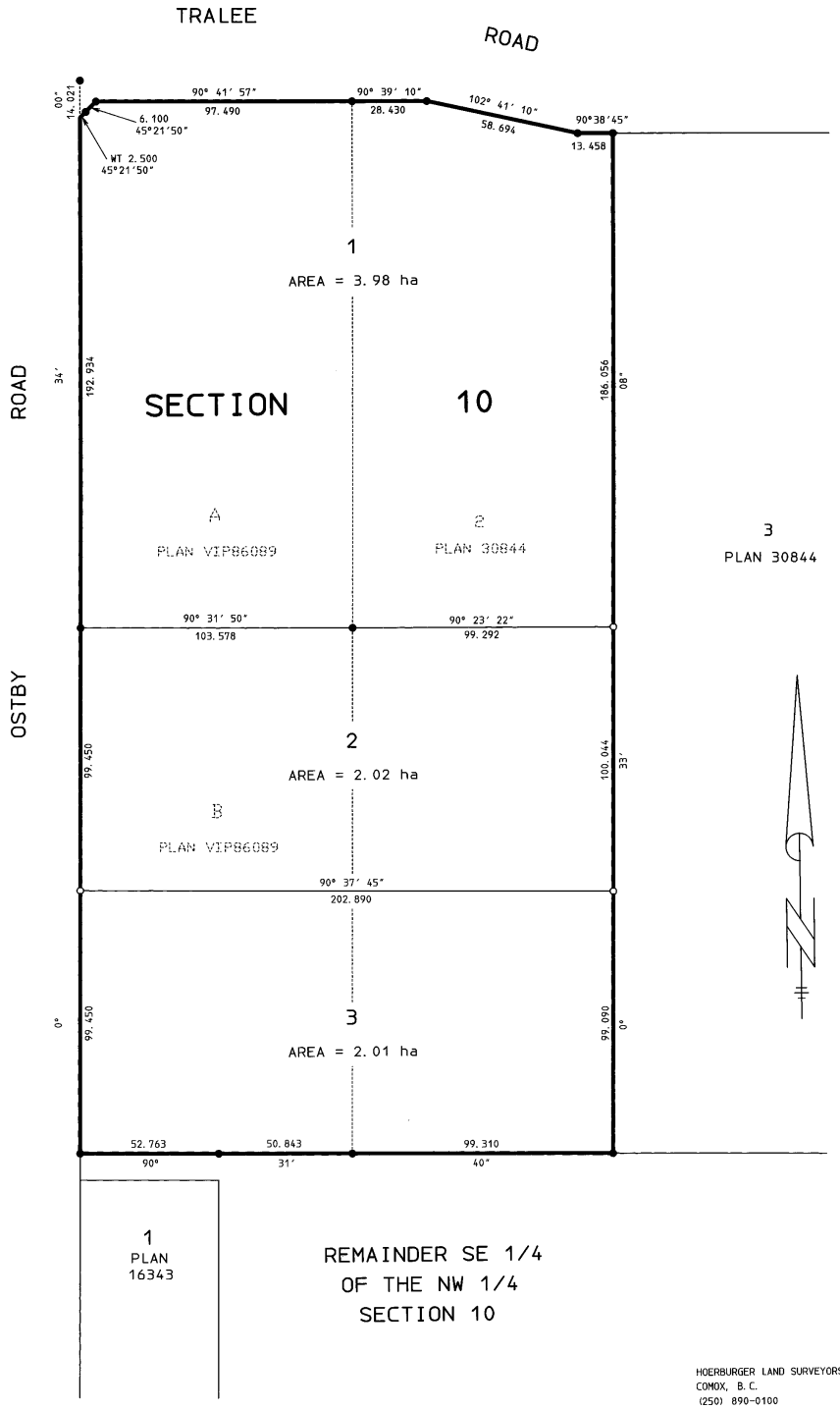
THE INTENDED PLOT SIZE OF THIS PLAN IS 560 mm IN HEIGHT BY 432 mm IN WIDTH (C SIZE) WHEN PLOTTED AT A SCALE OF 1 : 1250.

LEGEND:

BEARINGS ARE ASTRONOMIC AND ARE DERIVED FROM PLAN VIP86089.

● STANDARD IRON POST FOUND
○ STANDARD IRON POST SET

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.



OWNER: David Paul Wiseman
DAVID PAUL WISEMAN

OWNER: Joan Harris
JOAN HARRIS

WITNESS: Laurie Nixon
2435 W. Carmichael Rd. Hornby Is.
ADDRESS OF WITNESS
Bookkeeper
OCCUPATION OF WITNESS
Laurie Nixon

APPROVED UNDER THE LAND TITLE ACT
DATED THIS 30 DAY OF August 2011.

APPROVING OFFICER FOR THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE.

THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT.

I, STEVEN R. HOERBURGER, A BRITISH COLUMBIA LAND SURVEYOR CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED ON THE 26th DAY OF JULY, 2011. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER #125929, ON THE 2nd DAY OF AUGUST, 2011.

B. C. L. S.

HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: 1375SU2/132.27 FB61/98 USB3

original

HOME OCCUPATION REGULATIONS

9.8.12 Despite Section 4.1.2, no person may be employed in any home occupation who is not a permanent resident of the lot on which the home occupation is located.

9.9 RURAL RESIDENTIAL (R3) ZONE (Large Lot Residential areas)

PERMITTED USES

BL 143

9.9.1 In the Rural Residential (R3) Zone the following uses are permitted, subject to the regulations set out in this Section 9.9 and to the general regulations set out in Part 3.0, and all other uses are prohibited:

9.9.1.1 Residential
9.9.1.2 Agriculture
9.9.1.3 Silviculture
9.9.1.4 Home occupation
9.9.1.5 Bed and breakfast
9.9.1.6 Accessory uses.
9.9.1.7 Vacation Home Rental Use

PERMITTED DENSITY

9.9.2 One residential dwelling unit is permitted per lot, and one additional residential dwelling unit is permitted for each 4 ha (9.8 acres) of lot area over 4 ha (9.8 acres).

9.9.3 One secondary dwelling unit is permitted on each lot having an area greater than 3.5 ha (8.6 acres).

BL 109

9.9.4 Despite Sections 9.9.2 and 9.9.3, two residential dwelling units are permitted per lot over 4 hectares on residential lots created from the subdivision of Lot A, Plan VIP58906, Section 12, Hornby Island, Nanaimo District.

9.9.5 Lot coverage must not exceed 10% of any lot having an area of 1 ha (2.5 acres) or more nor 15% of any lot having a smaller area.

9.9.6 The total floor area of any accessory building on a lot must not exceed 200 m^2 (2152 ft^2).

MINIMUM SETBACKS

9.9.7 Buildings and structures must be set back

9.9.7.1 at least 15 m (49.2 ft) from and 1.5 m (5 ft) above the natural boundary of any lake, watercourse or the sea;

9.9.7.2 at least 8 m (26.2 ft) from a front lot line;

9.9.7.3 at least 8 m (26.2 ft) from a rear lot line, or 6 m (19.6 ft) in the case of a lot having an area less than 4000 m^2 (1 acre);

9.9.7.4 at least 6 m (19.6 ft) from an interior side lot line, or 3 m (9.8 ft) in the case of a lot having an area less than 4000 m^2 (1 acre); and

9.9.7.5 at least 8 m (26.2 ft) from an exterior side lot line, or 6 m (19.6 ft) in the case of a lot having an area less than 4,000 m^2 (1 acre).

9.9.8 Where fill is used to achieve the elevation required in Section 9.9.6, no portion of the fill slope may be less than 15 m (49.2 ft) from the natural boundary and the face of the fill slope must be adequately protected against erosion by floodwaters.

9.9.9 Buildings and structures must be set back at least 15 m (49.2 ft) from the edge of any cliff, or at least 10 m (33 ft) if the owner provides to the Islands Trust a certification signed by a professional engineer with experience in geotechnical engineering that the siting of the building or structure is safe.

9.9.10 Satellite dish antennas and parabolic reflectors must be set back at least 8 m from all lot lines.

BL 133

9.9.11 Feeding troughs, manure piles, buildings and structures for housing animals must be set back at least 30 m (98.4 ft) from the natural boundary of any lake, watercourse or the sea.

9.9.12 The keeping of livestock or birds and the siting of buildings or structures used for housing livestock or poultry is prohibited within 15 m (49.2 ft) of the natural boundary of any lake, watercourse or the sea.

9.9.13 Feeding troughs, manure piles and buildings and structures for housing animals must be set back at least 8 m (26.2 ft) from all lot lines.

9.9.14 Buildings and structures used for the commercial growing of mushrooms, the commercial raising of fur bearing animals or more than 100 birds, and commercial feedlots must be set back at least 61 m (200 ft) from any highway, 46 m (150 ft) from any lot line, and 30 m (98 ft) from the natural boundary of any lake, watercourse or the sea.

9.9.15 All privies must be set back at least 8 m (26 ft) from all lot lines.

MINIMUM AND AVERAGE LOT SIZE

9.9.16 No lot having an area less than 1 ha (2.5 acres) may be created by subdivision, and the average size of lots created by any subdivision must be at least 4 ha (9.8 acres).

PARKING AND SCREENING REGULATIONS

9.9.17 Motor vehicle parking spaces must be provided for all permitted uses in accordance with Part 5.0 of this bylaw.

9.9.18 Outdoor storage and parking areas must be screened in accordance with Part 6.0 of this bylaw.

AGRICULTURAL USE REGULATIONS

9.9.19 Commercial raising of domestic animals and poultry is not permitted on lots having an area less than 1 hectare (2.5 acres)

BL 127

SITE SPECIFIC ZONING VARIATION– R3(a)

The purpose of the R3(a) site-specific zoning variation is to provide regulations for larger lots with two-owners and owned in common since 1991.

9.9.20 The regulations listed in this table apply to the land identified on Schedule B (the zoning map) by the site-specific variation zoning code listed below on the left:

Site-specific Zoning Code	**Site-specific Regulations**
R3(a)	1. Despite Subsection 9.9.1.2, Agriculture is permitted accessory to a residential use. 2. Despite subjection 9.9.1.3, Silviculture is permitted accessory to a residential use. 3. Despite Subsection 9.9.2, on lots less than 4.0 hectares in area, a maximum of one residential dwelling unit is permitted per lot, on lots 4.0 hectares or larger a maximum of two residential dwelling units are permitted per lot. 4. Despite Subsection 9.9.3, secondary dwelling units are not permitted. 5. Despite Subsection 9.9.16, the minimum size of lots created by subdivision is 1.0 hectares (2.5 acres) and the minimum average lot size must be at least 1.6 hectares (4.0 acres).

9.9A LARGE LOT RESIDENTIAL/WATER RESOURCE PROTECTION (LR/WSPA) ZONE

BL 111

PERMITTED USES

BL 143

9.9A.1 In the Large Lot Residential/Water Resource Protection (LR/WSPA) zone the following uses are permitted, subject to the regulations set out in this Section 9.9A and to the general regulations set out in Part 3.0, and all other uses are prohibited:

9.9A.1.1 Residential
9.9A.1.2 Agriculture
9.9A.1.3 Silviculture
9.9A.1.4 Home occupation
9.9A.1.5 Bed and breakfast
9.9A.1.6 Accessory uses.
9.9A.1.7 Vacation Home Rental Use

PERMITTED DENSITY

9.9A.2 One residential dwelling unit is permitted per lot.

Islands Trust
www.islandstrust.bc.ca
Toll Free: 1-800-663-7867

Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca

Salt Spring Office
1 – 500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca

Northern Office
700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca

North Pender, South Pender, Galiano, Mayne, Saturna, Executive

Salt Spring

Gambier, Lasqueti, Hornby, Denman, Gabriola, Thetis

Bylaw Amendment Application Form

For Official Community Plan, Land Use Bylaw, Zoning Bylaw, Subdivision Bylaw.
Rural Land Use Bylaw and Land Use Contract Amendments.

OFFICE USE ONLY

Application Fee: $4,400 – **Receipt No:** 3606 **File No:** HO-RZ-2018.1

SECTION 1: DESCRIPTION OF PROPERTY

(AS INDICATED ON STATE OF TITLE CERTIFICATE)

Lot/Parcel 1 Plan VIP 89098 Block ? District Lot/Section 10

Range ? Other Description Section 10

Street Address or General Location 5020 FOWLER ROAD Hornby Island

Jurisdiction and Folio Number 771 000 566.335 (From Property Assessment/Tax Notice)

Parcel Identifier (PID) 028 – 737 – 245 (From State of Title Certificate)

SECTION 2: OWNER INFORMATION

(ADD ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

(1) David Wiseman
Name

(1) 5020 Fowler Road
Street Address

Hornby Island BC V0R 1Z0
Town/Prov. *Postal Code*

[redacted]
Telephone *Fax*

[redacted]
Email

(2)
Name

(2)
Street Address

Town/Prov. *Postal Code*

Telephone

Email

RECEIVED
JAN 10 2018
ISLAND TRUST
NORTHERN OFFICE

SECTION 3: APPLICANT INFORMATION

(IF DIFFERENT FROM OWNER)

Name *Street Address* *Town/Prov.*

Postal Code *Telephone* *Fax* *Email*

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the *Local Government Act* for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form may be available to the public upon request under freedom of information legislation. Please contact a Deputy Secretary at one of the above noted offices if you have any questions regarding the collection of personal information on this form.

The processing of your application will be delayed if it is incomplete. Please read the guide before you complete the application form. Keep the guide for your reference during the application process. Contact a staff person for assistance.

Mail or deliver the completed application form, fee, plans and supporting material to the Islands Trust Office. The fee is payable to the Islands Trust. Contact Islands Trust staff for the current fee prior to submitting your application as fees may change annually.

SECTION 4: Plan Designation or Zone changes:

Official Community Plan amendment requested (if applicable and be specific):

Allow subdivision of property of 3.98 hectares

Land Use Bylaw, Zoning, Subdivision or Rural Land Use Bylaw amendments requested (if applicable and be specific):

Allow subdivision of property of 3.98 hectares into 2 lots of 1.99 hectares

Land Use Contract amendments requested (if applicable and be specific):

~

SECTION 5: Site Plans (if applicable):
Submit one (1) full-size copy and three (3) reduced (11X 17) copies of a detailed Site Plan that shows all the natural and developed features of the property, and the distances between these features and the lot lines. Show the location of any proposed buildings, structures and land clearing showing accurate dimensions of their size and the distances between the proposed developments and existing features, including lot lines. You may be required to submit an elevation showing the side views of the proposed development.

SECTION 6: Describe the current uses of the land and buildings on the property.

One house - single story - 1400 sq. ft
One out building (studio) 16ft x 25ft

SECTION 7: Describe the proposed uses of the land and buildings and the proposed timing of the development or commencement of use.

Subdivision into 2 lots One to contain current house and out building
One to be sold for residential purpose during 2018 - currently undeveloped

SECTION 8: Describe the current uses of land and buildings on adjacent properties. You may be required to submit a site plan showing existing features of adjacent properties.

Lot 2 Section 10 2.02 hectares - one home and one garage
Lot 81 Plan 30844 ~~9.28 acres~~ 3.98 hectares - one home and one cabin

SECTION 9: Describe the reasons in support of the bylaw amendment. Attach additional comments on a separate page. Submit any technical reports, studies or appraisals of the property and report on any community consultation you have undertaken.

Original 2 properties of Section 10 totalled 8.01 hectares Subdivision resulted in LOT 1 being 3.99 hectares and LOT 2 2.02 hectares and LOT 3 being 2.01 hectares. This was an unintended result. This proposal will be consistent with regulations re: density ie 4 LOTS would total more than 2.0 hectares on average

SECTION 10: APPLICATION COMPLETION CHECKLIST:

- ☑ I have completed all sections of this application form
- ☑ I have included detailed site plans and elevation drawings as required in Section 5 of this application form
- ☑ I have included a recent State of Title Certificate (not more than 30 days old)
- ☑ I have included copies of all covenants registered against the title
- ☑ All owners listed on the title have signed the application
- ☐ I have included the correct fee (contact Staff for current fees)

IMPORTANT: Your application will not be considered complete unless it contains all of the information above.

A Note about Obtaining State of Title Certificate and Covenants: State of Title Certificate and covenants may be obtained from the Land Title Office or through your local government agent office for a fee.

SECTION 11: OWNER'S CONSENT AND AUTHORIZATION

(Signature of all registered owners is required.
For additional owners, including Strata Corporations, attach a separate sheet)

In order to assist Islands Trust Planners in the review and evaluation of my application, by signing below, authorize the Planners assigned to this application to enter onto the land at reasonable times, after making reasonable efforts to arrange to schedule a convenient time for such a visit, to inspect the land. I acknowledge a right, if a convenient time can be scheduled, to accompany the Planner on the site visit.

By signing below, I authorize the Applicant named in Section 3 of this application to represent this application:

(1) David Wiseman	(2)
Consent and Authorization Signature	**Consent and Authorization Signature**
(1) December 19 2017	(2)
Date January 5 2018	**Date**

Contaminated Sites Regulation

Please note that pursuant to Section 4(4) of the Contaminated Sites Regulation, B.C.Reg. 375/96, **a site profile is not required and will not be accepted by the Islands Trust**. If you have any questions, please contact this office.

STAFF REPORT

File No.: HO-DP-2019.3
(Lones and Jackson)

DATE OF MEETING:	September 13, 2019
TO:	Hornby Island Local Trust Committee
FROM:	Bronwyn Sawyer, Planner 2 Northern Team
COPY:	Sonja Zupanec, Acting Regional Planning Manager
SUBJECT:	Development Permit Application for DPA 6 –Riparian Areas Applicant: Ben Lones, Darlene Jackson and Nick Jackson Location: 4685 and 4715 Central Road, Hornby Island

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.3 (Lones and Jackson);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-2019.3 (Lones and Jackson).**

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 as part of a proposed two-lot subdivision. An approved DP is required before staff can proceed with responding to the Ministry of Transportation and Infrastructure (MOTI) that all Islands Trust conditions are met as identified in the preliminary layout approval (PLA). The application 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) (Current Environmental Ltd.) dated August 8, 2019, which forms part of the draft permit. The RAR report methodology has been assessed and confirmed as having been applied correctly (August 16, 2019) by Ministry of Forests, Lands, Natural Resource Operations and Rural Development staff.

BACKGROUND

The applicants have applied to subdivide the subject property into two lots. As part of the of the subdivision referral review, staff noted that the property is in a DP area and responded in the MOTI referral that a DP would be required. In turn, MOTI has stated in the PLA that the applicants are required to provide written confirmation from the Islands Trust that all applicable bylaws and regulations have been complied with. This DP application was made to satisfy this requirement.

The 4.10 hectares (10.1 acres) subject property is located on Central Road, as shown on Figure 1. As identified in the QEP Assessment Report (Attachment 3), the stream located on the subject property is a tributary of Beulah

Creek and "appears to be hand-dug, with a small catchment area that dries seasonally" (p. 3). The proposed subdivision would create two-2.05 hectare lots and the owners have provided a sketch plan of Lots A and B. Existing structures include: a two-storey house, a cabin, two wells and two disposal fields. As part of the subdivision, there are plans to allow access for Lot B to Central Road by way of an easement over Lot A (Chandler Road is unconstructed). There is no construction or building proposed as part of this DP application. Any future construction or land alternations within the DP area would be subject to a new DP application.

Information about the subject property is contained in Attachment 1. Application DP guidelines are included in Attachment 2 and the development permit area map for the subject property is shown in Figure 2 (blue area is DPA 6). The proposed subdivision and existing buildings and structures are shown on the sketch plan attached to the draft DP in Attachments 3 and 4.

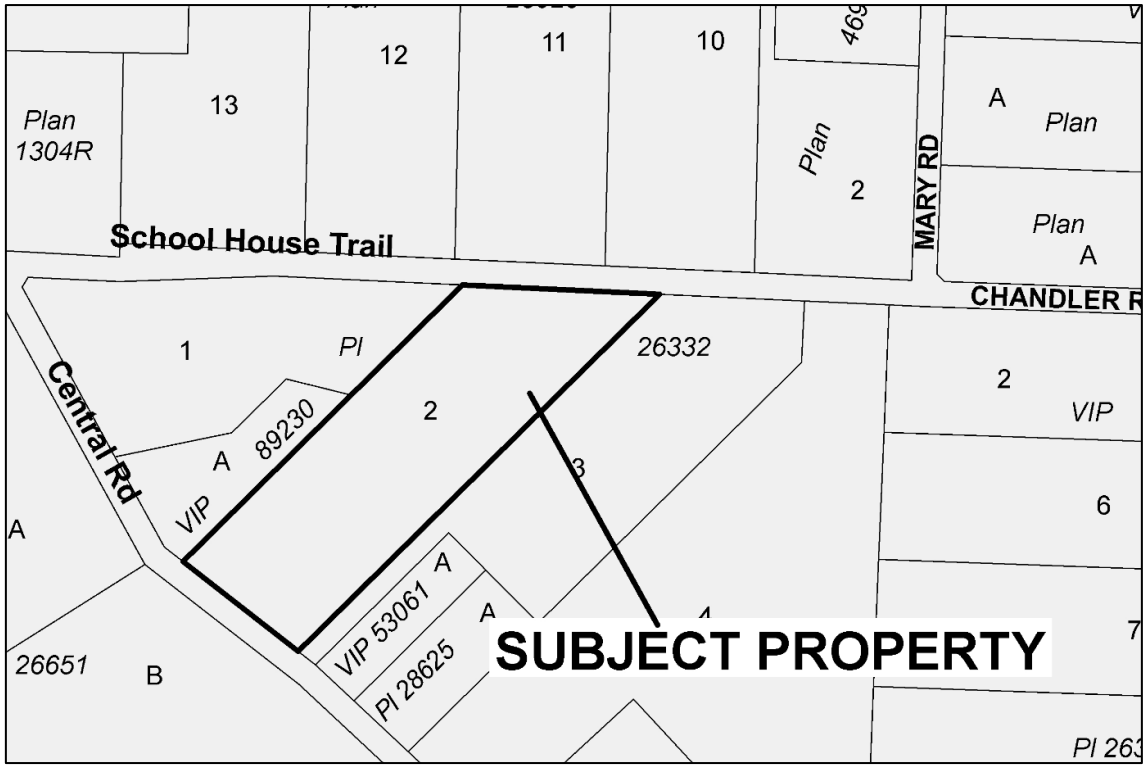


Figure 1: Subject Property Map

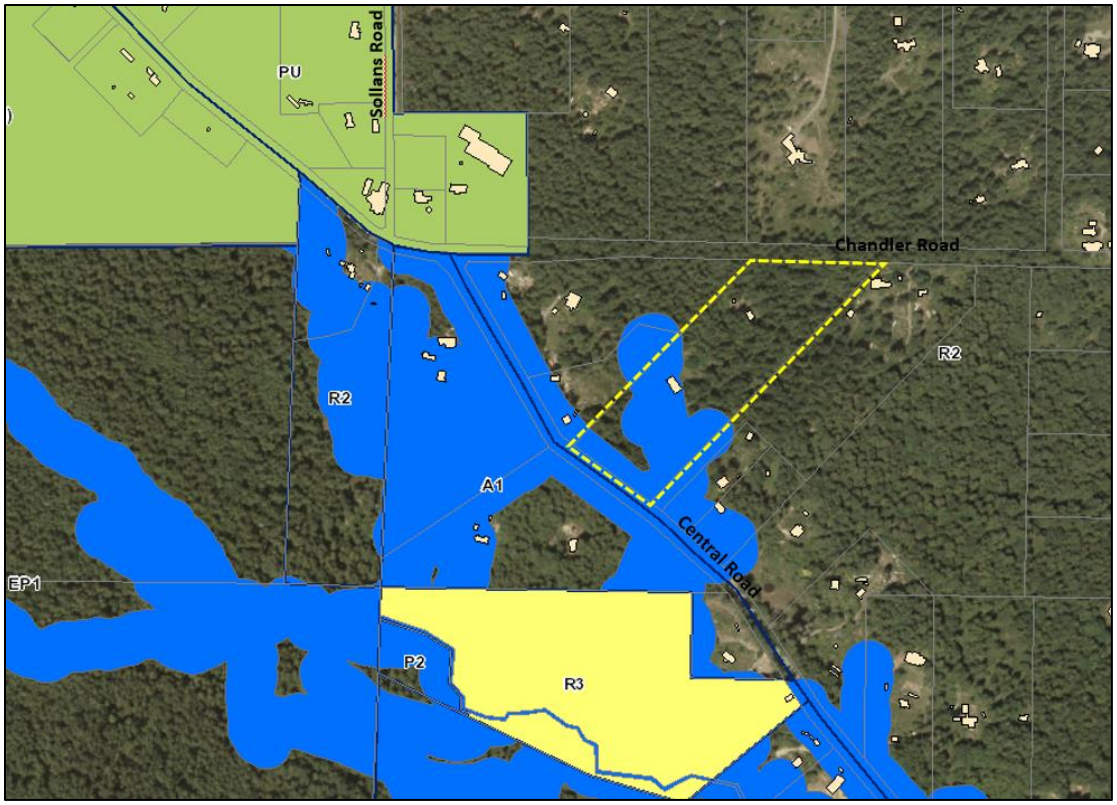


Figure 2: Development Permit Areas

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Islands Trust Policy Statement directive policies are relevant to this application and are addressed through DPA 6 – Riparian Areas:

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

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

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

Official Community Plan:

The subject property is currently 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 Areas (DPA 6). The development permit area applies, in this instance, to a watercourse, a 30-metre strip on both sides of the stream measured from the high water mark and to a lake, wetland or other water body, 30 metres around the water body measured from the high water mark of the water body.

