

Hornby Island Local Trust Committee Regular Meeting Agenda

Date: September 8, 2023
 Time: 11:30 am
 Location: Room to Grow
 2100 Sollans Road, Hornby Island, BC

Pages

1.	CALL TO ORDER	11:30 AM - 11:30 AM	
	"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."		
2.	APPROVAL OF AGENDA	11:30 AM - 11:35 AM	
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.	PUBLIC COMMENTS	11:55 AM - 12:10 PM	
5.	DELEGATIONS - none		
6.	MINUTES	12:10 PM - 12:15 PM	
	6.1 Local Trust Committee Minutes dated June 16, 2023 - for adoption		4 - 10
	6.2 Section 26 Resolutions-without-meeting Report dated September 1, 2023		11 - 11
	6.3 Advisory Planning Commission Minutes - none		
7.	BUSINESS ARISING FROM MINUTES	12:15 PM - 12:30 PM	
	7.1 Follow-up Action List Report dated September 1, 2023		12 - 15
8.	APPLICATIONS AND REFERRALS	12:30 PM - 1:00 PM	
	8.1 Rogers Cell Tower Proposal - Staff Report		16 - 71

~ BREAK 1:00 PM - 1:30 PM ~

9.	LOCAL TRUST COMMITTEE PROJECTS	1:30 PM - 2:05 PM	
9.1	Major Project proposal Endorsement for Fiscal 2024/2025 Budget Process - Staff Report		87 - 101
9.2	Major Project: Hornby Island Official Community Plan / Land Use Bylaw Review Project - Memorandum		102 - 103
10.	CORRESPONDENCE	2:05 PM - 2:15 PM	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.1	Department of Fisheries and Oceans Canada Consultation check-in - Schedule 1 of the Species at Risk Act		104 - 105
10.2	BC Ferries email dated August 23, 2023 regarding Archeological Site		106 - 106
11.	NEW BUSINESS	2:15 PM - 2:35 PM	
11.1	Housing and Land Use on Hornby Island prepared by Tony Law, dated August 2023		107 - 155
12.	REPORTS	2:35 PM - 2:50 PM	
12.1	Trust Conservancy Report dated June, 2023		156 - 158
12.2	Applications Report dated September 1, 2023		159 - 160
12.3	Trustee and Local Expense Report dated July, 2023		161 - 161
12.4	Adopted Policies and Standing Resolutions		162 - 166
12.5	Local Trust Committee Webpage		
12.6	Census Infographics - Briefing		167 - 174
13.	WORK PROGRAM	2:50 PM - 3:05 PM	
13.1	Active Projects Report dated September 1, 2023		175 - 175
13.2	Future Projects Report dated September 1, 2023		176 - 177
14.	UPCOMING MEETINGS		
14.1	Next Regular Meeting Scheduled for Friday, November 3, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC		

15. ADJOURNMENT

3:05 PM - 3:10 PM



Hornby Island Local Trust Committee

Minutes of Regular Meeting

Date: June 16, 2023

Location: Electronic Meeting

Members Present: Timothy Peterson, Chair
Alex Allen, Local Trustee
Grant Scott, Local Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
Sonja Zupanec, Planner
Margot Thomaidis, Planner 2
Wil Cottingham, Administrator
Katherine Vogt, Recorder

Others Present: Brian Gregg, Consultant for Rogers Communications Inc.
There were approximately fifteen (15) members of the public and no members of the media in attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 11:36 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced himself, Trustees, Staff, and Recorder and welcomed members of the public. He noted that the meeting was being livestreamed and recorded.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT - none

4. REPORTS

4.1 Trustee Reports

Trustee Allen reported on the following:

- Recent attendance as a member of the Regional Planning Committee working group on housing which is currently compiling housing option ideas.
- Looking forward to attendance at the upcoming annual Comox Valley Regional District (CVRD) meeting on June 19, 2023; to be hosted electronically and to be attended by Denman Island representatives also.

- Looking forward to attending the upcoming Trust Council meeting to be held in person on Gabriola Island in late June.

Trustee Scott reported on the following:

- Appearance on Hornby Community Radio last Saturday with Albin-Patrick Lapierre for a discussion on Trust issues.
- Acknowledgement that the objections to the proposed cell tower are that it would be too close to people, to the recycling depot, and to future community housing; but that it is supported by many younger people who no longer have land lines, and by Hornby and Denman medical personnel who have sent a strong letter of support for the tower.
- Acknowledgement that Short Term Vacation Rentals (STVRs) provide needed revenue for many locals.