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

The proposed development complies 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 applicants have mentioned that at least one new septic field was installed last year as part of the subdivision application and that the work undertaken as part of the septic/disposal field construction was located wholly outside of the riparian assessment area; however, it appears that the some of the septic system infrastructure was built in riparian assessment area. This recent construction in the DPA has been addressed in this development permit as the applicants were instructed to contact the QEP to ensure that the construction was conducted in accordance with the RAR assessment report. The QEP has confirmed that there was no encroachment made during the construction of the septic system.

In the assessment report, the QEP has referenced the easement and the possibility of future works associated with the second driveway. It has been confirmed with the applicant that no new driveway construction will be undertaken as part of the subdivision application and the two existing driveways will be utilized.

Staff did not notify the applications in a timely manner of the requirement for a survey as required by Section 2.7 of the LUB.

> *"2.7 Siting Compliance (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."*

In this instance, the applicants have provided an unsigned sketch plan (Attachment 4) submitted with the DP application, which shows the distance of the centreline of the ditch from the house and well and the distance of the disposal field from the proposed lot line of Lot B. The sketch plan included may provide the LTC enough information to make a decision on the application. Staff is recommending that the LTC waive the requirement for a plan signed by a BCLS 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 appear to be satisfied by the RAR report completed by Current Environmental Ltd. The report has been reviewed and methodology found to have been applied correctly by Ministry of Forests, Land, Natural Resource Operations and Rural Development staff.

Staff recommends issuance of the DP as noted in the recommendation listed on page 1 of the 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-2019.3 due to non-compliance with the following Development Permit guideline(s).

NEXT STEPS

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

Submitted By:	Bronwyn Sawyer RPP, MCIP Planner 2	August 30, 2019
Concurrence:	Sonja Zupanec, RPP, MCIP Acting Regional Planning Manager	September 2, 2019

ATTACHMENTS

1. Site Context
2. DPA Guidelines
3. Draft Development Permit
4. Sketch Plan

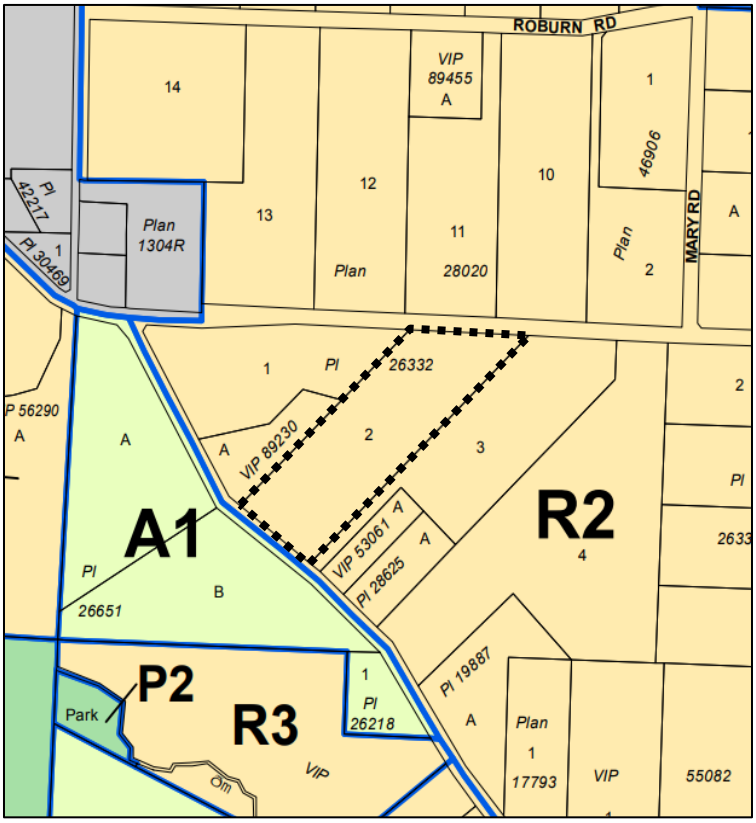
ATTACHMENT 1 – SITE CONTEXT AND POLICIES

LOCATION

Legal Description	LOT 2, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 26332
PID	002-747-774
Civic Address	4685 AND 4715 Central Road
Lot Size	4.1 Hectares

LAND USE

Current Land Use	Residential (two houses)
Surrounding Land Use	Residential Agriculture 1 (A1) across Central Road



HISTORICAL ACTIVITY

File No.	None on record

POLICY/REGULATORY

Islands Trust Policy Statement	The following Islands Trust Policy Statement directive policies are relevant to this application and are addressed through DPA 6 – Riparian Areas:

	3.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaw, address the identification and protection of the environmentally sensitive area and significant natural sites, features and landforms in their planning area. 3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands, and riparian zones to protect aquatic wildlife.
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	Currently none recorded
Bylaw Enforcement	Currently none recorded

SITE INFLUENCES

Islands Trust Conservancy Plan	The proposal does not directly affect and Islands Trust Conservancy Board (ITC) – owned property or conservation covenant nor adjacent. No referral to ITC for comment required.
Islands Trust Regional Conservation Plan 2018-2027	Relative value of natural area – medium priority
Species at Risk	None mapped
Sensitive Ecosystems	Islands Trust Ecosystem Mapping - mix of mature forest and rural
Hazard Areas	No steep slopes mapped
Archaeological Sites	By copy of this report, 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. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other

	stone tools, or even buried human remains. If such material is encountered during development, all work should cease and 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	This is an application for DP 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
Groundwater Vulnerability	From OCP: Environmentally Sensitive Areas Aquifers – lightly developed, high vulnerability

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. There is no construction proposed as part of this application. In the RAR Assessment Report, the QEP anticipates that a driveway may need to be constructed or redesigned in the future; however, this development permit application has not addressed this potential development requirement.
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, including storage or application of pesticides and other chemicals for non-essential purposes, proposed in this application
c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating	yes	There is no development proposed within the SPEA or the Riparian Assessment Area.

measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.		
e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update 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 change after the professional report was prepared
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

STAFF REPORT

File No.: HO-DP-2019.3
(Lones and Jackson)

DATE OF MEETING:	September 13, 2019
TO:	Hornby Island Local Trust Committee
FROM:	Bronwyn Sawyer, Planner 2 Northern Team
COPY:	Sonja Zupanec, Acting Regional Planning Manager
SUBJECT:	Development Permit Application for DPA 6 –Riparian Areas Applicant: Ben Lones, Darlene Jackson and Nick Jackson Location: 4685 and 4715 Central Road, Hornby Island

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee approve issuance of Development Permit HO-DP-2019.3 (Lones and Jackson);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-2019.3 (Lones and Jackson).**

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 as part of a proposed two-lot subdivision. An approved DP is required before staff can proceed with responding to the Ministry of Transportation and Infrastructure (MOTI) that all Islands Trust conditions are met as identified in the preliminary layout approval (PLA). The application 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) (Current Environmental Ltd.) dated August 8, 2019, which forms part of the draft permit. The RAR report methodology has been assessed and confirmed as having been applied correctly (August 16, 2019) by Ministry of Forests, Lands, Natural Resource Operations and Rural Development staff.

BACKGROUND

The applicants have applied to subdivide the subject property into two lots. As part of the of the subdivision referral review, staff noted that the property is in a DP area and responded in the MOTI referral that a DP would be required. In turn, MOTI has stated in the PLA that the applicants are required to provide written confirmation from the Islands Trust that all applicable bylaws and regulations have been complied with. This DP application was made to satisfy this requirement.

The 4.10 hectares (10.1 acres) subject property is located on Central Road, as shown on Figure 1. As identified in the QEP Assessment Report (Attachment 3), the stream located on the subject property is a tributary of Beulah

Creek and "appears to be hand-dug, with a small catchment area that dries seasonally" (p. 3). The proposed subdivision would create two-2.05 hectare lots and the owners have provided a sketch plan of Lots A and B. Existing structures include: a two-storey house, a cabin, two wells and two disposal fields. As part of the subdivision, there are plans to allow access for Lot B to Central Road by way of an easement over Lot A (Chandler Road is unconstructed). There is no construction or building proposed as part of this DP application. Any future construction or land alternations within the DP area would be subject to a new DP application.

Information about the subject property is contained in Attachment 1. Application DP guidelines are included in Attachment 2 and the development permit area map for the subject property is shown in Figure 2 (blue area is DPA 6). The proposed subdivision and existing buildings and structures are shown on the sketch plan attached to the draft DP in Attachments 3 and 4.

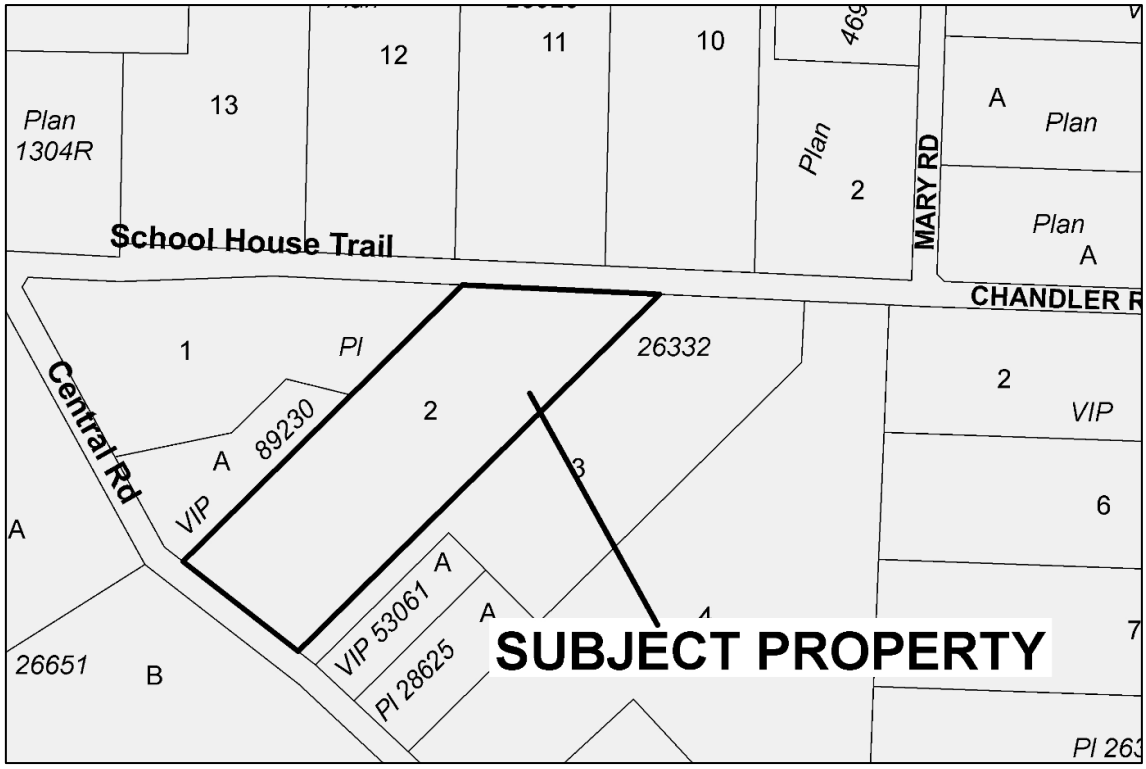


Figure 1: Subject Property Map

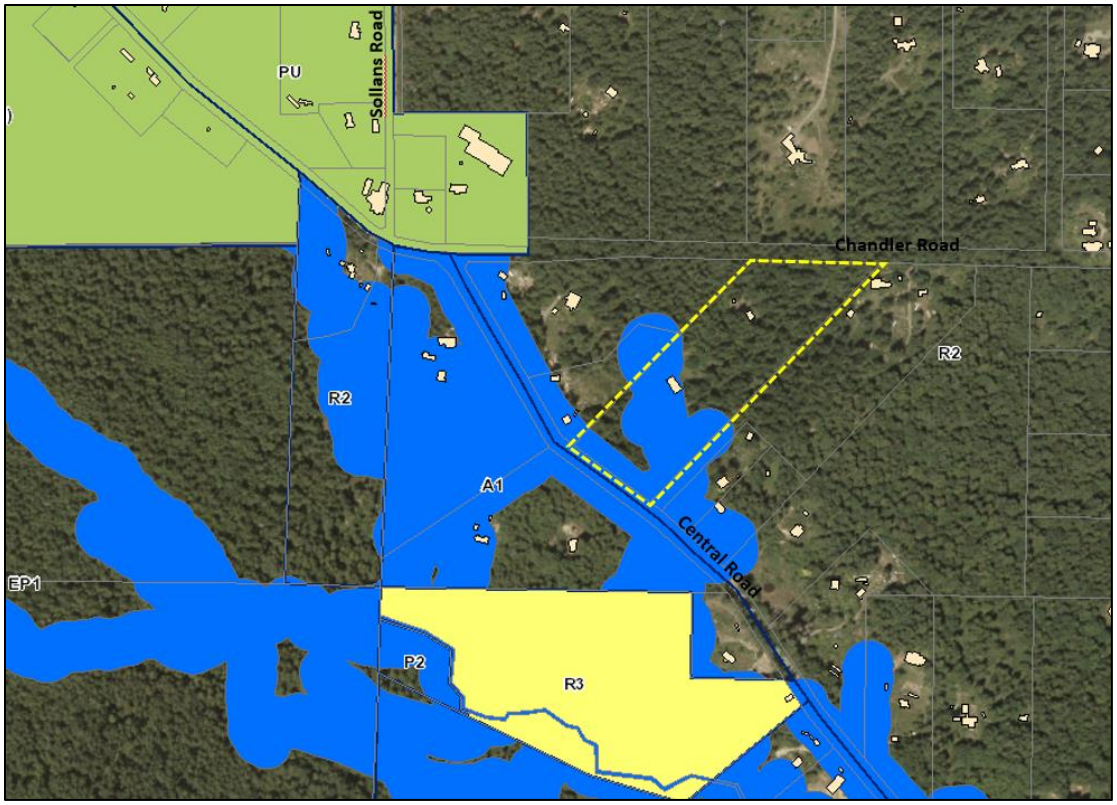


Figure 2: Development Permit Areas

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Islands Trust Policy Statement directive policies are relevant to this application and are addressed through DPA 6 – Riparian Areas:

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

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

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

Official Community Plan:

The subject property is currently 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 Areas (DPA 6). The development permit area applies, in this instance, to a watercourse, a 30-metre strip on both sides of the stream measured from the high water mark and to a lake, wetland or other water body, 30 metres around the water body measured from the high water mark of the water body.

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

The proposed development complies 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 applicants have mentioned that at least one new septic field was installed last year as part of the subdivision application and that the work undertaken as part of the septic/disposal field construction was located wholly outside of the riparian assessment area; however, it appears that the some of the septic system infrastructure was built in riparian assessment area. This recent construction in the DPA has been addressed in this development permit as the applicants were instructed to contact the QEP to ensure that the construction was conducted in accordance with the RAR assessment report. The QEP has confirmed that there was no encroachment made during the construction of the septic system.

In the assessment report, the QEP has referenced the easement and the possibility of future works associated with the second driveway. It has been confirmed with the applicant that no new driveway construction will be undertaken as part of the subdivision application and the two existing driveways will be utilized.

Staff did not notify the applications in a timely manner of the requirement for a survey as required by Section 2.7 of the LUB.

> *"2.7 Siting Compliance (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."*

In this instance, the applicants have provided an unsigned sketch plan (Attachment 4) submitted with the DP application, which shows the distance of the centreline of the ditch from the house and well and the distance of the disposal field from the proposed lot line of Lot B. The sketch plan included may provide the LTC enough information to make a decision on the application. Staff is recommending that the LTC waive the requirement for a plan signed by a BCLS 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 appear to be satisfied by the RAR report completed by Current Environmental Ltd. The report has been reviewed and methodology found to have been applied correctly by Ministry of Forests, Land, Natural Resource Operations and Rural Development staff.

Staff recommends issuance of the DP as noted in the recommendation listed on page 1 of the 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-2019.3 due to non-compliance with the following Development Permit guideline(s).

NEXT STEPS

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

Submitted By:	Bronwyn Sawyer RPP, MCIP Planner 2	August 30, 2019
Concurrence:	Sonja Zupanec, RPP, MCIP Acting Regional Planning Manager	September 2, 2019

ATTACHMENTS

1. Site Context
2. DPA Guidelines
3. Draft Development Permit
4. Sketch Plan

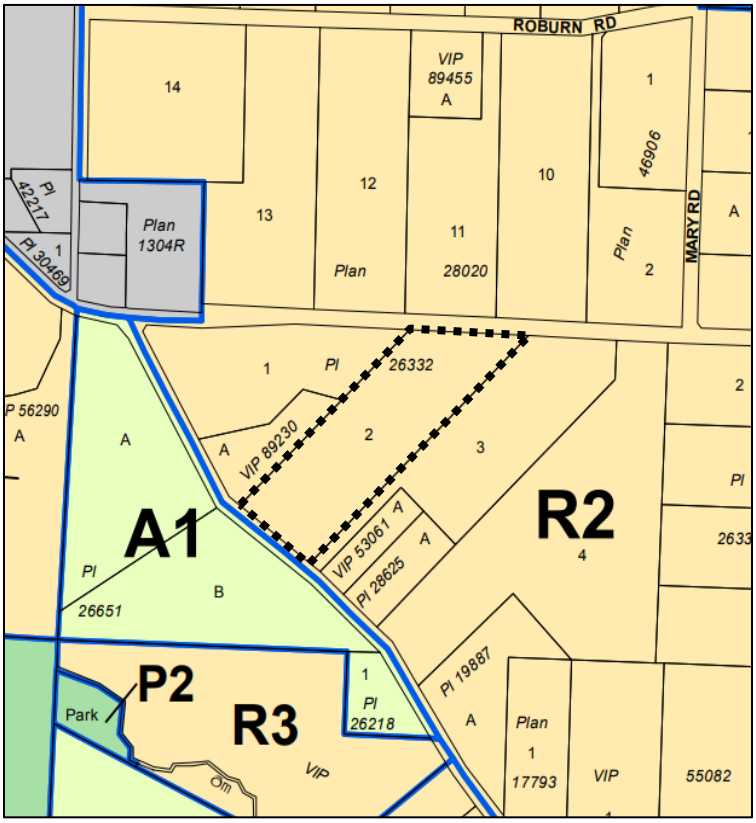
ATTACHMENT 1 – SITE CONTEXT AND POLICIES

LOCATION

Legal Description	LOT 2, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 26332
PID	002-747-774
Civic Address	4685 AND 4715 Central Road
Lot Size	4.1 Hectares

LAND USE

Current Land Use	Residential (two houses)
Surrounding Land Use	Residential Agriculture 1 (A1) across Central Road



HISTORICAL ACTIVITY

File No.	None on record

POLICY/REGULATORY

Islands Trust Policy Statement	The following Islands Trust Policy Statement directive policies are relevant to this application and are addressed through DPA 6 – Riparian Areas:

	3.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaw, address the identification and protection of the environmentally sensitive area and significant natural sites, features and landforms in their planning area. 3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands, and riparian zones to protect aquatic wildlife.
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	Currently none recorded
Bylaw Enforcement	Currently none recorded

SITE INFLUENCES

Islands Trust Conservancy Plan	The proposal does not directly affect and Islands Trust Conservancy Board (ITC) – owned property or conservation covenant nor adjacent. No referral to ITC for comment required.
Islands Trust Regional Conservation Plan 2018-2027	Relative value of natural area – medium priority
Species at Risk	None mapped
Sensitive Ecosystems	Islands Trust Ecosystem Mapping - mix of mature forest and rural
Hazard Areas	No steep slopes mapped
Archaeological Sites	By copy of this report, 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. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other

	stone tools, or even buried human remains. If such material is encountered during development, all work should cease and 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	This is an application for DP 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
Groundwater Vulnerability	From OCP: Environmentally Sensitive Areas Aquifers – lightly developed, high vulnerability

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. There is no construction proposed as part of this application. In the RAR Assessment Report, the QEP anticipates that a driveway may need to be constructed or redesigned in the future; however, this development permit application has not addressed this potential development requirement.
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, including storage or application of pesticides and other chemicals for non-essential purposes, proposed in this application
c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating	yes	There is no development proposed within the SPEA or the Riparian Assessment Area.

measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.		
e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update 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 change after the professional report was prepared
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

ATTACHMENT 3 – DRAFT DEVELOPMENT PERMIT

HORNBY ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT HO-DP-2019.3 (Lones and Jackson)

To: Benjamin Lones, Darlene Jackson and Nicholas Jackson

1. This permit applies to:

   PID 002-747-774

   LOT 2, SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 26332

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 subdivision according to Schedule "A" Riparian Areas Regulation Assessment Report**, **dated August 8, 2019**, for 4685 and 4715 Central Road, Hornby Island, both attached to and forming part of this Permit.

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

AUTHORIZING RESOLUTION PASSED BY THE HORNBY ISLAND LOCAL TRUST COMMITTEE THIS ____ TH DAY OF _____, 2019.

_____ _____

Deputy Secretary, Islands Trust Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE _____TH DAY OF _____, 2021 THIS PERMIT AUTOMATICALLY LAPSES.

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: Aug 8, 2019

I. Primary QEP Information

First Name	Warren	Middle Name		
Last Name	Fleenor			
Designation	R.P.Bio.	Company	Current Environmental Ltd.	
Registration #	1385	Email	wfleenor@shaw.ca	
Address	558 England Avenue			
City	Courtenay	Postal/Zip	V9N 2N3	Phone # 250-871-1944
Prov/state	BC	Country	Canada	

II. Secondary QEP Information (use **Form 2** for other QEPs)

First Name		Middle Name		
Last Name				
Designation		Company		
Registration #		Email		
Address				
City		Postal/Zip		Phone #
Prov/state		Country	Canada	

III. Developer Information

First Name	Ben	Middle Name		
Last Name	Lones			
Company				
Phone #	[redacted]	Email	[redacted]	
Address	[redacted]			
City	[redacted]	Postal/Zip	K2A2L4	
Prov/state	ON	Country	Canada	

IV. Development Information

Development Type	Subdivision		
Area of Development (ha)	4.1	Riparian Length (m)	185 m
Lot Area (ha)	4.1	Nature of Development	New subdivision
Proposed Start Date	June 1 2019	Proposed End Date	May 31 2020

V. Location of Proposed Development

Street Address (or nearest town)	4685 Central Road						
Local Government	Islands Trust			City	Hornby Island		
Stream Name	Tributary to Beulah Creek						
Legal Description (PID)	002-747-774			Region	Vancouver Island		
Stream/River Type	Stream/Wetland/Pond			DFO Area	South Coast		
Watershed Code	905-125800-80800						
Latitude	49	31	50	Longitude	124	39	34

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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

Fisheries Resource Values

The channelized stream on the subject property appears to be hand-dug, with a small catchment area that dries seasonally (Photos 1 & 2). At the time of ground-level assessments on June 24, 2017 and July 24, 2019 only trace flows between isolated pools were evident within the channel. Although the character of the channel is ditch-like it has been categorized as a stream because it is fed in part by run-off from a 400 m^2 seasonally wetted forested swamp wetland on the neighbouring property to the north (Figure 1; Photo 3). It appears that the channel was originally excavated as a means to drain shallow ground water away from the residence, including the abovementioned wetland, as well as drain tiles that may connect to the residence's perimeter drain and/or downspouts. Access to the neighbouring property was not granted during ground-level assessment, and as a result the mapped wetland boundary is based upon site observations and photos collected from the subject lot boundary, and desktop air photo interpretation.

A small, approximately 80 m^2, excavated pond resides in-line with the stream and is located south of the residence and north of the driveway (Figure 1; Photo 4). This pond appears to have been man-made and although disconnected from the stream during the site assessment it appears to connect in-line with the stream during periods of higher flow. The pond has been assessed independently of the stream and separate SPEAs have been applied. Horsetail, slough sedge, and water parsley were growing in the wet to moist areas of the pond and stream (Photos 1-4).

The banks of the stream near the existing residence have been historically cleared and contain grass up to the top of both banks. Near the southern property boundary sections of young forest remain intact along the bank of the stream that are dominated by red alder, western red cedar, Douglas fir, and grand fir canopy species, with an understory dominated by salal, swordfern, and dull-Oregon grape (Photo 2).

Stream substrates are dominated by fines with some sections of hardpan. No spawning substrates were evident within wetted stream margins. Coarse woody debris recruitment is very low, partially resulting from small channel dimensions and the relatively young age of the forest stand. No cut banks or boulder cover were observed and there was very limited overhanging vegetation to provide fish habitat.

During the June 24, 2017 or July 24, 2019 site visits there were no fish observed in the stream, wetland, or pond and no fish trapping was undertaken as part of this assessment. As mentioned, the stream and wetland were largely dry at the time of assessment. A literature search for Beulah Creek salmonid usage did not show any official results (i.e. DFO or MFLNRO sources); however, anecdotal information on school program releases of coho and chum were documented by other consultants.

It appears unlikely that salmonids would utilize the channel on the subject property as there is no suitable spawning substrate for adults during high flow season, and due to seasonal drying, there are no summer rearing opportunities for fry. However, the stream has been classified as "fish bearing" as a result of the following: a) the Beulah Creek mainstem located downstream from the stream may support salmonids when flowing; b) there is no known downstream barrier to fish

passage, and; c) no winter fish sampling has been undertaken to confirm the absence of fish utilization.

Description of the Proposed Development

Proposed development is currently limited to the subdivision of the 4.10 ha property into two lots - 2.05 and 2.05 ha in size. As no construction has been proposed, an arborists' report is not required. However, should future development adjacent to the 10 m Stream or 15-30 m wetland/pond SPEAs be pursued, by the current or future property owners, it is strongly recommended that an ISA Certified Arborist be retained to assess the windthrow and danger tree potential on the property at that time.

In December 2018 a sceptic system and well were established on proposed Lot A according to designs submitted to and approved by Island Health (Dec. 18, 2018). The location of septic and well infrastructure, including conveyance lines, was assessed by CEL on July 24, 2019 to ascertain the proximity of disturbance to channelized stream and pond SPEAs. Field measurements showed that sceptic infrastructure, including tanks and lines were no closer than 18.5 m, well outside of the 10 m stream SPEA (Photo 5), while disturbances required for the both sceptic and well were no closer than 29 m from the pond, outside of the 15 m SPEA to the north (Photo 6). As a result, there was no encroachment made during the establishment of this infrastructure on calculated SPEAs.

A 10 m wide driveway easement located along the southern property boundary connecting Central Road to the eastern 2.05 ha lot intersects a portion of the existing stream running roughly north-south (Figure 2). Pending final driveway specifications, possible re-alignment/culvert installations may be required to support the future use of this access point. These works would require consideration under the Water Sustainability Act (approval or notification). Recommendations have been made to avoid and mitigate erosion and sediment control issues and protection of trees during potential driveway improvements that include doing the work during a period when the stream is dry (June – October).

2. Results of Detailed Riparian Assessment

Date: Aug 8, 2019

Description of Water bodies involved (number, type): 1 stream/1 wetland/1 pond

Stream	1
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)		Gradient (%)
starting point	~~0.7~~		
upstream	0.7		1.0
	0.7		
	0.8		
	0.8		
Downstream	0.8		1.5
	1.0		
	0.9		
	1.0		
	1.0		1.5
	~~1.1~~		
Total: minus high /low	7.7		
mean	0.85		
	R/P	C/P	S/P
Channel Type	x		

I, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson;
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.

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, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson;
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:

Method employed if other than TR

	LC	SH	TR
SPVT Type			x

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1						
LWD, Bank and Channel Stability ZOS (m)	10.0						
Litter fall and insect drop ZOS (m)	10.0						
Shade ZOS (m) max	0-10	South bank	Yes	X	No		
Ditch	n/a						
Ditch Fish Bearing	Yes		No				
SPEA maximum	**10.0**						

Wetland and Pond

Stream	
Wetland/Pond	2
Lake	
Ditch	
Number of reaches	2
Reach #	1 & 2

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, Warren Fleenor, hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Ben Lones, Nicholas Jackson, and Darlene Jackson;

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:				Method employed if other than TR
	LC	SH	TR	
SPVT Type			x	

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1 & 2	Wetland and Pond					
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	**15-30.0**	Wetland and Pond					

Section 3. Site Plan

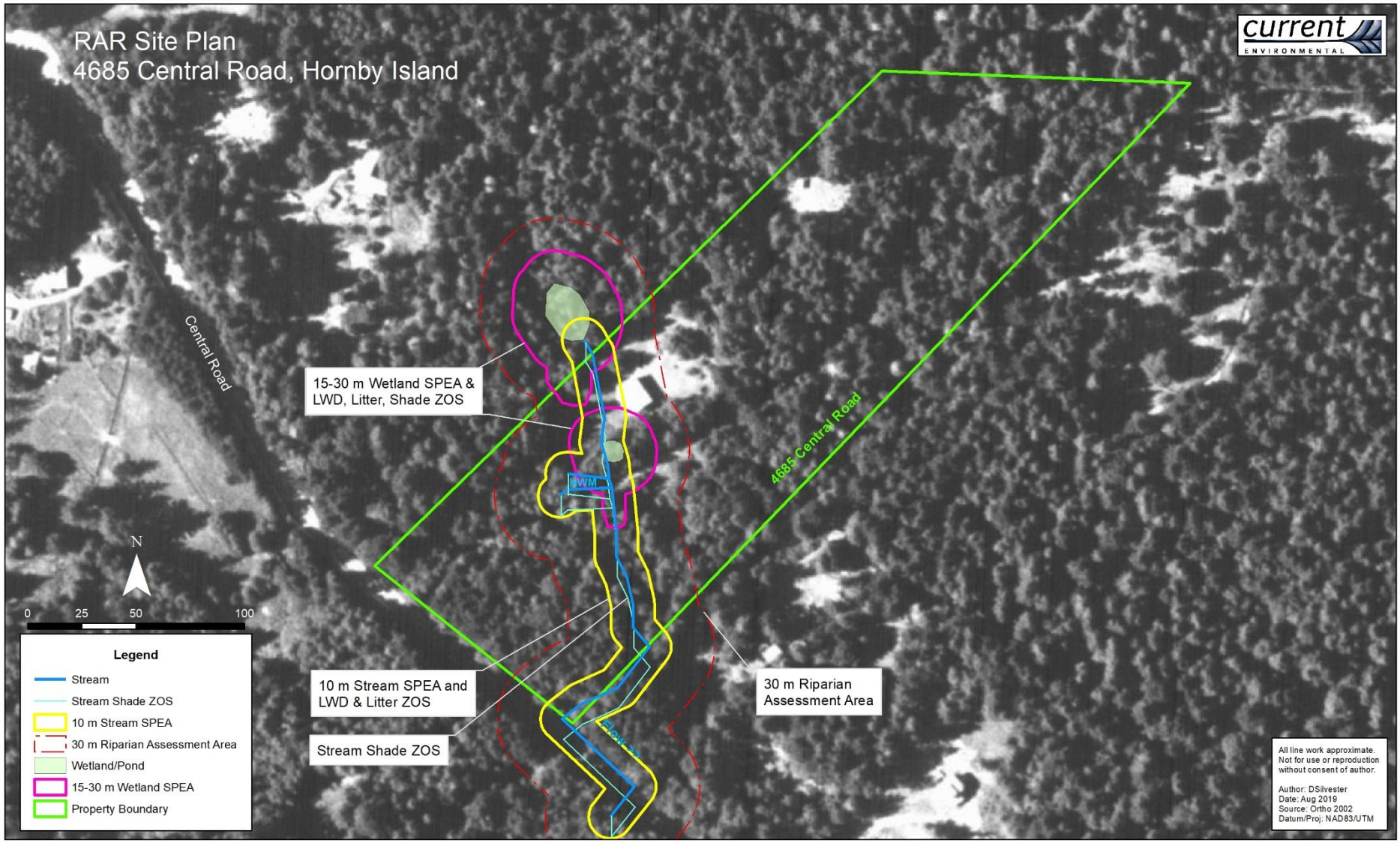


Figure 1. Site plan of 4685 Central Road, Hornby Island, showing 10 m stream and 30 m wetland/pond SPEAs relative to property boundaries.

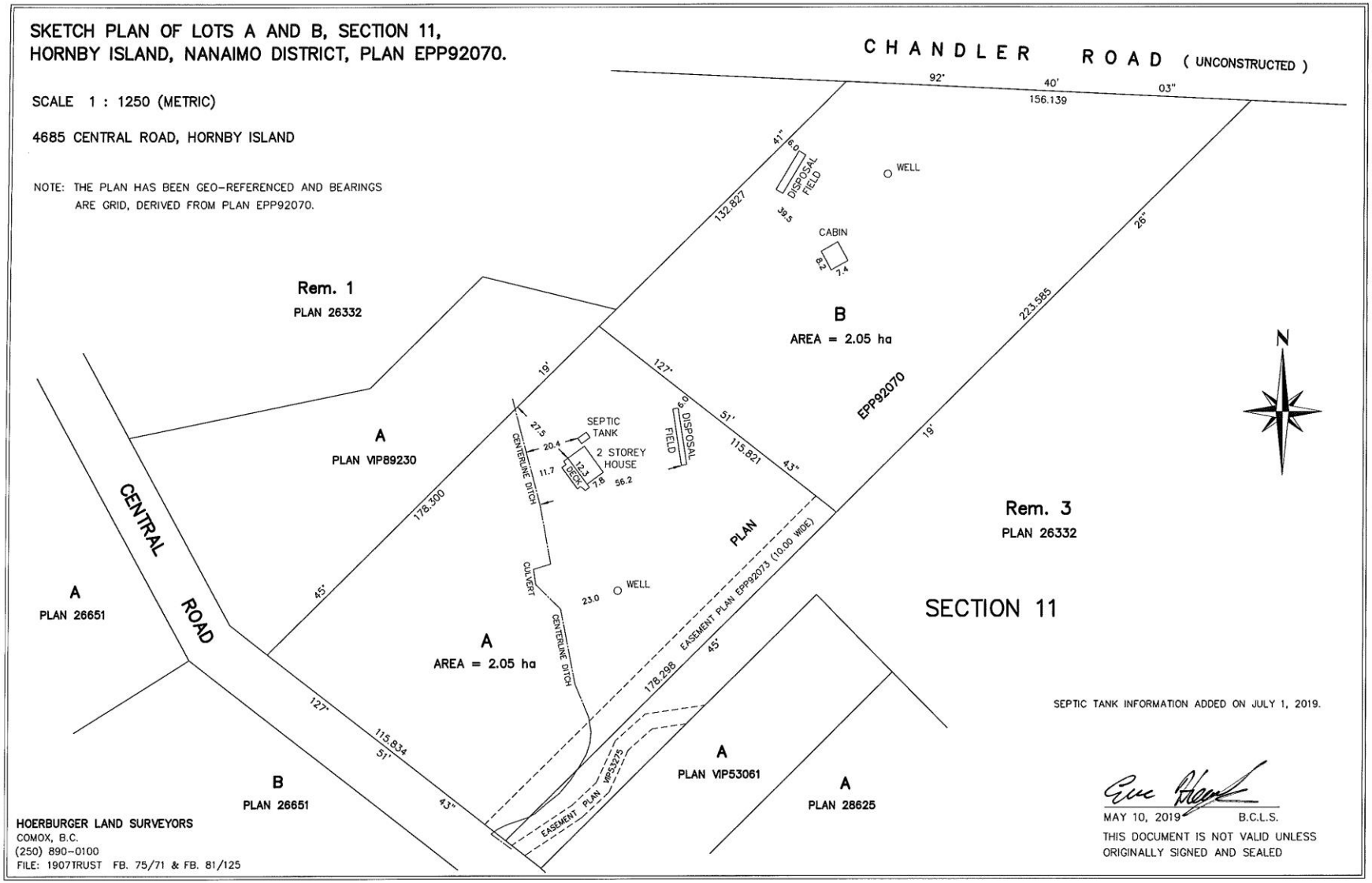


Figure 2. Surveyor's site plan for proposed subdivision of 4685 Central Road, Hornby Island.

Section 4. Measures to Protect and Maintain the SPEA

.

1. Danger Trees	
I, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson; 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	
This report has been prepared in support of a subdivision application where no new construction/development has been proposed. It is strongly recommended that should the current or future owner's elect to site any structures adjacent to the SPEAs prescribed in this report that a danger tree assessment be prepared by an ISA Certified Arborist at that time. An arborist's assessment should also be considered following access driveway construction to determine whether any trees adjacent to or within SPEAs have been negatively impacted and whether danger tree potential has been increased.	
2. Windthrow	
I, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson; 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	
This report has been prepared in support of a subdivision application where no new construction/development has been proposed. It is strongly recommended that should the current or future owner's elect to site any structures adjacent to the SPEAs prescribed in this report that a windthrow assessment be prepared by an ISA Certified Arborist at that time. An arborist's assessment should also be considered following access driveway construction to determine whether any trees adjacent to or within SPEAs have been negatively impacted and whether windthrow potential has been increased.	
3. Slope Stability	
I, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson; 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	
No slope stability indicators were observed on the subject property.	
4. Protection of Trees	
I, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson; 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	
A driveway easement connecting Central Road along the southern property boundary will largely follow an existing driveway and any required modifications to the existing alignment will be identified during the development permit process with the Islands Trust. Should widening or other	

upgrades be required it may necessitate the removal of some riparian vegetation. If so, clearing will be limited to only what is necessary to support driveway infrastructure. As mentioned, an approval or notification under the BC Water Sustainability Act must be obtained to complete the driveway work if it crosses the watercourse.

With the exception of developing the property access road described above, all of the vegetation, including trees and undergrowth, within the Streamside Protection and Enhancement Area (SPEA) that does not currently pose a risk as assessed by a qualified arborist shall not be impacted in any way by the activities of development on the subject property. It is important to protect as many trees as is safely possible within SPEAs from mechanical damage, soil disturbance, or soil compaction during construction in order to prevent destabilizing the trees or causing tree mortality. In any forested areas near future construction, care will need to be taken around large trees and snags.

With the exception of potential driveway development described above, protection of trees in the SPEA will require that there shall be no: trenching through the root zone of trees, paving around trees, modifications to the ground level around trees, parking under trees, or concrete washout or other pollutants allowed to contaminate the soil around trees. Any future construction activities outside, but adjacent to, the SPEA will be limited to surficial "grubbing" only; no larger excavations that may endanger the root systems of the trees within the SPEA will be permitted.

Other measures will include the following:

a. The 10 m Stream and 15-30 m Wetland/Pond SPEAs are to be clearly flagged, fenced, and/or staked prior to ANY future construction activities.
b. SPEA trees identified for retention prior to land clearing activity will be assessed by a certified arborist and their recommendations for protection will be adhered to during any land clearing activity adjacent to the SPEA.
c. Create/use access routes that avoid tree roots, storage of excavation/building material away from trees within SPEAs, and covering tree roots in access areas with at least 15 cm of wood chip mulch (or similar material) to avoid root compaction.
d. Trenching through the rooting zone of mature trees will be prevented.
e. Establish root protection zones around significant larger trees in the 30 m Riparian Assessment Area that have root zones that intersect within SPEAs. Root protection zones should be calculated by multiplying the diameter of the tree by 18. This value is the radius of the area of land surrounding the trunk of a tree that is to be avoided.
f. Monitor the impacts of construction activities. If roots have been cut make sure they weren't shattered by heavy equipment. Broken roots should be cut cleanly with a saw.
g. Mulch about the base of trees to retain moisture.
h. Vertical mulching may be necessary where roots have been severely impacted by machinery or fill.
i. Prune any broken limbs with clean cuts.
j. Ensure that pollutants and other contaminants cannot enter soils within the tree protection zone.
k. An arborist involved in any future development can provide comment on protection of trees within the SPEA, including rooting zones.

5. Encroachment	

I, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson;
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

The current development proposal for the subject property is limited to a subdivision application; however, should any future development be proposed on the subdivided lots the following measures to avoid encroachment into the SPEA will be adhered to.

SPEA setback areas, and any future arborists' recommended protection zones outside of the SPEA (to protect trees within the SPEA) will be clearly delineated using flagged stakes (or equivalent) prior to the commencement of work.

During future construction no machines/vehicles will park or otherwise access the setback. All work crew members should be aware of the sensitivity of the setback. No construction materials will be stockpiled in the setback.

The following activities will not be permitted in order to avoid impacting the SPEA.

- Disposal of material (e.g. yard waste) within the SPEA
- Long-term storage of materials within the SPEA
- Removal of native vegetation or soil within the SPEA
- Constructing permanent features within the SPEA

The developer should contact a Qualified Environmental Professional (QEP) three days prior to the commencement of any future construction activity for a pre-work meeting to discuss all measures and BMPs to protect aquatic resources.

6. Sediment and Erosion Control

I, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson;

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

Although no construction is currently planned for the property the following guidelines are provided to inform the sensitivities of any future work that may occur near the SPEA. The introduction of sediment into the subject stream or nearby wetlands, due to either erosion or deposition of sediment is the main concern during any future clearing and/or construction phases. To avoid offsite release of sediment or other deleterious substances to these waterbodies the mitigation measures summarized below, and guidelines outlined in the following resources will be followed.

- *Land Development Guidelines for the Protection of Aquatic Habitat*. 1993. Co-Published by MELP and DFO. http://www.dfo-mpo.gc.ca/Library/165353.pdf
- *A Users' Guide to Working in and Around Water*. 2005. Prepared by MoE, WSD. http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/working_around_water.pdf

1. Future development will be designed with regard to the general principles of erosion and sediment control with particular attention to the following:

    a) Maximize retention of existing vegetation and ground cover where possible.
    b) Schedule construction to avoid coinciding with heavy precipitation.
    c) Provide surfaced working areas and restrict vehicle access.
    d) Minimize clearing and stripping of setbacks and easements.
    e) Clearly mark lot areas and clearing boundaries on site.

2. Surface soil erosion from future development sites will be generated primarily from soil excavation and graded areas. To minimize erosion the following guidelines should apply:

    a) All instream works should be timed to coincide with a period when the stream is dry (June – October)
    b) Protect stockpile material to minimize erosion (e.g. cover sheets or perimeter silt fencing).
    c) Retain existing vegetation where possible and limit and/or stage clearing and stripping to only what is required.
    d) Revegetate or landscape disturbed areas as soon as possible.
    e) Limit vehicle and machine operation to prepared access areas only.

3. The following drainage and sediment control recommendations are made to limit the offsite transport of sediments to sensitive habitat:

    a) Divert runoff away from cleared areas using swales or low berms.
    b) Collect onsite runoff into appropriately sized temporary or permanent detention facilities prior to discharge offsite.
    c) As required, allow sufficient intervals of time for sediment to settle before releasing water off-site.
    d) Utilize silt fences around stockpiles and along areas that slope towards any watercourses or wetlands.

4. The following recommendations are made to minimize risk of deleterious substances (e.g. sediment, raw/uncured concrete, mortar, glues, paint, lubricants, organic and inorganic contaminants, fuels/oils) entering the watercourses and wetlands or groundwater sources:

    a) Conduct daily and routine site cleanup and disposal of waste material.
    b) Equipment will be mechanically sound and free of leaking deleterious material and inspected regularly.
    c) Spill kits will be kept with each machine and operators will be familiar with emergency procedures.
    d) Wash down waters from exposed aggregate surfaces, cast-in-place concrete and from concrete trucks and equipment will be trapped onsite for approximately 48 hrs to allow sediment to precipitate and achieve neutral pH before the clarified water is released to the storm drain system or allowed to percolate into the ground.
    e) Fuels, lubricants and hydraulic fluids used on the subject property will be carefully managed to avoid spills, secured against unauthorized access and equipped with spill containment according to the codes of practice.
    f) Accidental spillage of fuels, lubricants or hydraulic fluid must be immediately contained and the contaminated soil removed and disposed of in accordance with the Environmental Protection Branch of the Federal Department of the Environment (DOE/EP) and the provincial Ministry of Environment (MoE).
    g) Rinse and cleaning water or solvents (for glues, paint, wood preservatives) and other potentially toxic substances on the subject property should be similarly controlled to prevent leakage, loss or discharge to the storm drain system or groundwater sources.

7. Stormwater Management	

I, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson;

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

As the property is in the rezoning stage stormwater management plans are not available. However, for future development stormwater management will be subject to Best Management Practices which include:

1. Implementing open-channel stormwater drainage, including watercourses, ditches, floodplains, and storm ponds;
2. Following the hierarchy of preferred stormwater management methods:
    a. Control the source of stormwater;
    b. Introduce upstream detention;
    c. Implement enclosed stormwater pipes. This method is undesired and to be used as a last resort only where other options are not viable.
3. Capacity studies must show that there is no increased pressure downstream of the development;
4. If detention ponds are to be used, preference is for:
    a. A decentralized system of more, smaller ponds;
    b. Progressive, natural pond designs that include adequate topsoil and planting with native aquatic and riparian species to help sequester pollutants;
    c. Possible land covenants with requirements for maintenance by property owners where non-standard stormwater management is used (e.g. bioswales, rain gardens, etc.).

8. Floodplain Concerns (highly mobile channel)	

I, Warren Fleenor, 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 Ben Lones, Nicholas Jackson, and Darlene Jackson;

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

There are no floodplain concerns. The stream is well contained within its banks.

Section 5. Environmental Monitoring

This assessment was completed in support of the rezoning stage of development. If development is to occur adjacent to and with any possible intersection with the SPEAs in the future, a monitoring plan must be developed with a QEP prior to commencement of works. The QEP and developer should hold at meeting three days prior to any works to complete the following tasks:

1. Ensure the setback area is clearly delineated;
2. Review work plan;
3. Ensure appropriate mitigation measures will be in place;
4. Review all Measures to Protect the SPEA stated in this report and ensure appropriate equipment to satisfy the measures are on-site or available;
5. Review emergency spill response plan;
6. Set up a contact system should a biologist be required on site in the event of sediment/erosion issues or some other type of risk to aquatic habitats that may arise during construction.

Immediately upon completion of any future construction work, the proponent is to contact a QEP for a post-construction site inspection. Any deficiencies noted by the QEP are to be addressed by the proponent. A final post-construction report is to be submitted by the QEP to the BC RAR Notification System.

Section 6. Photos



Photo 1. View north (downstream) of a section the subject stream located adjacent to the existing driveway servicing 4685 Central Road showing man-made form, simplified riparian vegetation, and dry conditions observed during the June 24, 2017 site visit.



Photo 2. View looking northeast (upstream) of the dry stream adjacent to an existing driveay near the southern property boundary showing young forest stand that characterizes the riparian area on this portion of the property (background). (June 24, 2017)



Photo 3. View upstream of a forested swamp wetland located on the adjacent property to the north that has been connected to the stream that runs north-south on the subject property. (June 24, 2017)



Photo 4. View north of a small 80 m^2 in-line pond that, during the June 24 2017 site visit, contained water but was disconnected downstream by the dry stream. The existing residence on the western half of the property is visible in the background.