4.2 Chair's Report

Chair Peterson reported on the following:

- The recording of the previous Hornby Island Local Trust Committee (LTC) regular meeting on May 5, 2023 is unfortunately irretrievable due to technical difficulties.
- Working as a member of the Executive Committee on the agenda for the upcoming June Trust Council meeting.
- Looking forward to the next Hornby LTC meeting in September which will be held in person.

4.3 Electoral Area Director's Report

None.

5. PUBLIC COMMENTS

Members of the public noted the following:

- Ross Birchall, Founder and Managing Partner of Wellesley Consulting Group (WCG) based in Victoria, spoke on providing Trustees with a formal introduction to his working on behalf of the Hornby Island Community Economic Enhancement Corporation (HICEEC), noting that they had recently applied for funding to Island Coastal Economic Trust (ICET) to prepare a comprehensive economic development strategy for Hornby Island, highlighting the urgent need for workforce and other affordable housing for which two parcels of land have been identified. Other options being pursued are Crown Land and potential joint partner ventures with Kómox First Nation (KFN). Various other funders, partners, and stakeholder opportunities are being actively pursued by HICEEC. He welcomed any support that the LTC could provide in moving the HICEEC endeavors, still in their early stages, forward.
 - A Trustee asked how well Hornby could compete against much larger municipalities for the Union of BC Municipalities (UBCM) Complete Communities Grant funding.
 - Consultant Birchall responded that HICEEC itself is an ineligible applicant and must partner with an organization such as the Islands Trust or the Comox Valley Regional District (CVRD) to be considered for funding. The UBCM eligibility criteria are infrastructure and transportation requirements for servicing a housing development.

UBCM is looking for a cohesive plan. HICEEC has missed this year's May 2023 application deadline and would need support from the LTC to request a deadline extension.

- A Trustee responded that unfortunately no information for the LTC to consider had been received yet.
- Another member of HICEEC noted that small communities are at a disadvantage for funding compared to large municipalities. Unconventional housing ideas are currently being looked at and it is hoped that the LTC will be supportive in shepherding such ideas through the regulatory process in a timely manner. The Hornby community is at risk of falling apart if workforce housing is not provided quickly.
- The LTC needs to question the biological safety, hackability, and purpose of 5G technology in relation to artificial intelligence and surveillance applications; and to investigate if alternatives to 5G for cell coverage are available.
 - A Trustee noted that, in the absence of a cell tower in a remote location, there is a device called weBoost for homes and RVs; also, that the recent Rogers report does not adequately address wireless effects on wildlife; also, that the recent Rogers report repeats the same broadly used cell phone industry mantra statistic that 80% of 911 calls are made through a smart phone which is a 2016 California statistic, of which 35% of such calls were either non-emergency or unintentional.
- A staff member of HICEEC requested that the LTC consider supporting the HICEEC Workforce Development Project with letters of support; by fixing zoning bylaws to allow housing on Public Use (PU) zones; and through the provision of wording for tiny homes, RVs, and other higher density developments.
 - The Chair invited that HICEEC could email pertinent information to the LTC prior to the upcoming September regular LTC meeting.

6. DELEGATIONS - none

7. MINUTES

7.1 Local Trust Committee Minutes dated May 5, 2023 - for adoption

By general consent the Local Trust Committee meeting minutes of May 5, 2023 were adopted as presented.

7.2 Section 26 Resolutions-without-meeting Report - none

7.3 Advisory Planning Commission Minutes - none

7.4 Local Trust Committee Special Meeting Minutes dated April 17, 2023 - for adoption

By general consent the Local Trust Committee special meeting minutes of April 17, 2023 were adopted as presented.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List Report dated June 8, 2023

A Trustee expressed concern that the congratulations letter to the new Chief and Council of Kómox First Nation was still undone.

- Regional Planning Manager Jamurat clarified that an Indigenous Coordinator had been hired but would not be starting until this July; and, that efforts would be made to expedite letters to First Nations.

8.2 Rogers Cell Tower Proposal - update for information

Planner Thomaidis presented the staff memorandum: 'Hornby Rogers Cell Tower Proposal,' dated June 16, 2023, that updates Trustees that staff have received a summary package from Rogers that details their public consultation and correspondence to date. Staff will be analyzing the summary and preparing a report for the next LTC regular meeting in September.