Photo 5. View northeast taken from the stream highwater mark adjacent to the northern lot boundary showing the nearest distance (18.5 m) to new sceptic installation at the northern corner of the residence. (July 24, 2019)



Photo 6. View north taken from the north side of the in-line pond south of the residence showing the nearest distance (29 m) to sceptic/well infrastructure. (July 24, 2019)

Section 7. Professional Opinion

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

Date Aug 8, 2019

1. I/We, Warren Fleenor,

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 Ben Lones, Nicholas Jackson, and Darlene Jackson, which proposal is described in section 3 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:

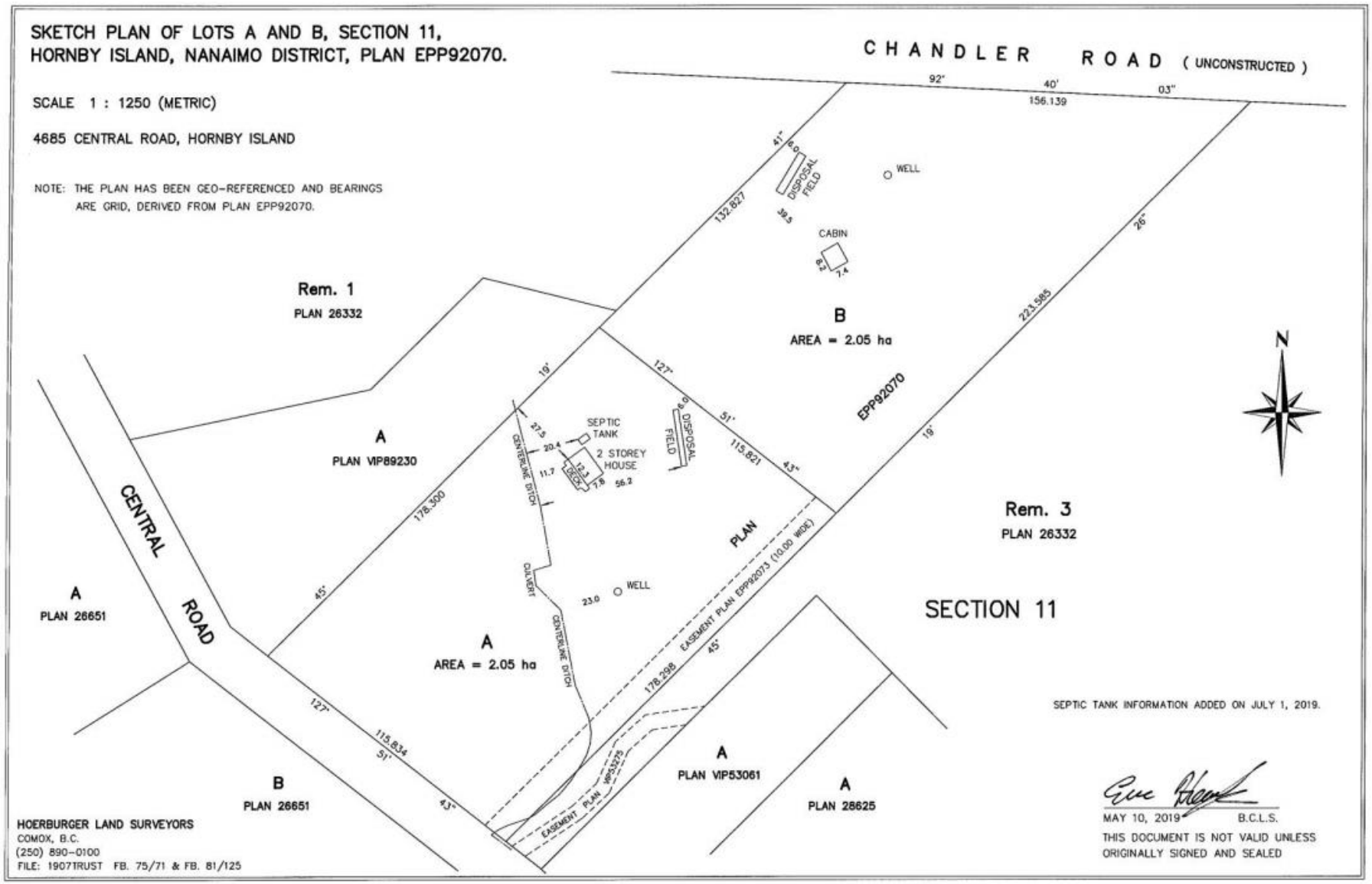
a) [ ] if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**

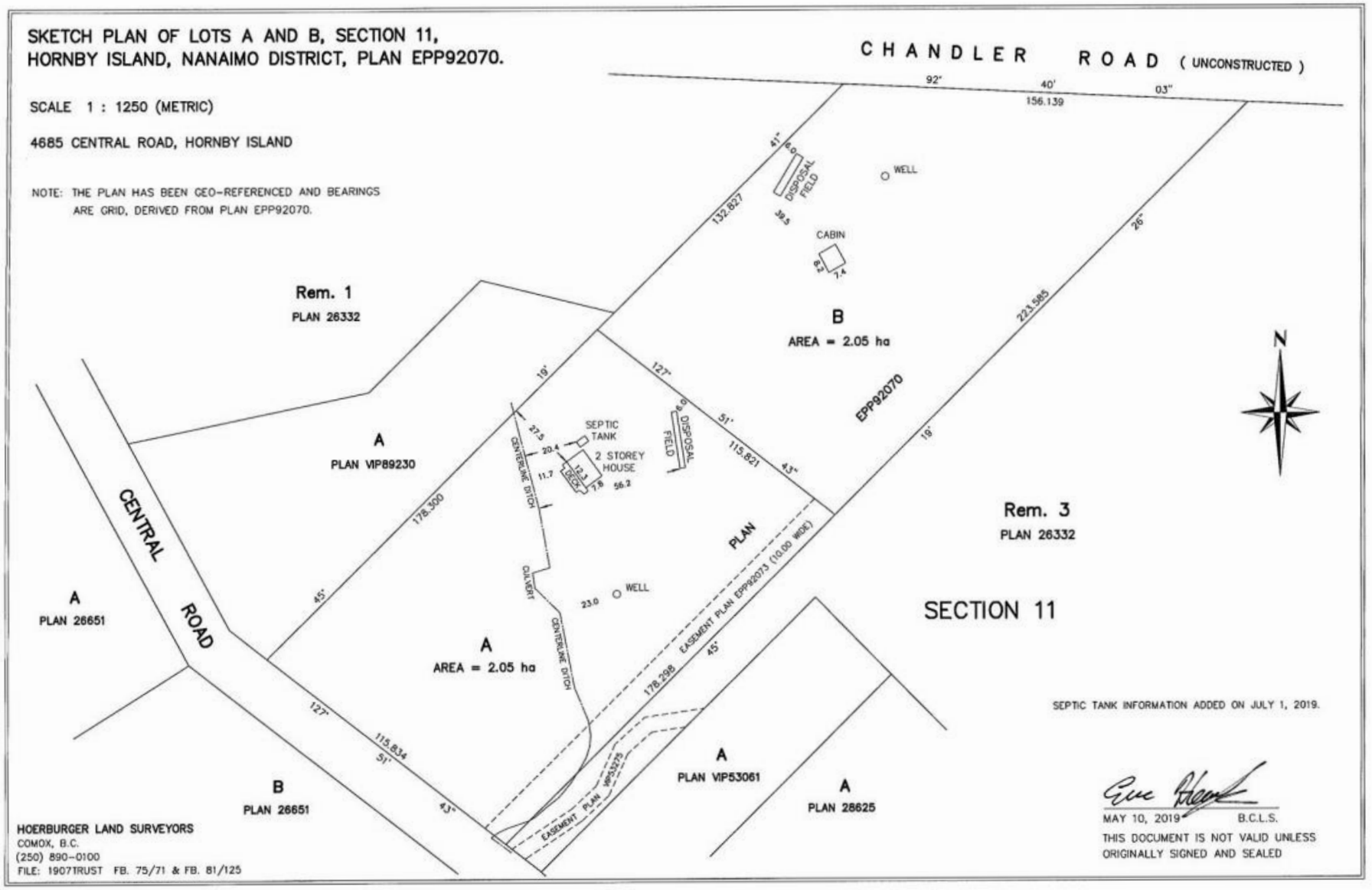
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

b) [XXX] 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.

[NOTE: **"qualified environmental professional"** means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
(c) the individual is acting within that individual's area of expertise.]


SKETCH PLAN OF LOTS A AND B, SECTION 11,
HORNBY ISLAND, NANAIMO DISTRICT, PLAN EPP92070.
SCALE 1 : 1250 (METRIC)
4685 CENTRAL ROAD, HORNBY ISLAND
NOTE: THE PLAN HAS BEEN GEO-REFERENCED AND BEARINGS ARE GRID, DERIVED FROM PLAN EPP92070.
CHANDLER ROAD (UNCONSTRUCTED)
92°
40'
03"
156.139
41°
DISPOSAL FIELD
WELL
132.827
39.5
CABIN
8.2
7.4
26°
223.585
Rem. 1
PLAN 26332
B
AREA = 2.05 ha
EPP92070
19'
127'
51'
115.821
43°
SEPTIC TANK
2 STOREY HOUSE
DISPOSAL FIELD
CENTERLINE DITCH
27.5
20.4
11.7
12.3
DECK
7.8
56.2
A
PLAN VIP89230
178.300
45°
CENTRAL ROAD
CULVERT
CENTERLINE DITCH
23.0
WELL
A
AREA = 2.05 ha
PLAN
EASEMENT PLAN EPP92073 (10.00 WIDE)
178.298
45°
Rem. 3
PLAN 26332
SECTION 11
A
PLAN 26651
127'
115.834
51'
43°
B
PLAN 26651
EASEMENT PLAN VIP53375
A
PLAN VIP53061
A
PLAN 28625
SEPTIC TANK INFORMATION ADDED ON JULY 1, 2019.
MAY 10, 2019
B.C.L.S.
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED
HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: 1907TRUST FB. 75/71 & FB. 81/125


SKETCH PLAN OF LOTS A AND B, SECTION 11,
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SCALE 1 : 1250 (METRIC)
4685 CENTRAL ROAD, HORNBY ISLAND
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Rem. 1
PLAN 26332
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AREA = 2.05 ha
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CENTRELINE DITCH
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CULVERT
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PLAN 28625
EASEMENT PLAN VIP53075
N
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STAFF REPORT

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

DATE OF MEETING:	September 13, 2019
TO:	Hornby Island Local Trust Committee
FROM:	Jaime Dubyna, Planner 2 Northern Team
SUBJECT:	Hornby Island OCP/LUB Amendments Project - Update

RECOMMENDATION

1. **That the Hornby Island Local Trust Committee endorse the revised Hornby Island Official Community Plan and Land Use Bylaw Amendments Project Charter v 2.2 dated September 13, 2019.**

REPORT SUMMARY

This staff report provides an update and introduces a revised Project Charter for the Hornby Island Local Trust Committee (LTC) top priority project, "Official Community Plan and Land Use Bylaw Amendments". Minor amendments are made to the project timeline necessitated by the overall scope of the technical amendments proposed in Phase 1 of this project. The revised project charter is attached as Attachment 1 of this report. Staff are recommending that the LTC endorse the revised project charter.

BACKGROUND

At the July 5, 2019 LTC regular business meeting, staff presented a staff report recommending the project be split into two distinct phases – Phase 1 (Minor Technical Amendments) and Phase 2 (Major Amendments) – and presented a Project Charter, where the LTC passed the following resolutions:

> **HO-2019-059**
> **It was MOVED and SECONDED,**
> that Hornby Island Local Trust Committee endorse the revised "Official Community Plan and Land Use Bylaw Amendments Project" Project Charter v 2.1 dated July 5, 2019.
> **CARRIED**
>
> **HO-2019-060**
> **It was MOVED and SECONDED,**
> that Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend Hornby Island Official Community Plan Bylaw No. 149, 2014.
> **CARRIED**
>
> **HO-2019-061**
> **It was MOVED and SECONDED,**
> that Hornby Island Local Trust Committee request staff to prepare a draft bylaw to amend Hornby Island Land Use Bylaw No. 150, 2014.
> **CARRIED**

As directed by the LTC, staff continue to draft bylaws to amend the Hornby Island Official Community Plan Bylaw No. 149 (OCP) and Hornby Island Land Use Bylaw No. 150 (LUB), as part of Phase 1 of the project. Staff note that while draft bylaws were expected to be presented to the LTC at the September 13, 2019 regular business meeting, additional time is necessary to confirm that all technical amendments of the OCP and LUB are captured in Phase 1. Staff consider that the overall proposed timeline of Phase 1 will not be affected by this minor amendment to the Project Charter.

ANALYSIS

Consultation

As noted in the staff report dated July 5, 2019, since the project would involve OCP and LUB amendments, pursuant to Section 464(1) of the *Local Government Act* (LGA), the LTC is required to hold a public hearing for the purpose of allowing the public to make presentations to the LTC respecting matters contained in the proposed bylaws. The legislated responsibility to hold a public hearing is captured in the Project Charter under the "legislative process for proposed bylaws" deliverable, scheduled for Winter 2019/2020.

Staff had previously included "community consultation and early referrals of draft bylaws" as a deliverable to be completed in Fall/Winter 2019 for Phase 1. However, staff consider that early referrals and community consultation in addition to the legislative process would not be effective, as no substantive amendments will be proposed during Phase 1 of the project. Staff note that a project webpage will provide the Hornby Island community access to information on the project, during both phases.

Rationale for Recommendation

Amendments to the project timeline were necessitated by the extension of the deliverable "draft bylaws presented to LTC for review" and by the removal of the deliverable "community consultation and early referrals of draft bylaws". Community consultation has also been removed from "Phase 1 In Scope" and the project budget has been amended to reflect this. No further amendments have been made to the Project Charter.

See staff's recommendation on Page 1 of this report.

ALTERNATIVES

1. **Request Further Amendments to the Project Charter.**

   The LTC may request further amendments to the Project Charter. If significant changes are made to the charter as presented, staff will need to bring back a revised timeline, workplan overview and budget for review.

   That the Hornby Island Local Trust Committee request staff to amend the Hornby Island Official Community Plan and Land Use Bylaw Amendments Project Charter v. 2.2 [insert changes] and endorse the Project Charter as amended.

NEXT STEPS

If the LTC concurs with staff's recommendation, staff will continue preparing draft bylaws as directed by the LTC for consideration at the next regular business meeting, scheduled for November 8, 2019.

Submitted By:	Jaime Dubyna Planner 2	August 29, 2019

Concurrence:	Marnie Eggen, RPP, MICP A/ Regional Planning Manager	August 30, 2019

ATTACHMENTS

1. DRAFT Revised Project Charter v.2.2, dated September 13, 2019
2. Project Charter v.2.1, dated July 5, 2019

OCP/LUB Amendments Project— Project Charter - v

Attachment 1

Hornby Island Local Trust Committee

Date: September 13, 2019

Purpose To resolve technical issues with the Hornby Island Official Community Plan (OCP) No. 149 and the Hornby Island Land Use Bylaw (LUB) No. 150, and to update relevant sections of the OCP and LUB related to cannabis production and sales and in accordance with recent amendments to Agricultural Land Reserve (ALR) policies and regulations.

Background Since adoption of the OCP and LUB in 2016, a number of technical issues have been discovered in the bylaws, ranging from minor typographical errors to more significant issues that may, in some cases, have unintended consequences such as reduced development potential. As well, the Province has recently adopted amendments to the *Agricultural Land Commission Act* and ALR Use Regulation in relation to cannabis production, secondary residences, total floor area of principal residences, "agri-tourism" and "tourist" accommodation, and soil or fill regulations.

Phase 1 Objectives

- To identify and resolve typographical errors within the LUB and OCP
- To identify and resolve outdated legislation titles and citations, and outdated language within the OCP and LUB

Phase 2 Objectives

- To identify and resolve technical issues that may or may not require OCP amendments
- To identify and resolve major issues that may affect development potential and likely require OCP amendments
- Update the OCP and LUB to be consistent with provincial government legislation

Out of Scope

- Bylaw amendments not related to identified technical issues or to recently adopted provincial government legislation

Phase 1 In Scope

- Staff technical review of bylaws
- "Housekeeping" amendments to OCP and LUB
- Adoption of "new" base bylaws

Phase 2 In Scope

- Research into bylaw development history
- LUB technical amendments may include, but are not limited to:
  - Beulah Creek housing site map review
  - Min. average lot area for the R2 zone
  - Map amendments
- Regulations for Cannabis Production and Sales
- Update relevant ALR regulations
- OCP amendments
- Community consultation and APC referrals
- Legislative review, referrals, and bylaw adoption

Workplan Overview

Deliverable/Milestone	Date
LTC endorsement of revised project charter v. 2	April 5, 2019 *(complete)*
Planner presentation on technical review and issues analysis of OCP and LUB; LTC consideration of technical review and issues analysis and "phased" project	July 5, 2019 *(complete)*
Phase 1: Development of draft "housekeeping" bylaws	Summer 2019
Phase 1: Draft bylaws presented to LTC for review	Fall 2019
Phase 1: Legislative process for proposed bylaws	Winter 2019/2020
Phase 1: Adoption of proposed bylaws	Winter/Spring 2020
Phase 2: LTC endorsement of revised project charter for Phase 2	Winter/Spring 2020
Phase 2: Development of draft bylaws, referrals and community engagement	Spring/Summer 2020
Phase 2: Legislative process of bylaws; Adoption of proposed bylaws	Fall/Winter 2020

Project Team

Planner 2	Project Manager
Regional Planning Manager / Island Planner	Project Support

RPM Approval: Ann Kjerulf

Date: July 20, 2018; March 28, 2019; June 24, 2019

LTC Endorsements:

Resolution #: HO-2018-040; HO-2019-027; HO-2019-059

Budget

Budget Source: Hornby Island LTC Bylaw Amendments

Fiscal	Item	Cost
2019-2020	Legal review of draft bylaw(s)	$3,000
2019-2020	CIM / Public Hearing	$2,000
	Total	**$5,000**

OCP/LUB Amendments Project— Project Charter - v 2

Attachment 2

Hornby Island Local Trust Committee

Date: July 5, 2019

Purpose To resolve technical issues with the Hornby Island Official Community Plan (OCP) No. 149 and the Hornby Island Land Use Bylaw (LUB) No. 150, and to update relevant sections of the OCP and LUB related to cannabis production and sales and in accordance with recent amendments to Agricultural Land Reserve (ALR) policies and regulations.

Background Since adoption of the OCP and LUB in 2016, a number of technical issues have been discovered in the bylaws, ranging from minor typographical errors to more significant issues that may, in some cases, have unintended consequences such as reduced development potential. As well, the Province has recently adopted amendments to the *Agricultural Land Commission Act* and ALR Use Regulation in relation to cannabis production, secondary residences, total floor area of principal residences, "agri-tourism" and "tourist" accommodation, and soil or fill regulations.

Phase 1 Objectives

- To identify and resolve typographical errors within the LUB and OCP
- To identify and resolve outdated legislation titles and citations, and outdated language within the OCP and LUB

Phase 2 Objectives

- To identify and resolve technical issues that may or may not require OCP amendments
- To identify and resolve major issues that may affect development potential and likely require OCP amendments
- Update the OCP and LUB to be consistent with provincial government legislation

Out of Scope

- Bylaw amendments not related to identified technical issues or to recently adopted provincial government legislation

Phase 1 In Scope

- Staff technical review of bylaws
- "Housekeeping" amendments to OCP and LUB
- Community consultation
- Adoption of "new" base bylaws

Phase 2 In Scope

- Research into bylaw development history
- LUB technical amendments may include, but are not limited to:
  - Beulah Creek housing site map review
  - Min. average lot area for the R2 zone
  - Map amendments
- Regulations for Cannabis Production and Sales
- Update relevant ALR regulations
- OCP amendments
- Community consultation and APC referrals
- Legislative review, referrals, and bylaw adoption

Workplan Overview

Deliverable/Milestone	Date
LTC endorsement of revised project charter v. 2	April 5, 2019 *(complete)*
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Phase 1: Development of draft "housekeeping" bylaws	Summer 2019
Phase 1: Draft bylaws presented to LTC for review	September 2019
Phase 1: Community consultation and early referrals of draft bylaws	Fall/Winter 2019
Phase 1: Legislative process for proposed bylaws	Winter 2019/2020
Phase 1: Adoption of proposed bylaws	Winter/Spring 2020
Phase 2: LTC endorsement of revised project charter for Phase 2	Winter/Spring 2020
Phase 2: Development of draft bylaws, referrals and community engagement	Spring/Summer 2020
Phase 2: Legislative process of bylaws; Adoption of proposed bylaws	Fall/Winter 2020

Project Team

Planner 2	Project Manager
Regional Planning Manager / Island Planner	Project Support

RPM Approval: Ann Kjerulf

Date: July 20, 2018; March 28, 2019; June 24, 2019

LTC Endorsements:

Resolution #: HO-2018-040; HO-2019-027; HO-2019-059

Budget

Budget Source: Hornby Island LTC Bylaw Amendments

Fiscal	Item	Cost
2019-2020	Legal review of draft bylaw(s)	$3,000
2019-2020	Community Consultation	$500
2019-2020	CIM / Public Hearing	$2,000
	Total	**$5,500**

From: Karen [redacted]
Sent: Tuesday, August 6, 2019 10:30 AM
To: northinfo <northinfo@islandstrust.bc.ca>; Sue Ellen Fast <sfast@islandstrust.bc.ca>
Cc: Grant Scott <gscott@islandstrust.bc.ca>; Alex Allen <aallen@islandstrust.bc.ca>; Ann Kjerulf <akjerulf@islandstrust.bc.ca>; [redacted]
Subject: Letter of support/Hornby Island

Hello Island Trust,
Attached is a letter of support, written by Chair Fast, on behalf of the Denman Local Trust Committee.

This letter was written in response to a request from the Denman Island Internet Committee, who are partnering with the Hornby
Island Community Economic Enhancement Corporation, in pursuing improved internet access for the neighbouring islands.
We are in active discussion with Network B.C., via the Northern Development Trust, to get funding for a Digital Roadmap
and Implementation Plan. This study will have overarching applications for both the local communities, and work that the Trust does.

Currently, the Island Coastal Economic Trust has approved funding for the studies, and the Comox Valley Regional District is
hosting the application for matching funds. HICEEC and Denman Works are also funders.

At this time the application may, or may not, get held up awaiting a similar letter of support from the Hornby Island Local Trust Committee.
To cover all bases, we are now writing to you, to request this.

Does this have to wait for a Trust meeting, or is it something that can be done quickly? Trustee Scott has already indicated his support for this project, as has Chair Fast in the Denman letter.

Thank you very much for your attention to this request.
Appreciatively,
Karen Ross

Hornby Island Community
Economic Enhancement Corporation

Islands Trust

Grant Scott

Hornby Island Local Trustee

1850 Shingle Spit Road

Hornby, BC V0R 1Z0

Tel: 250 218-2323

Email: gscott@islandstrust.bc.ca

May 9, 2019

To: Northern Development Initiative Trust
CVRD
HICEEC

This letter is being written to support the application by the Hornby Island Community Economic Enhancement Corporation, via the Comox Valley Regional District, to apply for funding to the Provincial Government's CONNECTING BRITISH COLUMBIA PROGRAM, Connectivity Infrastructure Strategy, which is managed by the Northern Development Initiative Trust.

The program will allow Hornby Island to access third party funding to offset the cost of hiring a telecommunications consultant to assist with our rural and remote community connectivity planning.

Currently most households on Hornby Island receive substandard internet service, and in some areas, none at all. Hornby Island has been identified by the Canadian Radio-television and Telecommunications Commission (CRTC) as an "underserviced area". Poor internet service is a barrier to educational opportunities, future health care services, family enjoyment, emergency preparedness, conducting business, and also in attracting new residents.

It is understood that the first part of the process, being applied for, is thorough public consultation to develop a Digital Roadmap (community digital vision), forming the basis of recommendations for an Implementation Plan which follows. It is our understanding that the Islands Trust will be consulted during the implementation of this Plan, and that the final reports will be available for use by all levels of Hornby government. Attached are the relevant sections from the current Hornby Island Official Community Plan.

Our community appreciates your consideration in making funds available for this work.

Signed,

Grant Scott

Hornby Island Trustee

Islands Trust

700 North Road, Gabriola Island, BC V0R 1X3
Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Enquiry BC in Vancouver 604.660.2421 Elsewhere in BC **1.800.663.7867**

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

July 10, 2019 File Number: DE-6410-03

Via Email: info@northerndevelopment.bc.ca
Northern Development Initiative Trust
301 – 1268 Fifth Avenue,
Prince George, BC,
V2L 3L2

Via Email: jwarren@comoxvalleyrd.ca
James Warren
General Manager of Corporate Services
Comox Valley Regional District
600 Comox Road,
Courtenay, BC
V9N 3P6

Re: Letter of Support for the Denman Island Residents Association (DIRA) and Hornby Island Community Economic Enhancement Corporation (HICEEC) feasibility funding application to the Provincial Government's CONNECTING BRITISH COLUMBIA PROGRAM, Connectivity Infrastructure Strategy to improve internet services on Denman Island.

To whom it may concern,

The Denman Island Local Trust Committee (LTC) is aware that, via the Comox Valley Regional District (CVRD), DIRA and HICEEC are pursuing access to third party funding to offset the cost of hiring a telecommunications consultant to assist with their rural and remote community connectivity planning. At the June 6, 2019 meeting of the Denman Island LTC, the following resolution was passed:

> **DE-2019-058**
> **It was MOVED and SECONDED,**
> that the Denman Island Local Trust Committee request the Chair to issue a letter of support for the feasibility funding application for internet connectivity services to Denman Island.
> **CARRIED**

The LTC recognizes the need for improved internet connection on Denman Island for several reasons including the facilitation of emergency preparedness services, educational opportunities, and conducting business.

Denman Island's Official Community Plan, the policy document that guides land use planning on the island, reflects the community's interest in supporting economic activities, educational facilities, and emergency services on the Island:

Section E.2 Economic Activities - Objectives

Objective 1 To encourage a variety of economic activities to support a diverse community, and to provide an environment that supports creation and manufacture of local products and opportunities for self-employment and self-reliance.

Section D.1 Services, Education and Culture - Objectives

Objective 1 To support the provision of emergency services and educational and cultural facilities on Denman Island.

As the local government responsible for land use planning on Denman Island, the LTC strongly supports the work of DIRA and HICEEC and their efforts to secure funding to pursue solutions for improved internet connectivity for the Denman Community.

Sincerely,

Sue Ellen Fast
Chair, Denman Island Local Trust Committee

cc: Laura Busheikin, Denman Island Trustee, lbusheikin@islandstrust.bc.ca
David Critchley, Denman Island Trustee, dcritchley@islandstrust.bc.ca
Ron Shepherd, Denman Island Residents Association, rshepherd9397@gmail.com
Karen Ross, Hornby Island Community Economic Enhancement Corporation, karen@hiceec.com
Ann Kjerulf, Regional Planning Manager, Islands Trust Northern Office, akjerulf@islandstrust.bc.ca
Marnie Eggen, Island Planner, Islands Trust Northern Office, meggen@islandstrust.bc.ca

BRIEFING

To:	**Local Trust Committees**	**For the Meeting of:**	**Various**
From:	**David Marlor, Director, Local Planning Services**	**Date Prepared:**	June 17, 2019
SUBJECT:	**Model Radio Antenna Strategy**		

PURPOSE: To provide the model radio antenna strategy to local trust committees for consideration of adoption.

BACKGROUND:

The federal Ministry of Innovation, Science and Economic Development Canada (ISED)(formerly Industry Canada),has jurisdiction over telecommunications uses such as radio broadcast towers and cellular telephone towers, which are licensed under the federal *Telecommunications Act*. ISED looks for the land use authority to issue a letter of concurrence or non-concurrence with the proposal put forward by telecommunications proponents and the consultation process they conduct. ISED recommends land use authorities establish a documented public consultation process to guide cell/radio tower proponents.

Within the Islands Trust, the consultation process on these types of applications was previously guided by the Letter of Understanding (LOU, signed October 30, 1996) that existed between ISED and the Islands Trust Council, on behalf of Local Trust Committees, for proposed towers of over 25m in height. Since ISED updated its Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) in 2014 to include a Default Public Consultation Process, the Trust Council/ISED LOU was rescinded by ISED under the terms of the agreement.

When a land use authority does not have an established or documented public consultation process, proponents of radio towers must use the ISED default process outlined in the Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03).

In March 2016, Trust Council passed the following resolution:

> *THAT the Islands Trust Council request the Local Planning Committee to make recommendations on policy that includes public consultation procedures and development guidelines for the siting and design of antenna systems, which may then be adapted and implemented by local trust committees.*

The report, "Model Program for Antenna Systems," dated May 3, 2018, (Attachment 1) was prepared by a consultant (James Van Hemert) under contract with Islands Trust. The report provides a model consultation program, land use siting criteria, and model official community plan policies. The report also presents a literature review and summary of background materials that were reviewed as part of the report's creation.

The report was received by Trust Council the June 2018 Trust Council meeting and was requested to be forwarded to local trust committees. This is being forwarded to you now to allow the new local trust committees elected in November 2018 to consider adoption of the public process contained in the

"Model Program for Antenna Systems", as well as the policy and regulatory recommendations contained in this document.

ATTACHMENT(S):

1. Model Program for Antenna Systems," dated May 3, 2018

FOLLOW-UP:

A brochure is being developed to explain the process and will be posted on the Islands Trust website as soon as it is complete.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date:

MODEL STRATEGY FOR ANTENNA SYSTEMS

LOCAL PLANNING COMMITTEE



Photo Credit: Beacon Wireless – http://www.beaconwireless.ca/#high-speed-internet

May 3, 2018

V A N H E M E R T & C O .

Planning Healthy Communities

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1 INTRODUCTION

Local Trust Committees (LTC) have recently been grappling with how best to consult with the public and to address local concerns around proposed cellular and radio communication towers. At the same time Innovation Science and Economic Development Canada (ISED) notes that there is a growing demand for denser wireless connectivity by citizens generally, as well as students, public service providers including 911 services, and small business. While people enjoy the relatively remote Gulf Island life, it also means they need to have adequate wireless access, including emergency services. This is especially true for the aging population on the islands who require access to health care more often and may avail of e-health services in communities with limited specialized medical staff.

The model *protocol* within this document has been prepared to help Local Trust Areas (LTA) effectively and efficiently assess antenna system proposals within their own unique contexts. The document provides a description of ISED's default public consultation process, a model public consultation *protocol*, model siting criteria, model Official Community Plan policies, and definitions. The model *protocol* may be adopted in its current form as a stand-alone document; or it may be customized for local considerations. The model siting criteria and the Official Community Plan policies may be incorporated into the *protocol* or included within an Official Community Plan. Existing processes and by-laws for each separate Local Trust Area should be reviewed in light of adopting the model *protocol* and be revised or rescinded.

The *protocol* has been developed with input and insight from Islands Trust planning staff, Local Trust Area Trustees, ISED, other land use authorities and representatives from the telecommunications industry. It should be noted, however, that input from the industry does not necessarily constitute support.

Note that words in *italics*, and not otherwise a document, legislative act or agency, are words defined in Section 7 Definitions.

2 INTERVIEWS AND REVIEW OF LITERATURE

2.1 Introduction

The model consultation *protocol* is informed by the department of Innovation Science and Economic Development (ISED) Canada's foundational guides, the Federation of Canadian Municipalities *protocol* template[1], and Health Canada's Safety Code 6 (2009) regarding limits to human exposure to radiofrequency electromagnetic fields. A discussion on the respective roles of federal government and local land use authorities sets the foundation for a defensible and effective *protocol*. Documents and telephone interviews with staff and a trustee served as an overview of the Islands Trust experience in reviewing antenna system proposals. This information provides a practical and experiential foundation of the local context. Rounding out the review, interviews were conducted with IEDC, other local government jurisdictions, and representatives of the telecommunications industry.

2.2 Local Trust Committee Jurisdiction and ISED's Requirements and Recommendations

The ISED's *Radiocommunication and Broadcasting Antenna Systems Client Protocol Circular CPC 2-0-03* (CPC) (hereinafter referred to as the CPC) is the foundation for understanding public consultation requirements and the appropriate role of the land use authority. It identifies the ***mandate***, established in Section 5 of the *Radiocommunications Act* states that the Minister (of ISED) may, taking into account all matters considered relevant for ensuring the ***orderly development*** and ***efficient*** operation of radiocommunication in Canada, issue radio authorization, and approve each site on which radio apparatus, including *antenna systems*, may be located. A certain measure of flexibility is required in siting *antenna systems* in order to achieve adequate coverage for service areas.

The CPC emphasizes the importance of considering ***local surroundings*** in deploying *antenna systems*. Accordingly, the default public consultation process requires *proponent*s of certain *antenna systems* to engage land-use authorities with regard to ***site options, local public engagement and review processes, addressing reasonable and relevant concerns***, and ultimately obtain ***land-use authority concurrence*** in writing. Land-use authorities are encouraged to establish ***reasonable, relevant, and predictable*** consultation processes specific to *antenna systems* and consider matters such as designation of suitable contacts or responsible officials, proposal submission requirements, public consultation, documentation of concurrence process, and the establishment of milestones to ensure consultation process completion within 120 days. To that end, the ISED publishes the *Guide to Assist Land-use*

[1] *Antenna System Siting Protocol* template published by the Federation of Canadian Municipalities in consultation with the telecommunications industry. Available online at. https://fcm.ca/Documents/reports/FCM/Antenna_System_Siting_Protocol_Template_EN.pdf Accessed on October 2017.

Authorities in Developing Antenna System Siting Protocols which was referred to in developing this model strategy.

Certain types of proposals (listed below) are excluded from land-use authority and public consultation requirements; however, all *proponent*s must consider whether or not it is prudent to undertake consultation for an excluded proposal on the basis of:

- the proposal's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location and proximity to neighbouring residents;
- the likelihood of an area being a community sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

Exclusions include the following:

- new *antenna systems* where height is less than 15 metres, but does not apply to *antenna systems* proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- existing *antenna systems* where modifications are made, antenna added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation;
- non-tower structure antenna on buildings, water towers, lamp posts, etc. may be excluded provided the height of the ground of the site of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%; and
- temporary *antenna systems* used for special events or emergency operations.

The CPC provides examples of relevant concerns that may be raised during public consultation, including, for example, why use of existing *antenna systems* may not be used, alternative sites, and what is being done to integrate antenna into local surroundings. Concerns that are ***not*** relevant include disputes with members of the public relating to *proponent*'s service, potential effects that proposed *antenna system* will have on property values or municipal taxes, and questions whether or not *Safety Code 6*, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

2.3 Islands Trust Experience

Information about Islands Trust experience was gleaned from special studies, staff reports and *protocol* documents from the following Local Trust Areas: Galiano Island, Gabriola Island, Hornby Island, and Salt Spring Island. Documents reviewed included:

- Local Planning Committee briefing of January 28, 2015
- Galiano Island LTA:
  - Rogers Cell Tower referral, April 24, 2015
  - Telecommunications Strategy staff report to LTC, March 30, 2016
  - Telecommunication Strategy Project staff report, March 27, 2017

    - Antenna System and Siting Consultation Protocol, March 2017
- Hornby Island LTA--TELUS tower, public consultation package, staff reports of November 22, 2016 and May 5, 2017
- Gabriola Island LTA--Resolution GB-025-2010 regarding Communication Towers and Antennae
- Salt Spring Island:
    - Cellular Antennae Proposal Form
    - Procedural Guideline, April 26, 2001

Interviews for gaining insights and information were conducted with current and former Islands Trust planning staff with experience managing *antenna system* proposals. These included Marnie Eggen, Justine Starke, Aleksandra Brzozowski, and Robert Kojima. Tony Law, a trustee for Hornby Island LTA was also interviewed for his perspective on dealing with a particularly controversial application.

Additionally, to round out the perspective from other stakeholders, representatives from the telecommunication industry (Doug Anastos, TELUS) and their process consultant, Brian Gregg (SitePath), were interviewed. Industry input, however, does not necessarily mean support for the draft *protocol* as presented.

ISED representative, Jeff Stanhope, was interviewed and he also provided comments on a draft of the public consultation *protocol*. No red flags were raised regarding consistency with the CPC, the foundational guiding document of ISED.

Following an initial review of this protocol by the Local Planning Committee further input from the telecommunication Industry was received via a roundtable discussion in January of 2018. Representatives included Doug Anastos (TELUS), Kiersten Enemark (Shaw), and Samuel Sugita (Rogers Communications).

Experience in Other Jurisdictions included the following:

- Regional District of Nanaimo
- District of North Saanich
- District of Saanich
- District of Maple Ridge
- City of North Vancouver
- Village of Pemberton

3 MODEL CONSULTATION PROGRAM

3.1 Information Science & Economic Development Canada (ISED) Application & Default Public Consultation Process

A. Description of ISED's Application and Default Public Consultation Process

ISED provides on its website a user-friendly text summary and infographic about how decisions are made regarding cell towers. The five-step process applies to all *telecommunication antenna systems* that are not expressly excluded from public consultation.

1. **Share**
   Is a new tower necessary? Rules require companies to share towers, whenever possible, instead of building new ones.

2. **Propose**
   Companies must submit a plan to the local municipality.

3. **Notify**
   Once a company has a plan, it must notify local residents of the upcoming consultation. Rules require notifications be clearly marked – no confusion with junk mail. All residents within an area three times the height of the tower must be notified.

4. **Consult**
   The company must consider the community's views.

   Impasses are rare. <0.1% of cases require Industry Canada's decision.

5. **Build**
   Following the consultation, and once the company and local municipality agree, the tower must be built within three years.


Industry Canada
Industrie Canada
CELL TOWERS
IN YOUR COMMUNITY:
HOW THE DECISION IS MADE
The Government of Canada regulates tower siting decisions, settles disputes, and sets health and safety standards.
New towers give wireless customers better, more reliable mobile service.
NO SERVICE
1 SHARE
Is a new tower necessary? Rules require companies to share towers, whenever possible, instead of building new ones
2 PROPOSE
Companies must submit a plan to the local municipality.
NOTICE
3 NOTIFY
Once a company has a plan, it must notify local residents of the upcoming consultation.
* Rules require notifications be clearly marked – no confusion with junk mail. All residents within an area 3x the height of the tower must be notified.
4 CONSULT
The company must consider the community's views
* Impasses are rare. <0.1% of cases require Industry Canada's decision.
COMMUNITY CENTRE
5 BUILD
Following the consultation, and once the company and local municipality agree, the tower must be built within three years.
Canada

Proponents of siting and constructing an *antenna system* are required to present their plans and consult with the local land use authority; they are not required to make a formal application to ISED for siting an antenna facility. They are required, however, to provide information and notify ISED at the following points in the process in order to proceed:

- ***public notification***: provide notification package;
- ***responding to the public***: copy of all public reply comments; and
- ***concluding consultation***: if applicable--for example, in cases where a land use authority does not provide a clear form of land-use concurrence, --the *proponent* may request ISED to confirm its concurrence that the public consultation process requirements have been met.

The ISED Default Public Consultation Process applies to *proponent*s if the land-use authority does not have its own established and documented consultation process for antenna siting. ISED's default process has three steps for consultation with the public and land-use authority whereby the *proponent*:

- provides ***written public notification*** of the proposed *antenna system* installation or modification;
- engages and ***responds to the public*** to address relevant questions, comments and concerns; and
- provides an opportunity for ***public reply*** in writing to the *proponent* regarding measures taken to address reasonable and relevant concerns.

Details on timing, content, communication channels, and style of communication for each step are summarized below.

1. *Public Notification*

    a) *Proponent* must provide a ***notification package*** to the following within a ***radius of three times the tower height***:

        - the local public (including residences, community gathering areas, public institutions, schools, etc.);
        - neighbouring land-use authorities, and
        - businesses, and property owners.

    b) The notice of an upcoming consultation must be clearly marked, making reference to the proposed *antenna system*.

    c) Must provide at least ***30 days*** for written public comment.

    d) In areas of ***seasonal residence***, the *proponent* must work with the land-use authority to determine the best manner to notify such residents to ensure their engagement.

e) In addition, for *antenna system* of 30 metres or greater in height, notice must be placed in a local community newspaper circulating in the proposed area. Timing must be synchronized with the distribution of the public notification package, must be legible and placed in the public notice section of the newspaper. Further, it must include:

- description of proposed installation;
- location and street address;
- *proponent* contact information and mailing address; and
- invitation to provide public comments to *proponent* within 30 days of the notice.

f) In areas without a local newspaper, other effective means of public notification must be implemented.

2. *Responding to the Public*

Proponents must address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. When a question comment or concern is raised the *proponent* is required to:

- respond to the party in writing within ***14 days*** acknowledging receipt;
- address in writing all reasonable and relevant concerns within ***60 days*** of receipt or explain why concerns are not reasonable or relevant; and
- in written communication referred to above clearly note that the party has ***21 days*** from date of correspondence to reply to *proponent*'s response.

The *proponent* may respond to a party via telephone, engaging in a community meeting or having an informal personal discussion.

3. *Public Reply Comments*

Examples of relevant concerns to address may include:

- Why is the use of an existing *antenna system* or structure not possible?
- How is the *proponent* trying to integrate the antenna into the local surroundings?
- What is the *proponent* doing to ensure that the *antenna system* is not accessible to the general public?
- What options are available to satisfy aeronautical obstruction making requirements at this site?
- What are the steps the *proponent* is taking to ensure compliance with the general requirements of the *Innovation Science Economic Development Canada's Client Procedures*

CPC 2-0-03, the *Canadian environmental Assessment* Act (CEAA), and *Safety Code 6* of the *Health Act*?

Concerns that are ***not relevant*** include:

- Disputes with members of the public relating to the *proponent*'s service, but unrelated to antenna installations;
- Potential effects that a proposed *antenna system* will have on property values or municipal taxes;
- Questions whether the *Radiocommunication Act*, this document, *Safety Code 6*, locally established bylaws, other legislation, procedures or processes are valid or should be reformed in some manner.

4. Concluding Consultation

Installation or modification of an *antenna system* may only be commenced after the consultation process has been completed by the land-use authority, or ISED confirms concurrence of the consultation portion of the default process, and after all other process requirements have been met by the *proponent*.

B. Analysis and Observations of ISED's Default Public Consultation Process

1. ISED Limits of Public Consultation

The limits of ISED's CPC include the following matters on which it is either silent or does not have a requirement:

- application requirements to the land use authority;
- cost recovery;
- pre-consultation; and
- a means for community based dialogue beyond providing public information.

Further, the time restrictions on notice, responses, as well as the overall consultation time frame could be restrictive in addressing controversial proposals and the efforts needed to mitigate and search for alternatives. In practice, however, some consultation takes longer than the timeframes set out in the Default process. Carriers appreciate a predictable process, but understand that certain sites may require more time.

2. Analysis

The CPC clearly notes that its default consultation process is a ***minimum*** process and anticipates through direct reference that local land-use authorities may ***augment*** the process by developing its own *protocol* which can address, for example, notification of additional entities, expanded

minimum prescribed notification distances, pre-consultation meetings, and community information sessions.

The CPC also contains an important clause suggesting that even though a proposal may otherwise be exempt from public consultation, there are cases where "it may be prudent for the *proponent* to consult even though the proposal meets an exclusion." Considerations for this decision include:

- the *antenna system*'s physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed *antenna system* on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- NAV Canada and Transport Canada's marking and lighting requirements for the proposed structure.

The companion *Guide to Assist Land-Use Authorities in Developing Antenna Siting Protocols* complements the CPC and addresses the role *land use authorities* (LUA)s can play in effectively participating and influencing decisions with respect to the proposed *antenna system* within the ISED's siting procedures and sets out elements that LUAs might wish to include in establishing their own local *protocol*. These elements are incorporated in the model *protocol* described in this document.

Local knowledge is valued, particularly with regard to amenities, cultural or environmental sensitivities, Local Trust Area planning priorities such as those related to telecommunication connectivity, and other relevant characteristics of the area.

Although recognizing that the LUA or public's preferred locations for siting may not always be feasible for strategic and technical reasons, the guide notes:

> *LUAs are encouraged to develop protocols that are clear and within their area of responsibility. Protocols can include promoting the placement of antennas in optimal locations from a land-use point of view, or excluding certain types of installations from protocol requirements. Through protocols, an LUA can highlight its local knowledge and expertise related to area sensitivities, including environmental or cultural concerns, and land-use compatibility.*[2]

It is appropriate, therefore, for a local government to establish by way of policy in its Official Community Plan or Land Use Bylaw, and a *protocol* document, land use preferences, land use

[2] Guide to Assist Land-use Authorities in Developing antenna system Siting Protocols, Industry Canada (now Innovation, Science, Economic Development Canada), Issue 2, August 2014, Section 2.1, page 3.

sensitivities, and *design guidelines*. for siting of an *antenna system*. This conclusion has been confirmed in a conversation with an ISED representative.[3]

The guide suggests LUAs may consider preliminary consultation which will serve to inform, advise, guide, and indicate preferences to *proponent*s. Communities such as the Regional District of Nanaimo have established a preliminary consultation step in the form of a site investigation meeting.

Further, the guide acknowledges that a LUA can set the format for public consultation in its *protocol*. These formats may take the form of a community open house, town hall style meeting, or another format preferred by the LUA. Ideally, the LUA and *proponent* will arrive at a mutually agreeable format.

In its outline template, the guide provides a set of considerations and suggested principles for a community in developing its own local *protocol*. The Regional District of Nanaimo, for example, has used this template effectively for establishing a *protocol* for all its Electoral Areas.

C. Addressing the Limitations of the ISED's Default Process

A model *protocol* for the Local Trust Areas can effectively compliment and address the inherent limitations of ISED's default process in the following manner:

- specify application requirements in detail;
- require pre-consultation;
- require information to the Local Trust Area, even if public consultation is not required;
- address cost recovery separately through an application fee;
- establish the desired format for public consultation beyond information packages;
- increase written notification area;
- identify specific groups to notify;
- establish siting criteria via OCP policy or via incorporation within a separate *protocol* document; and
- establish its own time frames, provided they do not exceed limitations of the CPC; however, the CPC provides for an opportunity to extend time frames under certain circumstances, particularly if there is an opportunity to mitigate and review options.

[3] Conversation with Jeff Stanhope, Spectrums Operations Manager, Spectrum Management Operations Branch, ISED, September 29, 2017.

3.2 Model Public Consultation Protocol for Local Trust Areas

A. Introduction

Telecommunications systems that provide full coverage and service are essential to for a healthy and well-connected community. This protocol serves as a foundation to ensure that communities benefit from high quality, dependable telecommunication services that effectively support daily life activities, emergency services, citizen engagement, tourism, and local business all of which are important to the Islands Trust.

B. Objectives

The objectives of this *protocol* are:

1. to acknowledge that ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada;
2. to establish a siting and consultation process for use by all Local Trust Areas (LTA)s that is harmonized with ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with *antenna system* siting proposals;
3. to set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of *antenna system* siting proposals that:
    - minimize the number of new antenna sites by encouraging co-location;
    - encourage designs that integrate with the surrounding land use and public realm;
    - establish when local public consultation is required; and
    - allow ISED and *proponent*s to identify and resolve any potential land use, siting or design concerns with the LTA at an early stage in the process.
4. to provide an expeditious review process for *antenna system* siting proposals;
5. to establish a local land use consultation framework that ensures the LTA and members of the public contribute local knowledge that facilitates and influences the siting--location, development and design (including aesthetics) –-of *Antenna system* within LTA boundaries;
6. to contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network within all LTAs;
7. to provide LTAs with the information required to satisfy the requirements of ISED regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the LTA at the end of the process; and

8. to establish administrative fees to be paid by telecommunication *proponent*s with consideration given to the costs to Islands Trust to evaluate and process proposals.

C. Jurisdiction

1. Role of Innovation, Science and Economic Development Canada

Under the *Radiocommunication Act*, the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of *telecommunication antenna system* is made only by ISED. All technical aspects and siting of telecommunication and broadcasting services are regulated by the Federal government under the *Radiocommunication Act*. ISED has an established procedure, the *CPC)*, which prescribes the process and review of proposed telecommunication structures. As part of the process, *proponent*s are required to notify the local land-use authority and nearby residents. Moreover, the *proponent* is required to address the public's questions, concerns and comments through ISED's prescribed public consultation process.

2. Other Federal Legislation

Public Health

With regard to public health, ISED refers to the standards set by Health Canada for determining acceptable levels of radiofrequency electromagnetic energy produced by telecommunication infrastructure. All telecommunication *proponent*s are required to follow the guidelines outlined in Health Canada's *Safety Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz – Safety Code 6 (2009).*[4] This code is accompanied by the *Technical Guide for Interpretation and Compliance Assessment of Health Canada's Radiofrequency Exposure Guidelines*, to assist users in understanding and assessing the safety of electromagnetic exposures in working and living environments. This code is also accompanied by a fact sheet, *What is Safety Code 6?* (available online at https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/fact-sheet-what-safety-code-6.html). The document is self described as 'busting myths' with a summary of facts. The introduction to this document, cited in the following paragraphs, provides a clear summary.

> *The Government of Canada is committed to protecting the health and safety of Canadians from environmental risks, including those posed by exposure to radiofrequency (RF)*

[4] LTAs do not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the *proponent*'s representative. The document is available online at https://www.canada.ca/en/health-canada/services/environmental-workplace-health/consultations/limits-human-exposure-radiofrequency-electromagnetic-energy-frequency-range-3-300.html (accessed October 27, 2017).

electromagnetic energy - the kind of energy given off by various electronic devices such as cell phones and Wi-Fi, as well as broadcasting and cell phone towers.

Health Canada has a guideline, known as Safety Code 6, which recommends limits for safe human exposure to RF electromagnetic energy. The limits established in Safety Code 6 incorporate large safety margins to provide a significant level of protection for all Canadians, including those working near RF sources.

Health Canada scientists monitor the scientific literature on this issue on an ongoing basis. Safety Code 6 is reviewed on a regular basis to verify that the guideline provides protection against all known potentially harmful health effects.

While Health Canada recommends limits for safe human exposure, Health Canada does not regulate the general public's exposure to electromagnetic RF energy. However, many provinces and territories apply the exposure limits in Safety Code 6 for general public exposure. Wireless devices and their associated infrastructure (such as cell towers) are regulated by Industry Canada, and are required to comply with Safety Code 6.

Canada's limits are consistent with the science-based standards used in other parts of the world (e.g., the United States, the European Union, Japan, Australia and New Zealand) and provide protection against all known adverse health effects from RF energy.

Environmental and Aeronautical Legislation

In addition to Health Canada's requirements, *proponent*s must comply with the Canadian Environmental Assessment Act and any painting and lighting requirements for aeronautical safety prescribed by NAV Canada and Transport Canada.

3. Role of Local Government

Local governments are referred applications for proposed towers and are given the opportunity to comment on the proposal. Ultimately, the role of the Local Trust Committee (LTC) is to issue a statement of concurrence or non-concurrence to the *proponent* and ISED.[5] The statement considers the land-use compatibility of the antenna structure, the responses of the impacted residents and the *proponent*'s adherence to this *protocol*. In addition, local government can communicate and provide guidance to the *proponent* on the particular sensitivities, planning priorities, and characteristics of an area, and establish siting guidelines. Local government may adopt the default public consultation process as defined in ISED's CPC or augment the process with its own consultation process, subject to the time limitations established in the CPC.

D. Antenna Structures for which Public Consultation is Required

[5] Regardless of whether the LTA issues a statement of concurrence or non- concurrence, ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada.

- ***New antenna systems***: where the height is greater than 15 metres
- ***New antenna systems:*** where the height is less than 15 metres proposed by telecommunication carriers, broadcasting undertakings or third-party owners
- ***Existing antenna systems***: where modifications exceed a cumulative height increase of greater than 25%
- ***Non-Tower Structures:*** where the height above ground of the non-tower structure, exclusive of appurtenances, is increased by more than 25%

E. Excluded Antenna Structures & Information Requirements

This section outlines the criteria for identifying *Antenna system* excluded from the consultation process by ISED, the need to consider local circumstances for all exempt structures, and the process for *proponent*s to notify and discuss proposed exempt structures with the LTA.

1. Exemptions from Antenna System Siting Proposal Review and Public Consultation

For the following types of installations, *proponent*s are generally excluded by ISED from the requirement to consult with the LTA and the public, ***but must still fulfill the General Requirements outlined in Section 7 of the CPC.***

- **New *antenna system***: where the height is ***less than 15 metres*** above ground level proposed by business, government, Crown agencies, general public; this exclusion does not apply to *antenna system* proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- **Existing *antenna system***: where modifications are made, antennas added or the tower replaced[6], including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation [7]. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to *antenna system* using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- ***Non-tower structure***: antennas on buildings, water towers, lamp posts, and similar structures, ***are excluded*** from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25% and have been reviewed by Islands Trust staff who will provide comment in accordance with LTA *design guidelines*; and
- ***Temporary antenna systems***: used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing *antenna system*

[6] The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.
[7] Initial antenna system installation refers to the system as it was first consulted on, or installed.

2. *Design Guidelines for Antenna Systems*

The appendix in Chapter 8 of this protocol document is a matrix of telecommunication design illustrating typical tower designs, rooftop antennas, utility poles and light standards. An LTA may choose to further exempt from public consultation any of the specific antenna systems illustrated in the matrix. Note that antennas affixed to buildings, utility poles and light standard are already exempt from public consultation, unless they exceed a 25% increase in height.