Consultant Brian Gregg noted the following:

- The proposed tower for Hornby is on Provincial Crown Land, so Rogers must follow the provincial communication sites process to receive a License of Occupation.
- Ideally, the Islands Trust would be aligned with the Province, which has the ultimate authority over land use.
- The Federal Ministry of Science and Economic Development (ISED) would defer to the Province unless an error was noted. ISED has an impasse process to make intervening land use decisions, but this option is undesirable and very rarely utilized.
- The provincial formal notification process for the Hornby cell tower has just begun and may be a multi-year process.

9. APPLICATIONS AND REFERRALS - none

10. LOCAL TRUST COMMITTEE PROJECTS

The Chair permitted that Item 10.2 be addressed before Item 10.1.

10.1 Local Trust Committee Project Prioritization - Staff Report

Planner Thomaidis presented the staff report that asks Trustees to select a Minor Project for the current fiscal year.

HO-LTC-2023-028

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to prepare a Project Charter for the Community Heritage Register for the 2023/2024 fiscal year, with the scope and objectives to be determined by the Local Trust Committee.

CARRIED

10.2 OCP/LUB Review Project - Endorsement of Revised Project Charter

Planner Zupanec presented the staff report that asks Trustees to consider endorsing an updated draft Project Charter for the Official Community Plan (OCP) and Land Use Bylaw (LUB) review project noting the following:

- The updated Project Charter clarifies which bylaws will be drafted by planning staff.
- Komoks First Nation has indicated that they are interested in participating in this bylaw drafting process, the capacity funding for which will be clarified as soon as possible to meet with them. It is expected that First Nations referral staff would be going over the draft bylaws with Islands Trust planning staff over several meetings prior to endorsement by Chief and Council. This is a new collaborative process that is being piloted and has not been tried by the LTC before.
- Planners will work on two draft bylaw amendments to the OCP and one to the LUB: 1) regarding increasing housing options; 2) updating First Nations references; and 3) regarding restricting STVRs.

HO-LTC-2023-029

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by removing the words under the In Scope Section “explore use of” and replacing with the words “to require a.”

CARRIED

The wording change amendment made in Motion HO-LTC-2023-029 pertains to temporary use permits for short term vacation rentals.

HO-LTC-2023-030

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by adding a fifth bullet in the Deliverables Section that reads: “Post Bylaw Adoption Community Information Materials.”

CARRIED

Planner Zupanec noted that community information materials would be focused on advising residents of changes to STVRs and housing regulations.

HO-LTC-2023-031

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by removing Bullet 5 from the In Scope Section; and by adding to Bullet 4 of the In Scope Section; so that Bullet 4 reads: “Permitting secondary suites or attached/detached secondary dwellings on lots over 2 HA where septic capacity allows and sufficient groundwater is available.

CARRIED

HO-LTC-2023-032

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee endorse the revised Project Charter Version 2.1, dated June 16, 2023 to reflect the revised timeline and deliverables of the Official Community Plan and Land Use Bylaw Review project, as amended.

CARRIED

By general consent, the meeting was recessed at 1:24 pm and reconvened at 1:40 pm.

11. CORRESPONDENCE - none

11.1 Proposed Additions to Tribune Bay Park, Hornby Island Inter-Agency Consultation on Park Designation from BC Parks dated May 30, 2023

Planner Thomaidis explained that the letter addressed to the LTC from BC Parks was received very recently and was regarding Class A park designation for two new lots around Tribune Bay. The letter allows comments for BC Parks until June 30, 2023. A Trustee appreciated that BC Parks previous consultation with the community was well done.

Trustees received the letter for information.

12. NEW BUSINESS

12.1 Freedom of Information and Protection of Privacy Bylaw - for adoption

Trustees received the June 2, 2023 Request For Decision on the bylaw that updates for current legislation and schedule of fees.

HO-LTC-2023-033

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee Bylaw No. 171, cited as "Hornby Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 171, 2023" be adopted.

CARRIED

13. REPORTS

13.1 Trust Conservancy Report - none

13.2 Applications Report dated June 8, 2023

Received.

13.3 Trustee and Local Expense Report dated April, 2023

Received

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

14. WORK PROGRAM

14.1 Active Projects Report dated June 8, 2023

Received

14.2 Future Projects Report dated June 8, 2023

Regional Planning Manager Jamurat clarified that business cases for major projects for the 2024/2025 fiscal year would be approved by Trust Council in October 2023.

A Trustee noted that the LTC had not met with KFN for many years.

HO-LTC-2023-034

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request Staff to work on a business case on Project No.7 "First Nations" as a major project for the 2024/2025 fiscal year.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Friday, September 8, 2023 at 11:30 am at Room to Grow, 2100 Sollans Road, Hornby Island, BC

16. ADJOURNMENT

By general consent the meeting was adjourned at 2:17 pm.

Timothy Peterson, Chair

Certified Correct:

Katherine Vogt, Recorder

Resolutions Without Meetings Log

Hornby Island

Resolution Number	Action	Date
2023-003 UBMC expenses for Trustee Allan That the Hornby Island Local Trust Committee fund the expenses for Trustee Allen to attend the Union of B.C. Municipalities 2023 convention to participate on a panel on rural housing challenges.	Carried	14-Aug-2023
2023-002 Write a Letter of Support to CVRD re: Community Hall Committee establishing a Heritage Registry "That the Hornby Island Local Trust Committee support the Community Hall Committee in establishing a Hornby Island Community Heritage Register by requesting that the Chair write a letter of support to the Comox Valley Regional District (CVRD)." 2023-001	Carried	30-Jan-2023
Opt out of Comment for Application HO-LCB-2021.1 "That the Hornby Island Local Trust Committee request staff to inform the Liquor and Cannabis Regulation Branch that the Local Trust Committee is opting out of the comment and public input process for application HO-LCB-2021.1 Fossil Beach Farm (Zamluk & Fearman), a lounge area endorsement."	Carried	12-Jan-2023



Follow Up Action Report

Hornby Island

20-Jan-2023

Activity	Responsibility	Dates	Status
1 Hornby LTC requests staff to draft a letter congratulating the new Chief and Council of K'omoks Nation; introduction to LTC, staff and schedule of meetings; update on current projects and advocacy activities.	Clare Frater	Target: 08-Sep-2023	Completed
2 Staff to provide a report to the LTC with analysis of funding and resources required to undertake the Heritage Registry project and amendment to LUB to exclude cisterns from the setback requirements (PENDING). Add both to the FUTURE projects list (DONE).	Margot Thomaidis		Completed
3 Staff to work with ROGERS to prepare a report including an analysis on consultation completed to date and comparison with Hornby Strategy for Antenna Systems; summary of public correspondence received to date and next steps in the application process. (PENDING)	Margot Thomaidis	Target: 08-Sep-2023	In Progress

05-May-2023

Activity	Responsibility	Dates	Status
1 LTC issued Development Variance Permit HO-DVP-2023.1 (Nelson).	Chloe Straw Margot Thomaidis Nadine Mourao		Completed



Follow Up Action Report

Hornby Island

05-May-2023

Activity	Responsibility	Dates	Status
2 That the Hornby LTC request staff add Options 1 and 2 from Section 3.3 - Indigenous Language Options for OCP Amendment to the OCP and LUB Project Charter.	Sonja Zupanec		In Progress
3 That the Hornby LTC request staff to add Options 2, 3 and 4 from Section 4.5 - Options for OCP/LUB Amendment of the Consultant's Report and the three APC recommendations from the March 22nd APC report, and add proof of potable water to the Project Charter.	Sonja Zupanec		In Progress
4 That the Hornby LTC request staff add Options 2, 3, and 5 from Section 5.3 - Official Community Plan and Land Use Bylaw Amendments of the Consultant's Report to the Project Charter, and that all Small Lot Residential lots be designated 'IA - heavily developed, high vulnerability' aquifer.	Sonja Zupanec		In Progress
5 That the Hornby Island Local Committee approves the attached text for inclusion in the 2022/23 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.	Morgana van Niekerk Renee Jamurat		Completed