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3. *Voluntary Public Consultation*

The CPC states that:

> *Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the LTA and the public even though the proposal meets an exclusion noted above.*

Therefore, when applying the criteria for exclusion, *proponent*s are encouraged to consult the LTA when it is ***prudent*** to do so in consideration of any of the following:

- The *antenna system*'s physical dimensions, including the antenna, mast, and tower, is significant compared to the local surroundings,
- The relative location of the proposed *antenna system* on the property and its proximity to neighbouring residents;
- The likelihood of an area being in a community-sensitive location; and
- The nature of Transport Canada's marking and lighting requirements for the proposed structure.

F. Notification and LTA Review of Exempt Antenna system

Notwithstanding ISED's exemption criteria for certain *Antenna system*, LTAs should be informed of all new *antenna system* installations within their boundaries so they can:

- be prepared to respond to public inquiries once construction/installation has begun;
- be aware of site *co-location* within the LTA;
- maintain records to refer to in the event of future modifications and additions; and
- engage in meaningful dialogue with the *proponent* with respect to the appearance of the *antenna system* and structure prior to the *proponent* confirming a final design.

Therefore, *proponent*s are required to undertake the following steps for **all exempt *antenna system* installations before commencing construction**.

1. *Building/Structure-Mounted Antenna System:*

   The *proponent* will in all cases provide the following **information** for all new *antenna system* or modifications[8] to existing *antenna system* that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard, and which are exempted from public consultation in sub-section 3.2 D. 1.:

   a) the location of the *antenna system* (address, name of building, rooftop or wall mounted);

   b) description of proposed ***design*** with respect to the measures used by existing systems on that site;

   c) the height of the *antenna system*;

   d) the height of any modifications to existing systems.

   The Islands Trust staff may notify the *proponent* of any inconsistency with the preferences and sensitivities expressed in the siting criteria and /or design preferences and the parties (proponent and Islands Trust staff) will work towards a solution that minimizes visibility.

2. *Additions that Increase the Height of Freestanding Antenna system:*

   The *proponent* will confirm to the LTA that an addition that extends the height of an existing *freestanding antenna system* meets the exclusion criteria in subsections 3.2 D. 1 by providing the following:

   a) the location, including its address and location on the lot or structure;

   b) a short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system; and

   c) a description of how the proposal meets one or more of the Article 3.2 D. 1 exclusion criteria.

   The Islands Trust staff will review the documentation and will contact the *proponent* where there is a site-specific basis for modifying the exemption criteria based on the siting criteria preferences and discouragements expressed of the *protocol*. In such cases, the Islands Trust staff and the *proponent* will work toward a mutually agreeable solution, which may include the Islands Trust staff requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Subsections F. 2. a) b) and F. 2. of this *protocol*, as applicable, concluding with a letter of concurrence or non-concurrence.

3. *Additional Exemptions*

   Local Trust Areas may exclude from all or part of the consultation process any *antenna system* installation in addition to ISED's basic exemptions listed in articles 3.2 B. 1. & 3.

[8] Providing information is required for modifications that materially or noticeably change the appearance of the system. Maintenance works that do not result in such changes are excluded from the information requirement.

a) A new *antenna system* proposed to be located outside the LTA's preferred distance from the nearest lot line;

b) Notwithstanding Subsection E. 1. Building/ Structure Mounted Antenna System, the Islands Trust staff may additionally, on a case-by-case basis, exempt a *proponent* from all or part of the consultation requirements under Section F of this *protocol*.[9] For example, exemptions may be granted where the proposed location is separated from a *residential area* or heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

c) Antenna system greater than 15 metres in height proposed by government agencies such as police, fire protection, ambulance, other emergency services, BC ferries, and BC Hydro who maintain their own two-way telecommunication networks, except, however, such systems are not exempt if they are proposed in partnership with a commercial telecommunication service provider.

G. Consultation Process

1. Consultation Objectives

The *protocol* for public consultation is designed to:

- inform;
- incorporate local knowledge;
- harmonize with ISED regulations and guidelines;
- be transparent;
- be consistent;
- be predictable; and
- be expeditious.

2. Process Steps, Requirements and Time lines

a) Pre-Consultation with the LTA

Commentary

For free-standing towers, pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the proponent is committed to a site or design.

[9] For example, a LTA may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the *Prescribed Notification Distance*.

As a result, it represents the best opportunity to influence the siting decision since the proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate, the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures. The process of building a good working relationship with telecommunication providers may begin even before a proposal is considered: Local Trust Areas are encouraged to invite potential proponents for a conversation about telecommunication at any time, the earlier the better.

Prior to submitting an *antenna system* proposal that does not meet any of the exemptions listed in Subsection D. 1. 3. the *proponent* will undertake the following preliminary consultations with the LTA:

Step 1: Pre-Consultation

i. Pre-Consultation

The purpose of the pre-consultation phase is for the proponent to share with the LTA representative the network objectives, provide possible site options and receive preliminary feedback. The pre-consultation steps include:

- the *proponent* notifies the LTA representative that locations in the community are being assessed for potential *antenna system* siting;
- the proponent provides the LTA representative potential locations and invites feedback on preferred locations and/or designs; and
- the proponent may offer to host a community workshop to provide options and invite feedback on possible solutions, although not necessary.

ii. Site Investigation Meeting

Based on comments from the pre-consultation step, the proponent will provide a summary of a site-specific location, including:

- **Site Location**: location, type and height of the proposed *telecommunication antenna system*;
- **Alternative Locations**: summary of what other alternative locations were considered, including options to co-locate on existing structures;
- **Site Design**: preliminary drawings and/or visual renderings of the proposed *telecommunication antenna system*;
- **Co-location**: summary of efforts proponent has made to allow other companies to co-locate on the tower, as well as indication from other companies regarding interest in co-locating on new telecommunications structure.

The purpose of the site investigation meeting is to:

- identify preliminary issues of concern;
- give opportunity for the *proponent* to outline the proposal to the LTA;
- give opportunity for the LTA to provide initial feedback to the *proponent*;
- identify any potential *sensitive community l*ocations as defined by this policy;
- identify any potential *neighbouring land-use jurisdictions, school districts, emergency service providers and community associations* that may be required to provide comment on the proposal as outlined in this policy;
- guide the proponent on creating *localized content* for public notification and distribution; and
- Inform the *proponent* of the LTA's preference of taller towers over shorter towers and supporting future *Co-location* opportunities.

iii. LTA Preferences and Requirements

Following the Site Investigation Meeting, planning staff will provide the proponent with an information package within a timeframe determined by the Islands Trust that includes:

- ***Public consultation: c***onfirmation if, (a) public consultation is required, and if so, the process the proponent needs to follow, including a list of any other agencies, jurisdictions, and First Nations to be consulted, and if a Public Information Meeting is required or, (b) public consultation is not required;
- **Site design**: comments on proposed location and design; and
- **Studies and permits**: a list of plans, studies and/or permits that may be required (i.e. environmental impact statements) as well as any fees that need to be paid to the LTA for processing application.

Step 2: Application

b) Application Submission to the LTA: Initial Application Proposal

Except for specific waivers granted for amateur operators (see Subsection 3) the *proponent* must include the following information when submitting a *telecommunication antenna system* siting proposal to the LTA that does not meet the exemption criteria for the proposal review and public consultation requirement:

i. **Site Rationale**: a letter or report from the *proponent* indicating the need for the proposed site, the rationale for site selection, and a summary of opportunities for *co-location* potentials on existing or proposed *antenna system* within the LTA;

ii. **Co-location: (a)** a summary of effort proponent has made to encourage others to co-locate on the proposed new infrastructure, as well as a list of parties who have expressed an interest in co-locating, and (b) a written and signed attestation that there are no *co-location* opportunities within the LTA;

iii. **Site Design**: Preliminary engineering plans of the proposed structure which includes information outlining the number of antennas proposed on the structure, and the structure's ability to accommodate future antennas (including *co-location*). Proponents are encouraged to provide site design options;

iv. **Visual Renderings**: visual rendering(s) of the proposed *antenna system* with best effort to superimpose to scale;

v. **Site Plan**: a site plan showing the proposed development situated on the site;

vi. **Site Distance to Surrounding Areas**: a map showing the horizontal distance between the proposed antenna system and the nearest residential, commercial and institutional uses;

vii. **Letter of Authorization**: confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent or other person(s) having legal or equitable interest in the land;

viii. **Title Search**: a copy of a title search (dated within the past 30 days of proposal submission) and any restrictions, restrictive covenants, easements or rights-of-way registered against the lands the *telecommunication antenna system* is proposed on;

ix. **Safety Code 6**: a written and signed attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices including the cumulative effects of multiple *telecommunication antenna system* at the location and in the immediate area;

x. **Supplemental Documentation:** any other documentation as reasonably identified by the LTC following the site investigation meeting; and

xi. **Fee**: the application fee as required by Local Trust Area Bylaw No. ____.

xii. **Draft Notification**: Based on required consultation process as directed by LTA, the proponent is to provide, (a) a draft of all public notices to be delivered by mail to the public, *School Dis*tricts, *community associations* and *neighbouring land-use jurisdictions*, which is to be approved by LTA staff prior to mail out; (b) an address list and map indicating all properties ***and residents*** which are to be notified by mail of the proposal, (c) a draft of newspaper advertisements indicating the time and date of any public information meeting, which is to be reviewed by LTA staff prior to publication (if a public information meeting is required); and

xiii. **Comments from Emergency Services**: a copy of written correspondence indicating that the *proponent* has referred the proposal to local fire, police and ambulance

services, and if given, any comments received emergency services should be submitted to LTA staff prior to mail out.

3. Waivers to Application Submissions

~~*a)*~~ The LTA may waive any of the Initial Application or Public Notification requirements for amateur radio operators on a case by case basis.

Step 3: Public Consultation

In addition to ISED's public consultation requirements as prescribed in *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03), the LTA has incorporated into the requirements a number of ***augmentations*** to the public consultation process. Itemization of the augmented elements may be found in Table A: "Consultation and Information –Process Steps and Requirements: ISECD & Augmentation."

a) *Notification Requirements for Non-exempt Antenna Systems*

i. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all property owners and residents with a *notification distance* of 10 metres for every one metre in height from the base of the structure for a *freestanding antenna system*

ii. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all *neighbouring land-use jurisdictions, emergency service providers* and *school districts* with a *notification distance* of 1000 metres from the base of the structure.

iii. The *proponent* will provide notice to ISED's regional office.

iv. The *proponent* will provide written notification to Community Associations identified at the site investigation meeting.

v. The proponent will place notice of the *telecommunication antenna system* proposal in at least two editions of a local newspaper.

vi. Where a public information meeting is to be held for a proposed *telecommunication antenna system*, a notice of the meeting shall be placed in at least two editions of a local newspaper and the proponent will provide written notice of the meeting sent by regular mail or hand delivered, to all property owners, *land-use jurisdictions*, *emergency service providers* and *school districts* with a *notification distance* of 10 metres for every one metre in height for a *freestanding antenna system a*nd for a *building/structure-mounted antenna system.*

b) Notice Content Requirements[10]

[10] These requirements are those of Appendix 1 of the CPC as well as additional requirements suitable for the Islands Trust.

The *proponent* shall include at a minimum the following information in any mailed or otherwise delivered public notice:

i. The proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;

ii. Information on the location within the community, the geographic coordinates and the specific property or rooftop, height, type, design and colour of the proposed telecommunication antenna system, including a copy of the site plan submitted with the application;

iii. Description of the antenna that may be mounted on the supporting structure and simulated images of the proposal;

iv. Identification of areas accessible to the general public and the access/demarcation measures to control public access;

v. An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;

vi. An attestation that the installation will respect good engineering practices including structural adequacy;

vii. Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;

viii. Information on the environmental status of the project, including any requirements under the Canadian Environmental Assessment Act, 2012;

ix. Clear information on the role of ISED as the sole approving authority for the siting of telecommunication Antenna system and that the LTA only provides a statement of siting concurrence/non-concurrence at the request of the proponent;

x. Notice that general information relating to antenna systems is available on ISED Canada's Spectrum Management and Telecommunications website (http://www.ic.gc.ca/towers);

xi. Reference to any applicable local land-use requirements such as local processes, protocols, etc.;

xii. Information that comments and responses should be directed to the proponent and that all submissions received by the proponent will be forwarded to the LTA for their records;

xiii. Information that citizens may request their name and contact information be kept confidential within the published records;

xiv. The name and contact information of a contact person for the *proponent*;

xv. The name and contact information of ISED;

xvi. The name and contact information of the LTAs planner;

xvii. An attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices; and

xviii. The date, time and location of the public information meeting where required.

xix. closing date for submission of written public comments (not less than 30 days from receipt of notification).

xx. The notification shall be sent in an envelope addressed to the "Occupant" and/or "Tenants" and shall clearly show in bold type on the face of the envelope the statement: "NOTICE FOR RESIDENTS: NEW PROPOSED CELL TOWER - INFORMATION IS ENCLOSED."

5. Public Information Session

The LTA requests the *proponent* chair a public information meeting for all proposed *telecommunication Antenna system* exceeding 15 metres in height ***or where there is significant public interest in the new free standing proposed telecommunication antenna system***. The type of public meeting to be conducted is up to the discretion of the proponent, however:

- an appropriate date, time and location for the public information meeting will be determined in consultation with the LTA's Island Planner;
- the *proponent* will make available at the public information meeting an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site;
- all information and materials presented should consist of *localized content*;
- the *proponent* shall not schedule a public information meeting less than seven day prior to the close of the public consultation period; and
- the *proponen*t may request LTA staff attendance and participation in the meeting.

6. Online Community Engagement

- A proponent may augment the public information session with an online forum to allow information sharing and feedback from people who may not be able to attend a public forum

Table A: Consultation and Information –Process Steps and Requirements: ISED & Augmentation		
Step	***Default ISED Requirement***	***LTA Augmentation***
Pre-consultation		
Informal meetings	None	Yes
Information about exempt antenna systems	None	Yes
Notification	None	Yes
Site investigation meeting	None	In some cases
Confirmation of LTA preferences and requirements	None	Yes
Application		
Initial application proposal	None	Yes
Submission Prior to Notification –for staff review and approval	None	○ Draft of all public notices ○ Address list and map of all property owners and residents to be notified ○ Draft of newspaper ads ○ Copy of written notice referencing emergency services providers referral comments
Public Consultation		
Written notice	Property owners within 3 X tower height prescribed distance	○ Include property owners and all residents, including seasonal residents
	Neighbouring land use jurisdictions, emergency service providers, and school districts within 3 X tower or building/ structure height	○ Community associations
Newspaper notice	Notice regarding proposal in one edition of a local newspaper	○ Proposal and information meeting ○ Optional community workshop ○ Two editions of local newspaper ○ Website and/or social media notification ○ Optional online forum
Notice content	12 points of the CPC Appendix 1 'Public Notification Package"	○ Site plan ○ Statement on respective roles of ISED and LTA
Public information session	None	○ For all proposals exceeding 15 m in height or where there is significant pubic interest

7. *Step 4: Request for Concurrence*

a) *Submission to the LTA: Request for Concurrence*

Prior to submitting a formal request for siting concurrence, the proponent must include the following information to the LTA:

i. A summary of and a copy of all public submissions and responses, as well as the proponent's response to public submissions as outlined in ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03);

ii. A letter outlining any NAV Canada and Transport Canada requirements for lighting and painting on the proposed *telecommunication antenna system*;

iii. A copy of all plans and studies (i.e. Environmental Review) required for the construction of the proposed *telecommunication antenna system*;

iv. A package summarizing the results of the public information meeting containing at a minimum, the following:

- The time, date, location and number of people in attendance of any public information meeting held;
- A List of attendees, including names, addresses and phone numbers (where provided voluntarily);
- Copies of all letters and other written communications received; and
- A letter outlining how all the concerns and issues raised by the public were addressed.

b) *Statement of Concurrence or Non-concurrence*

Commentary

The purpose of this protocol is to provide the LTC with consistent procedures and information with which to evaluate the siting of a telecommunication antenna system. Following the commencement of the consultation period, the proponent may request a statement of concurrence from the LTC. Once a request is received, Islands Trust staff will prepare a report with a recommendation to the LTC. The staff report will include information on the proposed telecommunication antenna system, a site plan, the location of the proposal, an overview of the application and all public consultation materials submitted by the proponent for the Committee's review. It is the discretion of the LTC to provide a statement of siting concurrence or non-concurrence or. The proponent can ask for a decision from the LTC. If nothing is forthcoming, after a certain amount of time, they can ask ISED what to do next. Should a proposal ever go to impasse (rare), ISED will look at the default process as a minimum and also consider the LTC's protocol. In reaching a decision

the ISED will consider such questions as 'Did the proponent address all requirements?', 'Did the proponent adequately address all reasonable and relevant concerns? and 'Can the proponent argue that the LTC's process was overly onerous and unrealistic?'

The statement of concurrence or non-concurrence shall occur within 120 days of acceptance of a complete application, unless otherwise agreed to by the proponent and ISED.

c) *Duration of Concurrence*

i. Concurrence remains in effect for a maximum period of 3 years from the date it was issued by the LTC. If construction has not commenced within this time period, the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction activity.

ii. Request notification of intent to construct 60 days prior commencement of construction activity (OR, building permit).

iii. Once concurrence has been issued, it may be transferred from the original proponent to another proponent without the need for further consultation provided that:

- All information gathered by the original *proponent* is transferred to the new *proponent*;
- The structure and *antenna system* for which the concurrence was issued to the original *proponent* is what the new *proponent* builds, and
- Construction of the structure is begun within the duration of the concurrence period.

d) *Letter of Undertaking*

The Proponent may be required by the LTC to provide a Letter of Undertaking which may include the following requirements:

i. posting of a security for the construction of any proposed fencing, screening or landscaping or

ii. building permit requirements determined by the regulations of the _____Regional District.

H. Terms of Use of This Policy

The LTA is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.

4 LAND USE SITING CRITERIA

4.1 Introduction

Antenna systems should be sited and designed to respect local sensitivities and preferences as identified by the LTA, including making efforts to being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate.

Commentary

An outright ban on any type of antenna system is not defensible and may ultimately not be in the LTA's best interest as the ISED has the ultimate approval authority; better to have a progressive policy that recognizes telecommunication antenna systems need to go "somewhere" and use siting criteria to help proponents find the "least worst" spot. Siting criteria puts the LTA in a position of having some control, rather than being ultimately powerless.

These criteria address co-location, re-use, use of existing infrastructure, and new *antenna systems*.

Consideration is requested in the following order of priority:

1. ***Co-location*** on an existing Antenna System
2. ***Re-use*** of an existing telecommunication facility
3. Use of ***existing infrastructur***e such as a building rooftop or utility pole
4. ***Stealth design*** of a new antenna system
5. ***New*** *antenna system* structure

The proponent should review the guidelines identified below as early as possible and should attempt to resolve any outstanding issues prior to submitting its *antenna system* siting proposal and undertaking the public consultation, where required by the LTC. Because expressed preferences may be location or site specific, the proponent is encouraged to discuss the guidelines fully with Islands Trust planning staff during a preliminary meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings. `

4.2 Criteria

Before submitting a proposal for an *antenna system* on a new site, the *proponent* must explore the following options:

- consider *co-location* by sharing an existing *antenna system*;
- explore modifying or replacing a structure if necessary; and

- locate, analyze and attempt to use any feasible ***existing infrastructure***, including (but not limited to) rooftops, water towers, utility poles or light standards; and
- explore the feasibility of designing a new antenna system where the visibility of the equipment is minimized from street level, including shrouding or stealth design.

Where *co-location*, re-use, modification, use of existing infrastructure, or a *stealth design* of a new structure is not feasible, a new *antenna system* should be designed with *co-location* capacity, including in *residential areas* when identified as the LTA's preference.

The LTA recognizes that the objective of promoting *co-location* and the objective of making *antenna systems* less noticeable may sometimes come into conflict. Nevertheless, the LTA intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The *proponent* should, in all cases, verify the LTA's site-specific criteria preferences during the pre-submission consultation process before investing in a final design or site.

A. Preferred locations

When new *Antenna systems* must be constructed, ***where technically feasible***, the following locations are preferred:

1. *Buildings & Infrastructure*
    - Existing buildings and/or structure mounted *antenna systems*
    - Areas that can access fiber optic networks to allow for backhauling into the fiber optic network
2. *Land Use Preferences*
    - Industrial use land
    - Agricultural use land
    - Highway or service commercial use land (excluding mixed residential use)
    - Land owned by the Islands Trust or another government entity
    - Utility institutional use land were appropriate, but not limited to those institutions that require telecommunications technology, emergency services, hospitals, colleges
    - BC Hydro utility corridor rights of way
    - Low density *residential areas* as defined by the Local Trust Area

B. Distance Considerations

- Distance of new free-standing towers from existingSafety shall be at least one (1) times the height of the proposed tower.
- Notwithstanding the distance of one (1) times the height of a proposed tower from property lines, the distance may be increased by the Local Trust Committee to a maximum of (3) times the height of the proposed tower. The LTC should consider a guideline of increasing the setback by up to 25% if it is reasonably anticipated that the tower may be ***increased*** in height by up to 25% in the future and otherwise be exempt from any public consultation process.
- Notwithstanding the distance of one (1) times the height of a proposed tower from property lines, the distance may be ***decreased*** if the location is consistent with the land use preferences of Article 4.2 A. 2 Preferred Locations and avoids discouraged locations of Article 4.2 C Discouraged Locations.
- Se backs from property lines adjacent non-residential uses may invite special consideration in the Land Use Bylaw. The setbacks should serve to separate *Antenna systems* from adjacent development without unduly affecting the development potential of the lot over the lease period.

C. Discouraged Locations

All Antenna Systems

- Locations directly in front of doors, windows, balconies or residential frontages
- Land zoned for nature protection
- Environmentally sensitive ecosystems as defined in the Official Community Plan

Free-standing Antenna Systems

- Medium and high density *residential areas* as defined by the Local Trust Area
- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Sites of topographical and geographic prominence
- Sites that detrimentally affect the scenic quality of a corridor.
- Sites that detrimentally affect the foreground views of residents;

D. Incentives

All or part of the public consultation requirements may be waived for *antenna systems* proposed on sites that are consistent with OCP policy, preferred siting locations, that exceed setback considerations, feature innovative design to a high standard and embrace infrastructure as art, included shrouded or internal antennae, and avoid discouraged locations.

In all cases, however, the *proponent* is required to provide ***information*** regarding the proposed antenna system in accordance with Section 3.2 E. Notification and Municipal Review of Exempt Antenna system.

E. Criteria not to address

As described in the CPC, *proponen*ts have specific obligations subject to federal requirements. Additional obligations may not be imposed; however, it is appropriate to ask questions and seek clarification concerning their steps and alternatives available to satisfy these requirements.

Proponents must comply with the following:

- Health Canada's public radio frequency exposure guidelines – Safety Code 6 (*Limits of Human Exposure to Radio Frequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz – Safety Code* (2009);
- Radio Frequency Interference and Immunity *– EMCAB-2—Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters;*
- Canadian Environmental Assessment Act, 2012 –CEAA 2012; and
- Aeronautical Safety –Transport Canada and NAV CANADA requirements for aeronautical safety.

5 MODEL OFFICIAL COMMUNITY PLAN POLICIES

5.1 Advocacy Policies

1. Health Canada should continue to evaluate health impacts of electromagnetic radiofrequencies from telecommunication facilities, including towers, to ensure that detrimental effects on human health do not occur.

2. Support efforts to expand electronic communications and infrastructure within the community provided it can be demonstrated that such is in compliance w*ith the Canadian Environmental Assessment Act (CEAA), and the Safety Code 6 of the* Health Act.

3. Support multi-Island public organizations such the Southern Gulf Islands Economic Sustainability Commission in its objective of improving the telecommunications services in the Gulf Islands.

4. Endorse the Canadian Radio and Television Commission policy statement on high speed broadband, especially by cable, as a basic service.

5. Encourage telecommunication providers to retain and increase the number of pay telephones in areas with poor cell coverage as an emergency back-up.

6. Encourage telecommunication providers to re-assess its fibre optic cable within the Local Trust Area (LTA) for public and institutional access and to allow third party access.

7. Promote the role of public and private wireless "hot spot" providers in improving connectivity.

9. Establish a fee schedule to recover reasonable staff and process expenditures to recover costs from telecommunication *proponen*ts with consideration given to the costs to Islands Trust to evaluate and process proposals.

5.2 Land Use Policy

A. Siting Objectives

1. Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the LTA, including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate.

2. Where *antenna systems* are proposed consideration is requested in the following order of priority:

   a) ***co-location*** on an existing antenna system;

   b) ***re-use*** of an existing telecommunication facility;

c) use of ***existing infrastructur***e such as a building rooftop or utility pole;

d) *stealth design* of a new antenna system; and

e) ***new*** antenna system structure.

3. Where *co-location*, re-use, modification, or use of existing infrastructure is not feasible, a new *antenna sys*tem should be designed with *co-loc*ation capacity, including in *residential areas* when identified as the LTA's preference.
4. The LTA recognizes that the objective of promoting *co-location* and the objective of making *Antenna systems* less noticeable may sometimes come into conflict. Nevertheless, the LTA intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them.