16-Jun-2023

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

Follow Up Action Report

Hornby Island

16-Jun-2023

Activity	Responsibility	Dates	Status
1 Regarding the OCP/LUB Review Project - Revised Project Charter: Staff to amend the draft Project Charter version 2.1 by: ·Replacing the words "Explore use of" to "Require a" ·Adding to the bullets in the 'Deliverables' section "Post-bylaw adoption community information materials." ·Removing bullet #5 in the 'In-Scope' section and adding to the 4th bullet of that section: "Permitting secondary suites or attached/detached secondary dwellings on lots over 2 hectares where septic capacity allows and sufficient groundwater is available." LTC endorsed the revised Project Charter version 2.1, dated June 16, 2023, to reflect the revised timeline and deliverables of the project, as amended. Staff to begin engagement with K'omoks; prepare three draft bylaws (2 OCP; 1 LUB).	Sonja Zupanec		In Progress
2 Staff to prepare a Project Charter for the Community Heritage Register for the 2023/2024 fiscal year, with scope and objectives as defined by the Local Trust Committee.	Margot Thomaidis	Target: 08-Sep-2023	In Progress
3 Staff to draft a Business Case on Project #7 of the Future Project List - 'First Nations' as a Major Project for the 2024/2025 fiscal year.	Renee Jamurat Sonja Zupanec	Target: 08-Sep-2023	In Progress

Follow Up Action Report

Hornby Island

16-Jun-2023

Activity	Responsibility	Dates	Status
4 Hornby Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 171, 2023 was adopted. Update website with new bylaw.	Nadine Mourao		Completed

File No.: HO-3400-02-2022.1
(Rogers Communications)

DATE OF MEETING: September 8, 2023

TO: Hornby Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

COPY: Renée Jamurat, Regional Planning Manager, Northern Team

SUBJECT: Rogers Cell Tower Proposal Update
Proponent: Rogers Communications
Location: SECTION 11, HORNBY ISLAND, NANAIMO DISTRICT - PID: 000-787-260

RECOMMENDATIONS

1. That the Hornby Island Local Trust Committee request that staff work with Rogers to ensure that any future written notification meets the *Hornby Antenna Strategy* notification content requirements.
2. That the Hornby Island Local Trust Committee request that staff work with Rogers to provide a list of addresses of property owners and residents not yet notified of the proposal, within a notification distance of ten metres for every one metre in height from the base of the proposed antenna structure; and request that Rogers send written notice of the proposal to these remaining property owners and residents.
3. That the Hornby Island Local Trust Committee request that Rogers send written notice of the proposal to the School District, ambulance services, as well as the following Hornby Island community groups that have not yet been notified: (LTC to specify).

REPORT SUMMARY

This report provides information about the steps that Rogers (the proponent) has taken to date with regard to a cell tower proposal on Hornby Island, and the consistency of these steps with the *Model Strategy for Antenna Systems* adopted by the LTC in September 2022 (see Attachment 2).

Staff found that the proponent's public notification and consultation process to date has met nearly all of the *Hornby Antenna Strategy's* requirements, aside from some remaining required notification to property owners, residents, community groups, and service providers. This is because the notification radius initially adhered to is smaller than the required notification radius in the *Hornby Antenna Strategy*.

Recommendations for addressing this discrepancy are presented to the LTC as options, which staff recommend for implementation by the proponent during an additional phase of public notification.

The next steps for the LTC involve receiving an updated summary package from the proponent once the remaining notification requirements have been met; and receiving and responding to a Crown land referral from the Province along with a formal request for concurrence from the proponent.

BACKGROUND

The proponent has proposed the construction of a 63-metre tall self-support cell tower on Provincial Crown land on Hornby Island (see notice in Attachment 1). In spring and summer of 2022 they carried out pre-consultation with the Comox Valley Regional District, the Province, Hornby Island Fire Rescue, and Islands Trust. Public consultation was carried out between November 2022 and January 2023, to adhere to the Federal department of Innovation Science and Economic Development (ISED) Canada's *Radiocommunication and Broadcasting Antenna Systems Client Protocol Circular CPC 2-0-03 (CPC)*, which is a Federal requirement the proponent must follow.

The *CPC* lays out the minimum public consultation process for antenna installations as a default Federal process while anticipating that local land-use authorities, such as Islands Trust, may enhance the process by developing their own protocol with consultation requirements that go beyond the minimum default process.

The LTC adopted such a strategy to enhance the process in September 2022 called the *Model Strategy for Antenna Systems (Hornby Antenna Strategy)*. Due to the timing of adoption of the *Hornby Antenna Strategy* when the proponent's application process was already underway, combined with Islands Trust staff turnover and lack of communication, the public notification requirements contained in the *Hornby Antenna Strategy* were not communicated to the proponent until after public notification was complete.

Although the proponent reached out to Islands Trust staff before beginning public consultation in fall 2022 to confirm that they were meeting any Islands Trust requirements, neither staff nor the proponent were aware that the *Hornby Antenna Strategy* had been adopted. In light of this information, at the January 20, 2023 regular business meeting, the Hornby Island Local Trust Committee (LTC) directed staff as follows:

HO-LTC-2023-009

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request staff to work with applicant Rogers on a report regarding steps the applicant has taken to date and their consistency with the Model Cell Tower Strategy.

CARRIED

TIMELINE OF APPLICATION PROCESS TO DATE

A detailed timeline of the pre-consultation, application submission, and public consultation and notification process to date is outlined below.

June 2022:

- The proponent contacted Islands Trust staff requesting input on a proposal for siting a new cell tower on the same lot as the existing Hornby Island Fire Rescue property, on Crown land (June 10).
- Islands Trust staff notified the proponent that the proposal is subject to the standard public notification procedures mandated by Industry Canada (ISED Default Consultation Process) (June 14). The Hornby Island Local Trust Committee had not yet formally adopted the Islands Trust *Model Strategy for Antenna Systems*.
- After the proponent discussed options with staff at the Province, a new location (also on Crown land) across the street from the Firehall is proposed instead.

July 2022:

- The proponent's pre-consultation process concluded.

August 2022:

- The proponent submitted their formal application for license of occupation of Crown land to the Ministry of Forests, Lands, and Natural Resources via Front Counter BC, concurrently sending referrals to approximately 12 First Nations (August 17).

September 2022:

- The Hornby LTC adopted the *Model Strategy for Antenna Systems* at their Regular Business Meeting (September 9).

November 2022 – January 2023:

- The formal public consultation and notification process was held, meeting ISED Canada's *Radiocommunication and Broadcasting Antenna Systems Client Protocol Circular CPC 2-0-03 (CPC)* consultation requirements (November 14, 2022 to January 13, 2023).

December 2022:

- A virtual public information meeting was held by the proponent via Microsoft Teams (December 8). 31 community members attended.
- Islands Trust staff notified the proponent that the *Model Strategy for Antenna Systems* had been adopted in September 2022 (December 23).

January 2023:

- The proponent submitted a formal application package to the Islands Trust (January 10)
- The proponent attended the Hornby LTC Regular Business Meeting on January 20 to answer questions and formally introduce the initial application to the LTC. The LTC carried a motion requesting that staff work with Rogers on a report regarding steps that Rogers has taken to date and their consistency with the *Hornby Antenna Strategy*.

May 2023

- At the request of staff, the proponent submitted a public consultation summary package, which was published at the next Hornby LTC Regular Business Meeting.

June 2023

- The proponent attended the Hornby LTC Regular Business Meeting on June 16, 2023 to answer questions about the public consultation to date and clarified next steps.

CONSIDERATIONS FOR THE LTC:

Consistency with Hornby LTC Strategy for Antenna Systems

The proponent's public consultation process to date has followed or enhanced all of the ISED's *CPC* requirements. The proponent engaged with Islands Trust staff throughout the process, from pre-consultation to the present, to confirm an approach that met Islands Trust requirements. Unfortunately, due to the previously mentioned staff turnover and lack of communication, staff and the proponent were both unaware of the *Hornby Antenna Strategy* until after public notification (per ISED) had already been sent out. If staff had known beforehand, they would have worked with the proponent to ensure that all public consultation and notification activities aligned with the *Hornby Antenna Strategy*.

Attachment 3 contains a checklist that reviews the proponent's cell tower proposal application to date for consistency with the requirements of the *Hornby Antenna Strategy*. The remaining requirements of the *Hornby Antenna Strategy* are as follows:

- Requirement that all property owners and residents within **ten times** the tower structure height are notified of the proposal (not including property owners and residents within three times the tower structure height that have already been notified);
- Requirement that the proponent send written notice to School Districts and all Emergency Service Providers within 1 kilometer from the base of the structure, as well as any additional community associations and groups that the LTC identifies as pertinent to be notified that have not yet been notified; and
- Requirement that any new written notice sent to the remaining property owners and residents acknowledge that the *Hornby Antenna Strategy* is applicable to the proposed tower application.
- Any future written public notification package contents are required to align with the *Hornby Antenna Strategy*.