B. Land Use Preferences

1. When new *antenna systems* must be constructed; ***where technically feasible***, and such systems are not of *stealth design* or otherwise exempt from public consultation, they should be sited in the following land use categories:
   - industrial use land;
   - highway or service commercial use land (excluding mixed residential use);
   - utility institutional use land is appropriate, but not limited to those institutions that require telecommunications technology, emergency services, hospitals, colleges;
   - BC Hydro utility corridor rights of way;
   - low density *residential areas;* and
   - agricultural use land.
2. In all land use designations, the following building and infrastructure considerations are preferred:
   - use of existing buildings and/or structure mounted *antenna systems*; and
   - siting in areas that can access fiber optic networks to allow for backhauling into the fiber optic network.

C. Setback Considerations

1. Preferred *setbacks* between antenna systems and lot lines should be at least 1 (one) times the height of the free-standing tower; the Local Trust Area may choose to adjust this preferred setback to reflect local conditions and preferences.

2. Notwithstanding a preferred *setback* distance of a proposed tower from residential uses, the setback distance may be ***decreased*** if the location is consistent with the land use

preferences of Article 5.2 B. 2 Land Use Preferences and avoids *discouraged locations of Article 5.2 D Discouraged Locations.*

3. Setbacks from non-residential uses may be determined on a case by case basis and should serve to separate *antenna systems* from adjacent development without unduly affecting the development potential of the lot over the lease period.

D. Discouraged Locations

1. *Land use*

- Medium and high density *residential areas*
- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Nature protection areas
- Environmentally sensitive ecosystems

2. *Other considerations, irrespective of land use designation*

- Locations directly in front of doors, windows, balconies or residential frontages
- Community gathering places such as community halls, churches, commercial eating & drinking establishments
- Sites of topographical and geographic prominence

6 On-line Brochure on the Default ISED Public Consultation & Approval Process and the Role of Islands Trust

Pending – in design phase

7 DEFINITIONS

Antenna system (also telecommunication antenna system) means an exterior transmitting device – or group of devices – used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. *antenna system* includes the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This *protocol* refers to the following three types of *telecommunication antenna system,* defined below;

> **Building/structure-mounted antenna system** means a *telecommunication antenna system* mounted on an existing structure or building and for the purposes of height calculations, height shall be measured from the base of any building or structure to the most elevated portion of any antenna system.
>
> **Freestanding antenna system** means a structure built from the ground for the expressed purpose of hosting transmitting devices; and
>
> **Tree-mounted antenna system:** means an antenna system mounted on a tree.

Co-location means the placement of antennas and equipment operated by one or more *proponent*s on a *telecommunication antenna system* owned by a different party, thereby creating a shared facility;

Community association means an active area or neighbourhood specific group or association within a LTA;

Distance the horizontal distance measured from the lot line to the base of a proposed freestanding antenna system or the base of any building or structure to which an antenna system is mounted to a structure, building, or facility.

Emergency service providers means any police, fire, ambulance or search and rescue organization with a typical response area within the *notification distance* of a proposed *telecommunication antenna system*;

Localized content means any public consultation materials, supporting documentation and/or other relevant promotional material provided by a *proponent* for a proposed *telecommunication antenna system* which has been tailored specifically to the context of the LTA;

Neighbouring land-use jurisdiction means any land-use authority or First Nations within a *Prescribed Notification Distance* of any proposed *telecommunication antenna system*;

Prescribed notification distance: measured horizontally from the outside perimeter of the supporting structure of the proposed *freestanding* or *building/structure-mounted antenna system*. The outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower;

Proponent: means a company or organization, including contractors or agents undertaking work for telecommunication carriers, for the purpose of providing commercial telecommunication services;

Protocol: means any written local guideline, policy or process that addresses the issue of antenna placement;

Residential area: means lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted with residential use on the same lot).

School District: means an area created or constituted as a school district under the *School Act;*

Sensitive community locations: means institutions and services, such as schools, daycares, recreation facilities, public parks, or other sensitive locations;

Stealth design: means a design of an antenna system that camouflages the antenna and supporting structure as something else such as a tree, water tower, flag pole, component of a building, or similar means.

Telecommunications antenna system: see antenna system definition.

8 APPENDIX: ANTENNA DESIGN MATRIX

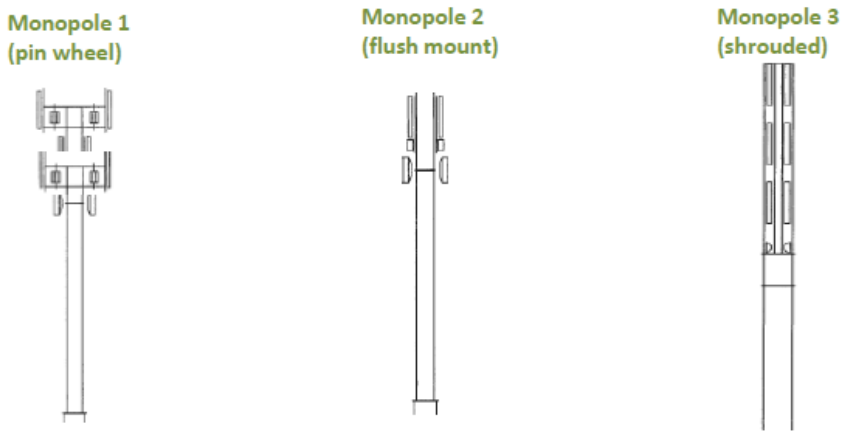
Telecommunication Design

Typical Towers Designs



Height	30-120 m	45-60 m	14.9-45 m
Application	Rural	Rural/Suburbs/City	Rural/Suburbs/City
Compound Footprint	100m x 100m (H x 0.8 x 2)	Min. 20m x 20m	10m x 10m
Tower Diameter	Base of Pole min. 1m	Base min 10% height (H x .1 = face width)	Base footprint dependent on loading, geotechnical, environmental

Monopole Tower Designs



Pin wheel allows tower to accommodate a larger number of antennas for futures &/or other carriers.	Flush mounted antennas minimize overall massing of the tower, but limit opportunity for future antennas, or space for other carriers	Antennas fully hidden, but diameter of the pole is wider to accommodate microwave. Can be slimmer if there is fibre to site. *Note: shrouded design does not currently support AIR antenna w. integrated RRU's

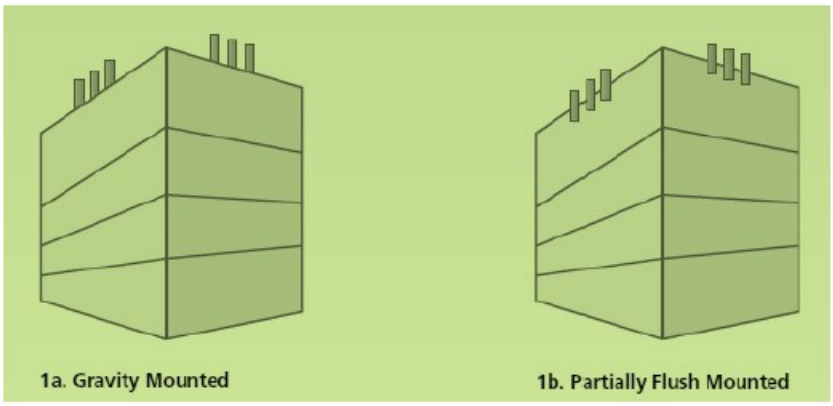
Telecommunication Design

Tripole Tower Designs



Height	14.9m-60m
Application	Rural/Suburbs/City
Compound Footprint	Medium footprint 20m x 20m
Tower Diameter	* Note: Base footprint dependent on loading, geotechnical, environmental

Rooftop antennas



Telecommunication Design

Utility Poles



Light Standards



Islands Trust

MEMORANDUM

File No.: 11-6000-20

DATE OF MEETING:	September 13, 2019
TO:	Hornby Island Local Trust Committee
FROM:	David Marlor, Director, Local Planning Services
SUBJECT:	Climate Change Adaptation and Mitigation Strategies

PURPOSE

At its regular business meeting in June 2019, Trust Council passed the following resolution:

> ***TC-2019-043***
> ***It was Moved by Trustee Fast and Seconded by Trustee Peterson,***
> *That Trust Council direct staff to add agenda items 6.4 and 8.4 regarding climate emergency tools and strategies to all Local Trust Committee's upcoming agendas and suggest to the Bowen Island Municipality.*

NEXT STEPS

The two reports "Report on Climate Change Adaptation and Mitigation strategies by the Islands Trust" and "Climate Change Emergency Declaration – Local Planning Tools for Mitigation and Adaptation" are provided for information on the local trust committees, and to assist when determining local actions to take in response to Trust Council's climate emergency declaration.

Submitted By:	David Marlor, MCIP, RPP Director, Local Planning Services	August 29, 2019

ATTACHMENTS

1. Attachment 1: Items 6.4 and 8.4 from June 2019 Trust Council

BRIEFING

To:	**Trust Council**	**For the Meeting of:**	June 19, 2019
From:	**CAO**	**Date Prepared:**	May 23, 2019

SUBJECT: **Report on Climate Change Adaptation and Mitigation strategies by the Islands Trust**

PURPOSE: To provide Trust Council a summary report on current and past actions, and policies adopted by the Islands Trust to address climate change. This report is a companion report to the land use actions report on the current agenda and is offered to provide context for Trust Council as they contemplate a range of potential options to address climate change within the Trust Area.

BACKGROUND: On March 13, Trust Council passed the following resolution:

That the Islands Trust Council:

1. Declare a Climate Change Emergency in the Islands Trust Area.
2. Add climate change mitigation, resilience, and adaptation policies to the Islands Trust Policy Statement amendment project.
3. Direct the Trust Council Chair to write to the Chairs of Regional Districts in the Islands Trust Area asserting Trust Council's full support for declarations of a Climate Emergency;
4. Direct the Trust Council Chair to write to the Provincial Minister of the Environment, asserting the Islands Trust Council's support to help the Province close the 25% emissions gap in the Clean BC Plan, and calling on the Province to provide the powers and resources to local governments;
5. Direct the Trust Council Chair to write to the Federal Minister of the Environment, asserting the Islands Trust Council's support to help Canada meet its Nationally Determined Contribution target made in the Paris Agreement and call on the federal government to provide the powers and resources to local governments.
6. Direct staff to report back to the June 2019 Trust Council meeting on measures and land-use planning actions that the Islands Trust can take to advance progress toward Local Trust Committee climate reduction targets and achieve further reductions in carbon from Trust operations.
7. Direct staff to include a central focus on equitable climate change mitigation, adaptation, and resilience into strategic planning to provide guidance and support for the Trust Area's efforts to transition away from fossil fuels in ways that prioritize those most vulnerable to climate impacts and most in need of support in transitioning to renewable energy.
8. Trust Council directs staff to work with First Nations and First Nations government agencies to seek support for the climate change emergency and to engage to coordinate climate action strategies with First Nations within the Islands Trust Area.

While the Islands Trust, as a function of its mandate and authority, has included climate change adaptation and mitigation measures in its decision making, including Bill 27 OCP implementation and the application of land use regulations, this briefing provides an overview of specific climate actions that the organization has taken.

1. **Anticipated climate changes within the Trust Area:** Given accessible climate change information for the region, it is anticipated that with an increase in global warming at or above 1.5 C the Trust Area would be impacted in the following ways.

    i. Wetter fall seasons
    ii. Dryer, hotter summers, drought conditions
    iii. More inclement weather, extreme weather events
    iv. Warmer winters
    v. No frost
    vi. Rise in sea level
    vii. Species shift

2. The following table provides a timeline of key climate change actions by the Islands Trust and Islands Trust Conservancy over the last 15 years.

Table 1. Timeline of climate change actions

2005	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
passed resolution for advocacy on climate change	Signed BC Climate Action Charter	developed "Trust Area Climate Vulnerabilities" document	Bill 27 requirements, develop OCP amendments: Climate Smart Islands Program	over 2 year span, the majority of OCPS are amended to incorporate Bill 27			adoption of Carbon Neutral Operations Policy 7.4.v		Letter to Prime Minister Trudeau re Paris Climate Accord	State of the Islands Report	initiated groundwater workshops	delivered seal level rise workshops	declared climate emergency
		adopted Corporate Climate Action Plan					Corporate Sustainability Advisory Group initiataed					Adopted CDF toolkit	

3. **BC Climate Action Charter**

The Islands Trust is a signatory to the BC Climate Action Charter and has taken a number of steps to honor that commitment. Since 2007, we have reported on our website on our plan to achieve our climate action goals. We participate in the Climate Action Revenue Incentive Plan (CARIP) that requires we summarize our GHG emissions and energy consumption and detail our programming towards carbon neutrality. To summarize, the Islands Trust as an organization generates between 55 and 65 tCO2e per year. We have traditionally then purchased carbon credits to achieve carbon neutrality from the Community Carbon Marketplace, which we been doing since 2012.

Using 2017 CARIP report as an example, key emissions measures are the following:

a) Direct emissions
    a. Vehicles — fuel — 14652 L
    b. Stationary — gigajoule — 346
b) Indirect Emissions
    a. Purchased energy — gigajoule — 506
    b. Purchased reported — gigajoule — 126
c) Scope 3 emissions
    a. Office paper — packages — 608

Please note that while the Province committed to providing Community Energy and Emission Inventory data for local governments, there is insufficient data for the Islands Trust specifically, requiring that we use a conversion factor to approximate some of our emissions measures.

4. **Bill 27 OCP Greenhouse Gas amendments**

Under separate cover a report will be provided to the June 2019 Trust Council meeting that will include the amendments to local trust committees OCPs required by Bill 27. Generally, each LTC/Bowen Island Municipality (except Piers Island) adopted target reductions for their area, either a 50% or 33% reduction by 2020 and a greater, 85% reduction by 2050. Land use bylaws have not been comprehensively updated to reflect OCP direction. There has been no sustained performance measurement of each local trust area/island municipality to determine how successful the OCP amendments have been in reducing emissions. Datasets are limited on an LTA/IM by LTA/IM basis for specific GHG reductions.

5. **Corporate Actions**

i. In 2007, the Islands Trust adopted a **Corporate Climate Action Plan.** From a corporate perspective, the three areas effecting our emissions levels are travel, paper and building heating and maintenance. The Climate Action Plan provides a reasonably rigorous analysis of these target emission sources as well as others and make recommendations for mitigations. The Action Plan has led to a number of business practices that are still in place including:

   a. Reduction of printing
   b. Reduction of color printing
   c. Double siding of documents
   d. Not producing paper agendas
   e. Support for employees to commute by bike
   f. Increased ride sharing to staff and Trust meetings
   g. Replacement of the windows and shading of Victoria office
   h. Revised purchasing policy to emphasize energy efficiency

The plan is now somewhat dated and could be refreshed to find new points of emphasis and education for staff and trustees.

Since 2007 the Trust has monitored its GHG generation and in support of the Action Plan.

ii. Adoption of **Policy 7.4.5 Carbon Neutral Operations**. This policy formalized a number of Trust wide operations dedicated to GHG reduction, including a carbon reduction goal, identification of carbon emission sources, dedication to using offsets to achieve carbon neutrality (including purchasing criteria) and reporting requirements.

iii. In January 2013, a Corporate Sustainability Advisory Group (Green Team) was identified consisting of one member of Trust Council and a department representative across the organization. The term was for 12 months and the terms of reference included develop innovating ways to address climate change impacts and GHG reductions and to implement the Corporate Action Plan.

From the available data on Islands Trust operations, it is reasonable to conclude that we are a low carbon producing organization.

6. **Regional and National Context**

It would be impractical to provide a comprehensive overview of regional climate change initiatives; however, it is worth noting that there have been 16 declarations of a climate emergency in BC. Prominent among them is the City of Vancouver who have recently unanimously approved a motion recognizing the climate emergency and passing an ambitious set of six “Big Moves” that will guide

the City's response to Climate Change. The goal is to meet the objective of limiting warming to 1.5C as per the Paris Agreement.

The initial wave of climate emergency declarations occurred in Quebec (2018-2019), with over 300 communities having taken this step.

7. **Issues and Opportunities**

The following items provide a list of issues, amongst many, that could form the basis for further discussion by Trust Council.

- We do not have accurate Community Energy and Emissions Inventory information which limits our ability to accurately measure how emissions programing is reducing carbon levels.
- Issue of built form density is central to lessening climate change impacts and GHG production within the Trust Area.
- The Islands Trust does not have climate change policy in the Policy Statement but does in Official Community Plans and a variable level of climate regulation in LUBs.
- Corporate opportunities: electronic meetings, carbon friendly foods, further policies on travel.
- We have not liaised with First Nations on climate change in any substantial manner and will need to include this issue in our Policy Statement discussions.

ATTACHMENT(S):

1. **N/A**

FOLLOW-UP: As directed by Trust Council

Prepared By: **R Hotsenpiller**

Reviewed By/Date: **May 28, 2019**

Islands Trust Council Plan for Continuous Learning

(What other topics would trustees like to propose?)

Updated May 9, 2019

Year	Trust Council Meeting	Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2019	December (Victoria)				
	September (Bowen)				
	June (Galiano)	Strategic Plan	What Elected Officials Need to Know about FOI & Protection of Privacy Training (LGMA) June 25th webinar.		Chair, Vice Chair, Committee Chairs & ITC Chair training
	March 2019 (Gabriola)	Strategic Plan	Young/Anderson Introduction Bill Buholzer		
	January 2019 Nanaimo	Orientation	Orientation		NA
2018	November (Victoria)	Orientation	Orientation	Orientation	Orientation
	September (Gambier/Keats)	Lessons Learned 2014 -2018	Implications of the Water Sustainability Act		
	June (Saturna)	Strategic Plan	*Islands Trust Act* Amendments		Agricultural Land Commission/Islands Trust
	March (Salt Spring)	(Freshwater Specialist) (Water Sustainability Act) Regional Conservation Plan		Adapting to Climate Change	March (Salt Spring)

BRIEFING

To:	Trust Council	**For the Meeting of:**	June 18, 2019
From:	David Marlor, Director, Local Planning Services	**Date Prepared:**	May 30, 2019
SUBJECT:	**Climate Change Emergency Declaration – Local Planning Tools for Mitigation and Adaptation**		

PURPOSE:

To provide an initial approach in response to Trust Council's Climate Change Emergency Declaration in respect to local planning tools to address climate change.

BACKGROUND:

At its regular business meeting in March 2019, Trust Council declared a Climate Change Emergency. As part of that declaration, Trust Council requested that staff:

> *"report back to June 2019 Trust Council meeting on measures and land use planning actions that the Islands Trust can take to advance progress towards Local Trust Committee climate reduction targets and achieve further reductions in carbon from Trust operations".*

This briefing focuses on land use planning actions that the local trust committees and Bowen Island Municipality could take to advance progress towards greenhouse gas reduction targets and to adapt to the effects of climate change.

Following the implementation of new mandatory requirements for official community plans to include targets and policies for greenhouse gas reductions, all local trust committees and Bowen Island Municipality amended their official community plans to include those targets and policies.

The following table includes a summary of the targets established by each local trust committee and Bowen Island Municipality in their official community plans. Each local trust committee and Bowen Island Municipality also adopted related policies on how to achieve those targets.

Local Trust Committee/Island Municipality	Reduction By 2015	Reduction By 2020	Reduction By 2050	Notes
Bowen Island Municipality	-	33%	80%	Reduction over 2007 emissions
Ballenas-Winchelsea	-	50%	50%	Below per Canadian per capita for 2020/2050
Gabriola	-	33%	85%	Reduction over 2007 emissions

• Mudge	-	50%	50%	Below per Canadian per capita for 2020/2050
• DeCourcy	-	50%	50%	Below per Canadian per capita for 2020/2050
Galiano	-	33%	-	Reduction over 2007 emissions
Gambier	-	33%	85%	Reduction over 2007 emissions
• Associated	-	20%	85%	Reduction over 2007 emissions
• Keats	-	33%	85%	Reduction over 2007 emissions
Denman	-	33%	85%	Reduction over 2007 emissions
Hornby	-	25%	80%	Reduction over 2007 emissions
Lasqueti	-	50%	50%	Below per Canadian per capita for 2020/2050
Mayne	-	33%	-	Reduction over 2007 emissions
North Pender	-	33%	-	Reduction over 2007 emissions
• Associated	-	50%	50%	Below per Canadian per capita for 2020/2050
Saturna	-	33%	-	Reduction over 2007 emissions
SSI	15%	40%	85%	Reduction over 2007 emissions
• Piers	-	-	-	Bylaw is not compliant
South Pender	-	33%	-	Reduction over 2007 emissions
Thetis	-	33%	85%	Reduction over 2007 emissions
Associated	-	-	-	Bylaw contains no targets
Valdes	-	50%	50%	Below per Canadian per capita for 2020/2050

A. Local Planning Actions Since 2010

Since 2010, planning Staff regularly include consideration of climate change mitigation and adaptation in staff reports on planning applications and projects. As a result, all planning decisions by local trust committees over the past eight years have included a climate change lens. In addition to this, local trust committees adopted specific policies in their official community plans related to climate change mitigation and adaptation. Many of these policies have been implemented through land use bylaw amendments. A list of these implemented policies is included in Appendix 1.

Appendix 2 lists the official community plan policies that have not yet been implemented in the land use bylaws.

The remainder of this briefing provides information on land use planning actions that can be undertaken in relation to climate change. Section B addresses actions related to climate change mitigation and Section C addresses actions related to climate change adaptation.

B. Climate Change Mitigation Tools

Climate change mitigation involves actions that reduce greenhouse gas emissions (GHGs). In the local trust areas the main source of GHGs is combustion from transportation and combustion from heating and cooling buildings. Therefore, any policies and regulations that reduce the need for transportation, or reduce the need for heating or cooling of buildings will help in reducing GHGs.

The Province committed to providing the Community Energy and Emissions Inventory (CEEI) for local governments. For the Islands Trust area there is very little data available. The only metric is residential heating using wood, propane or oil (and this is withheld for Lasqueti and Gambier LTAs). There are no metrics available for transportation or any other source of GHG emissions. The last year CEEI reports were undertaken was 2012. As a result we currently do not have metrics to measure progress towards targets in OCPs. Bowen Island Municipality has Community Energy and Emission Inventories (starting on page 40 of this linked document https://bowenisland.civicweb.net/document/118760).

Local trust committees and Bowen Island Municipality have the following tools available to them to reduce GHGs:

- **GHG Reduction Targets** - Section 473 of the *Local Government Act* – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- **Zoning Authority** – Section 479 of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** – Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions** - Section 488(1)(j) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to mitigate climate change.

1. **Enact existing Official Community Plan policies** for the mitigation of climate change that are already in the official community plans but have not yet been acted on (Appendix 2 contains a list of these policies).

2. **Update official community plans** to ensure the mandatory GHG reduction targets and policies are relevant and up to date; Galiano Island, Mayne Island, North Pender Island, South Pender Island and Saturna Island local trust committees have targets for GHG reduction set for 2020 with no targets for any future dates, and as such those targets will be out of date next year. The Salt Spring Island Local Trust Committee has not adopted any targets or policies for the Piers Island OCP. The Thetis Associated Islands OCP contains objectives and policies but no targets. While the Islands Trust has very limited metrics to measure progress, the requirement to have targets and policies in official community plans is mandatory under s. 473 of the *Local Government Act*. These official community plans should be updated within the next year to ensure they remain compliant with required content for an official community plan, and to address targets and polices for GHG reduction. Other local trust committees should review their targets and policies for relevance to current conditions.

3. **Use the zoning authority under s. 479 of the *Local Government Act* to cluster development** and move away from large lots to small compact "villages". This can be accomplished through OCP policies to require this kind of development, rezoning appropriately by increasing density in appropriate locations and reducing in other locations and density transfer to move density to appropriate areas. Some local trust committees already have some form of this in their OCPs. Salt Spring and Gabriola have density transfer that has seen some significant land use changes. While these were not specifically created to address climate change mitigation, they can be

effective in changing the land use pattern to one that is more sustainable and reduces the need for transportation.

5. **Use the climate change development permit areas to reduce the heating and cooling requirements for buildings**. To improve building energy efficiency, land use planning can require landscaping and orientation of buildings in a way to maximize sun in winter and shade in summer. This would be done through a development permit area (DPA), with the justification and objectives in the Official Community Plan and the guidelines in the Land Use Bylaw. Local trust committees and Bowen Island Municipality may use DPAs to reduce GHG emissions and for energy conservation under s. 488 of the *Local Government Act*. Using these DPAs, local trust committees and Bowen Island Municipality may establish guidelines around landscaping, siting of buildings and structures, form and exterior design of buildings and structures, machinery, equipment and systems external to buildings or structures. The DPA may also place restrictions on type and placement of trees and other vegetation in proximity to buildings and structures to provide for energy conservation and reduction of GHGs.

C. Climate Change Adaptation Tools:

Climate change adaptation involves adapting communities to the anticipated effects of climate change. In the Islands Trust area, these effects include sea-level rise, longer periods of drought, more intense storm events, wildfires, warmer summers and warmer winters, and ecosystem changes which may impact plant and animal species.

Local trust committees and Bowen Island Municipality have the following tools available to them to adapt to climate change:

- **Zoning Authority** - Section 479 of the *Local Government Act*.
- **Runoff Control Bylaw** - Section 523 of the *Local Government Act*.
- **Development Permit Area to Protect Development from Hazardous Conditions** – Section 488(1)(b) of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** - Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote Water Conservation** – Section 488(1)(i) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to adapt their communities to the effects of climate change:

1. **Sea Level Rise Adaptation Tools**

   The Provincial government has established an expected sea-level rise in the Victoria area of 3.1 cm/50 years.

   The Provincial (Subdivision) Approving Officer is currently requiring at time of subdivision a covenant for a 15 metres setback and 1.5 metres above the current high high water mark for any buildings or structures. This approach by the Provincial Approving Officer is a broad-brush approach to adapting to climate change and does not consider site specific conditions. Before initiating adaptation measures local trust committees and Bowen Island Municipality should have an understanding of the local situation.

   a) **Undertake mapping of sea-level rise** on the islands to provide information to assist with developing policies and regulations to adapt to sea-level rise.

   b) **Enact zoning regulations under s.479 of the *Local Government Act* and flood level regulations under s. 524 of the *Local Government Act*.** Using these provisions, local trust committees and Bowen Island Municipality may enact regulations to require setbacks for

buildings and structures from the future anticipated natural boundary of the sea, as well as establish a minimum elevation for buildings and structures above the anticipated future elevation of the sea. Local trust committees and Bowen Island Municipality could make exceptions for structures that are designed to be moved (not on permanent foundation). Notwithstanding, the Provincial Approving Officer will continue to have independent authority to establish different requirements.

2. **Longer Periods of Drought Adaptation Tools**
Islands Trust Staff currently has little information on groundwater such as the effects of climate change on recharge and capacity of the aquifers to provide water. Research and mapping of aquifers would allow local trust committees to develop policies and regulations that reflect the capacity of the aquifers including anticipated climate change effects. Water storage and alternative water supplies could be considered. Means to reduce water consumption includes using development permit areas for water conservation, requiring drought tolerant planting, and requiring features to reduce water use.

   a) **Undertake research and mapping of aquifers, develop water consumption budgets, and identify salt water intrusion risks**, based on expected climate change effects. This work would then inform the land use planning for future development on the islands. This work is already underway for some islands, and staff is working with the Ministry of Forest, Lands, Natural Resource Operations and Rural Development to undertake a robust salt water intrusion risk assessment and mapping for the Islands Trust area.

   b) **Update policies and regulations to align their development potential** – through land use and density provisions – with the anticipated capacity of the aquifers.

   c) **Use the climate change development permit areas under s. 488 of the *Local Government Act* to promote water conservation.** Local trust committees and Bowen Island Municipality could establish goals, objectives and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote water conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for water conservation.

4. **More Intense Storms Adaptation Tools**
Climate change is expected to result in more intense storm events, with higher winds and heavier rain than in the past.

   a) **Develop runoff control bylaws** under s. 523 to deal with anticipated flood and runoff from storm events.

   b) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas subject to flooding and require they remain free from development except development may be permitted in accordance with the guidelines. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

5. **Wildfire Adaptation Tools**
   As climate change results in hotter and longer dryer periods during the summer months, the risk of wildfires on the islands increases. Most islands have a wildfire plan prepared by the fire district or regional district.

   a) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas at risk to wildfires and include requirements respecting the character of development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures, and establish restrictions on the type and placement of trees and other vegetation in proximity to the development. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

6. **Warmer Summers and Warmer Winters Adaptation Tools**
   Climate change is expected to lead to our summers and winters becoming warmer.

   a) **Establish development permit areas for energy conservation** under s. 488 of the *Local Government Act* to require that the exterior form and design of buildings, and other specific features of the development, reduce the need for energy in summer and winter. Local trust committees and Bowen Island Municipality could establish goals, objective and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote energy conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for energy conservation.

ATTACHMENTS:

1. Summary of Local Trust Committee OCP climate change policies already implemented
2. Summary of Local Trust Committee OCP climate change polices not yet implemented

FOLLOW-UP:

Further work in specified areas as indicated in the briefing, or as requested by the Trust Council, Executive Committee, Local Planning Committee or local trust committees.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Russ Hotsenpiller, Chief Administrative Officer/

APPENDIX 1 – May 30, 2019

Summary of Official Community Plan policies, listed by local trust area, that have been implemented in the land use bylaws.

Ballenas-Winchelsea Local Trust Area

- Shoreline Development Permit Area (applicable to 30 m upland of the natural boundary of the sea).
- Regulations in the land use bylaw exempts solar collectors, wind generators and water storage tanks from height restrictions.

Denman Island Local Trust Area

- Climate change impacts are considered in staff.
- Providing the dedication of conservation area, consistent with OCP policies for density transfer.

Gabriola Island Local Trust Area

Gabriola Island

- Climate change impacts are considered in staff reports.
- Providing for rainwater collection and storage, trail/path connections and dedication of 300+ acres of parkland.
- Development Approval Information (DAI) Bylaw amended (2013) to include option to address GHG emissions, anticipated energy usage, carbon emissions and groundwater resources in conjunction with bylaw amendment or TUP applications [Criteria for assessing OCP/LUB applications developed.
- Land Use Bylaw (parking regulations and Village DPA guidelines) amended to encourage public transit, smaller vehicles, non-polluting vehicles, and permeable parking surfaces and increase walkability.
- Land Use Bylaw amended to measure the footprint of buildings and structures from the interior walls instead of the outer perimeter of the foundation of the building, so increased insulation is encouraged, and to exclude cisterns from floor area calculation.
- Official Community Plan and Land Use Bylaw amended to encourage local food production.

Mudge Island

- Climate change impacts considered in staff reports.
- Land Use Bylaw amended to exclude from the calculation of lot coverage in the RR zone: cisterns and similar structures for rainwater collection and storage; fire-fighting towers; pervious paths, driveways and parking spaces; and garden beds.

DeCourcey Island

- Climate change impacts considered in staff reports.

Galiano Island Local Trust Area

- Climate change impacts considered in staff reports, and inclusion of a policy in the Land Use Policies section of the Official Community Plan applicable to consideration of all applications.
- Amendments to shoreline development permit area to include guidelines to consider and address sea level rise impacts.
- Changes to zoning regulations to permit small-scale renewable energy, specifically height regulations amended.

Gambier Island Local Trust Area

- Climate change impacts considered in staff reports.

Hornby Island Local Trust Area

- Climate change impacts considered in staff reports.
- Official Community Plan Water Supply Protection and Water Resource Protection Development Permit Area includes guidelines to protect water resources.
- Official Community Plan Community Service Use Development Permit Area includes guidelines to provide rainwater catchment and storage; and hydrology study.
- Official Community Plan Commercial Development Permit Area includes guidelines to maintain natural vegetation and reduce light pollution.
- Water storage tanks and wind turbines exempt from Land Use Bylaw height regulations.

Lasqueti Island Local Trust Area

- Climate change impacts considered in staff reports.

Mayne Island Local Trust Area

- Climate change impacts considered in staff reports.
- Zoning amended to exclude solar collectors, wind generators and water tanks from maximum height regulations.
- Geothermal heating systems permitted.
- Amendments to Land Use Bylaw to permit mixed use (second storey residential) in commercial zones.
- Zoning for employee accommodation in commercial resorts.
- Secondary suites permitted.

North Pender Island Local Trust Area

North Pender Island

- Climate change impacts considered in staff reports.
- Secondary suites permitted.
- Temporary use permit guidelines amended to include climate change impacts.

North Pender Associated Islands

- Climate change impacts considered in staff reports.
- Shoreline DPAs include erosion provisions.

Salt Spring Island Local Trust Area

Salt Spring Island

- Climate change impacts considered in staff reports.
- Secondary suites permitted in select areas.
- Amenity Zoning includes implementation of energy efficient building design criteria that exceeds that required by the B.C. Building Code or other regulations.
- Climate change considered when evaluating suitability of density transfer.
- Rezoning application supporting local food production and storage as a community amenity
- Coordination with local and provincial agencies regarding fresh water demand and supply in relation to climate change.
- Land use regulations require 15m setbacks from natural bodies of water; 1.5 m elevation above natural body of water.
- Pathways and bikeways dedication at time of subdivision as per OCP Cycle Route map.

- DAI Bylaw including development permit checklist (both are drafted but not yet implemented).

Piers Island

- Climate change impacts considered in staff reports.
- 3.0 m elevation of buildings required if within 30m of water body.

Prevost Island

- Climate change impacts considered in staff reports.

Saturna Island Local Trust Area

- Climate change impacts considered in staff reports.
- Geothermal heating permitted.
- Secondary dwelling units (secondary suites amendment in process).
- Sustainability checklist.
- TUP guidelines amended to include consideration of climate change impacts.

South Pender Island Local Trust Area

- Climate change impacts considered in staff reports.
- Although not a Bill 27 requirement, LUB was amended to limit dwelling floor area and overall floor area on residential lots.

South Pender Island Local Trust Area

- Climate change impacts considered in staff reports.

Thetis Island Local Trust Area

Thetis Island and Valdes Island

- Climate change impacts considered in staff reports.

Thetis Associated Islands

- Climate change impacts considered in staff reports.
- Land Use Bylaw definition of floor area excludes any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection.
- Land Use Bylaw permits the following uses in all zones: conservation; water supply facilities for the purposes of supplying potable or grey water on an individual island, including cisterns, reservoirs, pipes, treatment facilities, catchment and storage facilities and pumping and intake structures; solar collectors; wind turbines; and ocean geothermal loop exchange systems.
- Solar collectors are exempt from Land Use Bylaw height regulations.

APPENDIX 2 – May 30, 2019

Summary of Local Trust Committee Official Community Plan Policies that have yet to be implemented.

The following is a summary of Official Community Plan policies on climate change that have not yet been enacted in the land use bylaw regulations or through development permit areas. For actual wording of the policies, please consult that relevant official community plan bylaw.

Ballenas-Winchelsea Local Trust Area

- Identify significant un-fragmented forest and non-forest ecosystems and ensure these are noted on mapping for environmental and carbon sequestration value.

Denman Island Local Trust Area

- Review zoning to ensure provisions encourage energy efficiency and the greenhouse gas emissions reduction in new construction.
- Review development permit area guidelines and incorporate provisions to promote energy conservation, water conservation and greenhouse gas emissions reduction.
- Encourage renewable energy, limit fossil fuel consumption, encourage energy-efficient and carbon-efficient building construction.

Gabriola Island Local Trust Area

Gabriola Island

- Consider new development permit area guidelines that promote low impact land uses, alternative transportation, energy conservation, water conservation, and the reduction of GHGs.
- Identify significant un-fragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping both for their environmental values as well as carbon sequestration areas.
- Amend LUB to consider setbacks from the ocean in relation to sea level rise.

Mudge Island

- Establish climate change as a fundamental factor in land use decision making.
- Encourage on-island agriculture and sharing of local food production.
- Encourage all new construction be built at the highest possible energy-efficiency standards.
- Further policies and actions to be considered as part of a future review of the OCP.

DeCourcey Island

- Encourage on-island agriculture and the sharing of local food production.
- Encourage new construction built at highest possible standards to reduce energy needs.
- Specific policies and actions to be included in a future OCP review.

Galiano Island Local Trust Area

- Amendments to parking requirements to require alternatives to parking spaces.
- Requiring new development to utilize building technology that minimizes energy use.

Gambier Island Local Trust Area

Gambier Island

- Develop new criteria for assessing OCP or zoning amendment applications from the perspective of climate change adaptation and mitigation.
- Support protection of forest resources.
- Require water storage with every dwelling unit.

Gambier Associated Islands

- Support actions to minimize GHG emissions.
- Recognize importance of forested lands in removing carbon dioxide from the atmosphere.
- Consider potential impacts on global climate change and GHG reduction targets when considering applications.
- Identify significant un-fragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.
- Reduce extent of infrastructure (e.g. development of common docks).
- Zoning regulations should support small scale residential solar and wind power generation on residential lots.

Keats Island

- Promote use and development of renewable energy sources.
- Develop new criteria for assessing OCP or zoning amendment applications from the perspective of climate change adaptation and mitigation.
- Support cluster development appropriate for Keats Island.
- Encourage energy efficient buildings.
- Encourage use of alternative energy.
- Encourage water storage for every dwelling unit

Hornby Island Local Trust Area

- Develop criteria for assessing OCP or LUB amendment applications from the perspective of climate change adaptation and mitigation.
- Encourage retention of forest cover except for the clearing of land for farming in the ALR.
- Limit size of buildings and opportunities for attached dwelling units and visitor accommodation units.
- Encourage green building techniques and alternative energy systems (solar, wind, geothermal, or water based) into residential housing.
- Encourage safe multi-use trails and bike lanes to facilitate non-motorized forms of travel.
- Encourage “climate wise” actions, including water conservation, storm water retention, the use of alternative energy sources for home use, and the use of alternative transportation methods.
- Support the local provision of services that residents presently travel off-island to access.
- Review LUB to provide for community gardens and community food processing and storage.
- Encourage local food production.

Lasqueti Island Local Trust Area

- Develop criteria for assessing OCP or zoning applications from the perspective of climate change adaptation and mitigation.
- Encourage energy conserving buildings.
- Encourage cycling and walking trails to permit non-automobile based forms of travel.
- Encourage water conservation and rainwater catchment.

Mayne Island Local Trust Area

- Permitting attached dwellings.
- DPA to manage lot layout.
- DPA for energy conservation.
- Amendments to amenity zoning and density transfer policies.

North Pender Island Local Trust Area

North Pender Island

- A review of overall development potential to consider amendments to zoning where changes could limit or reduce emissions.
- Permitting attached dwellings.
- Amending parking requirements.
- DPA to manage subdivision layout (conservation subdivision design project started but later abandoned by LTC).
- Second storey residential over commercial.
- Requiring cisterns or other water conservation measures in new development.
- Permitting community wood chipping or composting.
- Amend existing DPA to include energy conservation provisions.

North Pender Associated Islands

- Specific policies and actions to be included in a future review of the plan.

Salt Spring Island Local Trust Area

Salt Spring Island

- Calculation of carbon budget at time of rezoning or demonstrated conformity with LEED or similar.
- GHG or energy efficiency specific DPA.
- Amend fees bylaw to support energy efficient building design.
- Mapping and analysis to anticipate potential impacts of climate change on land use.
- Height relaxation for solar and wind power generation on residential lots.

Piers Island

- In progress of updating OCP for Climate Change.

Prevost Island

- No policies on climate change – bylaw requires updating

Saturna Island Local Trust Area

- Amending zoning to allow mixed use, including second storey residential in commercial designation.
- Amending parking requirements.
- Include energy conservation measures in DPA.
- Implement DPA for lot layout and tree removal.
- Permitting attached dwellings.
- Limit floor area of dwellings.

South Pender Island Local Trust Area

- Permit community gardens.

Thetis Island Local Trust Area

Thetis Island

- Develop new criteria for assessing OCP or LUB amendment applications from the perspective of climate change adaptation and mitigation.

- Promote land use that supports local food production to reduce food transportation costs and GHGs.
- Support new forms of housing that include clustering and zero emission housing.
- Encourage local, small-scale generation of alternative non-polluting energy sources.
- Regulate the size, siting and height of wind turbines to minimize environmental impacts and safety risks.

Thetis Associated Islands

- Consider the potential impacts on climate change GHG emissions in bylaw provisions and review of development applications.
- Identify significant un-fragmented forest and wetland ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.
- Through bylaw provisions, support residential renewable energy (e.g. micro hydro, solar, wind, waste heat, etc.) use.
- Promote the conservation of forested lands and wetlands as a cost effective and important climate change mitigation strategy.

Valdes Island

- Establish climate change as a fundamental factor in land use decision-making.
- Policies and actions with respect to climate change mitigation will be considered as part of a future review of the Rural Land Use Bylaw.

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September 5, 2019 File No.: 0400-20; 0400-30; 5590-30

Via email: CITZ.Minister@gov.bc.ca

The Honourable Jinny Sims
Minister of Citizens' Services
PO Box 9068, Stn Prov Govt
Victoria BC V8W 9E2

Via Email: ised.minister-ministre.isde@canada.ca

The Honourable Navdeep Bains
Minister of Innovation, Science and Economic Development Canada
235 Queen Street
Ottawa, ON K1A 0H5

Re: Internet Accessibility and Connectivity throughout the Islands Trust Area

Dear Minister Sims and Minister Bains:

I am writing on behalf of the Islands Trust to request further funding and support for the Islands Trust Area communities that have not been included in the Connect to Innovate and Connected Coast initiatives, namely Denman Island, Hornby Island, Gabriola Island, Thetis Island, Galiano Island, Mayne Island, South Pender Island, and Keats Island.

During the June 18-20, 2019 Islands Trust Council meeting, the following resolution was passed:

> That Trust Council, by a letter signed by the Chair, request the appropriate agencies of Canada and the Province of British Columbia to take steps to facilitate and fund the safe and reliable improvement of internet connectivity throughout the Trust Area and in particular to encourage the provision of additional landing sites to service areas in the Trust Area that may request such service through the Connected Coast project.

Islands Trust supports the Connect to Innovate and Connected Coast initiatives and believes these programs will improve internet services to many residents within the Islands Trust Area; however, not all residents and communities are being reached. Islands Trust agrees with the underlying principles that improved, high-speed broadband internet connections for residents in rural and remote communities will in turn help to improve their quality of life. Improved connectivity can help community members to reduce their greenhouse gas emissions via reduced travel, access education and health services, participate in economic opportunities that are compatible with the conservation of island resources, and better participate in the decision-making processes of all levels of government.

Please note that we encourage a process whereby all service providers are required to prevent or lessen impacts on cultural, archaeological and sacred sites as per the Islands Trust Reconciliation Declaration.

Yours sincerely,

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

.../2

cc: Michelle Stilwell, MLA – Parksville-Qualicum
Adam Olsen, MLA – Saanich North and the Islands
Nicholas Simons, MLA – Powell River-Sunshine Coast
Scott Fraser, MLA – Mid Island-Pacific Rim
Jordan Sturdy, MLA – West Vancouver-Sea to Sky
Doug Routley, MLA – Nanaimo-North Cowichan
Elizabeth May, MP – Saanich-Gulf Islands
Paul Manly, MP – Nanaimo-Ladysmith
Alistair MacGregor, MP – Cowichan Malahat-Langford
Gord Johns, MP - Courtenay-Alberni
Pamela Goldsmith-Jones, MP – West Vancouver/Sunshine Coast
Murray Rankin, MP - Victoria
BOḰEĆEN (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
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Sḵwx̱wú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
ST̓ÁUTW̱ (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
W̱JOŁEŁP (Tsartlip) First Nation
W̱SIḴEM (Tseycum) First Nation
xʷməθkʷəy̓əm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website

Islands Trust

Applications

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-2018.3	MATTHEW R FREDBECK	15-Aug-2018	PID: 005-575-170 Wants parking on grass surface (no paving) for customers. Civic address: 6260 Bond Rd, Hornby Island, BC V0R 1Z0

Planner: Bronwyn Sawyer

Planning Status

Status Date: 07-May-2019
ALC decision received - Refused

Status Date: 03-Oct-2018
Planner gave file to Planning Team Assistant to forward application to ALC.

Status Date: 28-Sep-2018
HO LTC passed resolution to forward the application to the ALC with the LTC's comments.

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:

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: 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.

Status Date: 04-Feb-2019

No change in status.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2018.1	MATTHEW R FREDBECK	21-Mar-2018	PID: 005-574-285. Owner plans to lower floor for handicap access and change roof line to accommodate solar panels. Civic address: 10835 Central Road, Hornby Island.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 25-Jan-2019
Site visit.

Status Date: 13-Sep-2018
No change in status.

Status Date: 28-May-2018
Waiting for info from applicant.

File Number	Applicant Name	Date Received	Purpose
HO-DP-2019.3	Lones, Benjamin	12-May-2019	ID: 002-747-774 DP needed for subdivision compliance

Planner: Bronwyn Sawyer

Planning Status

Status Date: 05-Jul-2019
Staff report to Hornby Island LTC meeting

Status Date: 27-May-2019
Planner reviewing application

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:

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: 12-Sep-2018
Application transferred to Planner Dubyna.

Status Date: 15-Aug-2018
On hold pending result of HO-ALR-2018.2

Status Date: 31-Jan-2018
Waiting on applicants to advise on how they would like to proceed (proposal may change)

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2018.1	MATTHEW R FREDBECK	26-Mar-2018	PID: 005-574-285. Owner plans to lower floor for handicap access and change roof line to accommodate solar panels. Civic address: 10835 Central Road, Hornby Island.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 05-Jul-2019
Staff report to Hornby Island LTC meeting

Status Date: 05-Apr-2019
Memorandum - file update

Status Date: 13-Sep-2018
No change in status.

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: Marnie Eggen

Planning Status

Status Date: 13-Sep-2018
No change in status.

Status Date: 12-Sep-2018
File transferred to Planner TR

Status Date: 27-Apr-2018
LTC consideration and resolution to put on hold pending minor technical amendments to LUB

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2018.7	BULMER, Grant	04-May-2018	PID: 003-125-777 Building single family dwelling Civic address: 6570 Anderson Road, Hornby Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 25-Jun-2019
No change in status.

Status Date: 13-Feb-2019
Planner reviewed revised plans. Planner noted to applicant that the total floor area of proposed residential building exceeds 150 m2 permitted in the R1(a) zone. Applicant advised planner that they intend to include a rain water catchment and storage system. Section 8.1.8 of the LUB permits a floor area of 200 m2 in the R1(a) zone, '...if a rain water catchment and storage system capable of storing 1155 litres of potable water and supplying it to the residential dwelling unit is maintained on the same lot...'

Status Date: 08-Feb-2019
Amended site plan received. Plans show proposed studio and proposed single family dwelling.

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:

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.3	Woodward, Brian	29-Mar-2019	PID: 003-531-279 Addition to vacation home. Civic address: 3300 Harwood Road, Hornby Island, BC

Planner: Bronwyn Sawyer

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.5	Taylor, Robert & Naomi	02-May-2019	PID: 001-201-425 CIVIC ADDRESS: 5005 FOWLER ROAD, HORNBY ISLAND, BC New workshop/storage

Planner: Ian Cox

Planning Status

Status Date: 03-Jun-2019

Received plans update. Approved. File to PTA for permit issuance and closure.

Status Date: 28-May-2019

Awaiting more legible plans.

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:

File Number	Applicant Name	Date Received	Purpose

HO-SUP-2019.8	Lecki Studio Architecture & Design (Cameron Koroluk) **Planner:** Margot Thomaidis	19-Jul-2019	PID: 000-941-328 Building primary residence and artist studio. Civic address:4280 Brigantine Crescent, Hornby Island, BC.

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2019.9	True West Designs Inc. **Planner:** Ian Cox	16-Aug-2019	PID: 018-881-475 Building Single Family Dwelling. Civic address: 3850 Salal Drive, Hornby Island, BC V0R 1Z0

Planning Status

Status Date: 30-Aug-2019

SUP approved and prepared. File to PTA for issuance and closure.

Status Date: 28-Aug-2019

Under review by staff.

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.1	Hoerburger Land Surveying **Planner:** Bronwyn Sawyer	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.

Planning Status

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

Status Date: 31-Jan-2018

DVP application received. Subdivision file being held in abeyance.

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2017.2	BENJAMIN T LONES	28-Apr-2017	PID: 002-747-774 2 lot subdivision. Civic address: 4685 Central Road, Hornby Island.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 12-Sep-2018

File transferred to Planner TR

Status Date: 08-Jun-2017

Referral response sent to MOTI

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.

Islands Trust

LTC EXP SUMMARY REPORT F2020

Invoices posted to Month ending July 2019

635 Hornby	Invoices posted to Month ending July 2019	Budget	Spent	Balance
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	1,711.45	939.55
65210-635	LTC - Local Exp - APC Meeting Expenses	411.00	0.00	411.00
65220-635	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-635	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		3,606.00	1,711.45	1,894.55
Projects				
73001-635-4083	Hornby Short Term Vacation Rental (STRV) Review	700.00	0.00	700.00
TOTAL Project Expenses		700.00	0.00	700.00

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: o Name of the applicant and a description of the proposal in general terms o The location of the proposed establishment and the subject site o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application o 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.

Islands Trust

Print Date: September 5, 2019

Top Priorities Report

Hornby Island

1. *Official Community Plan and Land Use Bylaw Amendments*	Responsible	Dates
Bylaw amendments to address issues with respect to the Public Use Area and MALA in the large lot residential zone, R3A zoning of ISLA site, regulations for cannabis production and sales, and other housekeeping amendments	Jaime Dubyna	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	Ann Kjerulf 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.	Ann Kjerulf Miles Drew	Rec'd: 27-Apr-2018 Target: 01-Jan-2019

Islands Trust

Print Date: September 5, 2019

Projects Report

Hornby Island

1. *Ford Cove Consultation*	Responsible	Date Received
Conduct a consultative process for the Ford Cove area		

2. *Public Use area planning*	Responsible	Date Received
Support collaborative planning process for Public Use areas		27-Mar-2015

3. *Marine Protection*	Responsible	Date Received
Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection		28-Sep-2018

4. *Improving Bylaw Compliance*	Responsible	Date Received
Explore with the community and staff, approaches to improving Bylaw compliance		28-Sep-2018

5. *Ecosystem Protection*	Responsible	Date Received
Consider potential utilization of the Regional Conservation Plan.		28-Sep-2018

6. *Addressing Climate Change*	Responsible	Date Received
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