The staff recommendations on Page 1 of this report capture these remaining requirements and propose LTC direction that ensures the proponent aligns with the *Hornby Antenna Strategy* going forward.

The proponent has also expressed their intention to collaborate with staff to address these remaining requirements. If the LTC requests that the proponent carry out additional notification, staff will work with the proponent to ensure that additional public notification is carried out prior to a request for concurrence.

Public Information Session

The LTC has previously expressed concern about how the public information session was held. The proponent organized a public information session in December 2022 as part of the public consultation process, meeting the *Hornby Antenna Strategy's* requirement and exceeding the CPC requirements. The *Public Information Session* requirements, detailed on page 26 of the *Hornby Antenna Strategy*, are as follows:

"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 days prior to the close of the public consultation period; and*
- *the proponent may request LTA staff attendance and participation in the meeting."*

The proponent consulted with staff, provided adequate visuals, presented localized content, and scheduled the meeting within the proper time frame. All of the feedback from that session has been captured in the public consultation summary provided by the proponent.

If the LTC decides that the public information meeting was not adequate they can request that the proponent hold one more public information session in the future, prior to a request for concurrence from the LTC. Staff do not recommend this option as the proponent has already met this requirement and the LTC cannot require an additional public information session.

NEXT STEPS

Request for Concurrence

Once staff receive a Crown land referral from the Province for the license of occupation for the proposed antenna structure, the LTC will be notified and requested to respond to the Province within a specified time frame. The proponent has not submitted a formal request for statement of concurrence yet, since the Crown land application is still under review by the Province and a separate provincial notification process outlined in the *Land Use Operational Policy for Communication Sites* will need to be adhered to.

Prior to submitting a formal request for siting concurrence, the proponent must submit a package of information to the Islands Trust, per the *Hornby Antenna Strategy*. The applicant has already submitted a package that meets the requirements and has shared it with the LTC at the June 16, 2023 LTC Regular Business Meeting. It contains the following information:

- 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)*;
- A letter outlining any NAV Canada and Transport Canada requirements for lighting and painting on the proposed telecommunication antenna system;
- A copy of all plans and studies required for the construction of the proposed telecommunication antenna system;
- 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.

Following any remaining written public notification as recommended on page 1 of this report, the summary of all public submissions and responses as well as proponent responses should be added to the package and provided to staff to be shared with the LTC prior to a request for concurrence.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are that the process of requesting concurrence will be delayed and may not meet ISED timelines. 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 proponent submit to the Islands Trust...

2. Receive for information

The LTC may receive the report for information.

Submitted By:	Margot Thomaidis, Planner 2	August 23, 2023
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	September 1, 2023

ATTACHMENTS

1. Rogers Notification to Property Owners and Residents (November 14, 2022)
2. Model Strategy for Antenna Systems
3. Hornby LTC Strategy for Antenna Systems Checklist



Dear Resident/Landowner

November 14th, 2022

Re: Proposed 63.0-meter Rogers Communications Radiocommunications Tower
Coordinates: 49.535055, -124.672134
Rogers File: W6420 - Hornby Island

Wireless technology offers many benefits to Canadians. Millions of individuals rely on wireless communications to enhance their personal security and safety, enjoy more frequent contact with family, friends and business associates, and to make more productive use of their personal and professional time. Additionally, cellular coverage improves public safety, with more than 80 percent of all calls to 9-11 now placed through wireless devices.

ROGERS PROPOSAL

In order to provide dependable wireless service for residents and businesses on Hornby Island Rogers Communications is proposing to build a 63.0-meter tall self-support tower on Provincial Crown land on the west side of Central Road on a property that is zoned PU-Public Use. Adjacent land uses include the Hornby Island Fire Rescue property, the CHFR Hornby Community Radio Society property including an existing radiocommunication facility, the Hornby Island Recycling Depot, the Hornby Island Road Maintenance Yard, Joe King Ball Park and other mixed commercial and public service uses. If the subject tower is constructed, Rogers is willing to explore hosting emergency communications equipment from the volunteer fire department in support of public safety thereby enabling co-location and potentially mitigating the future need for another purpose built tower structure in the area. All of the equipment necessary to operate this facility will be housed within a fenced area located at the base of the tower. This location was selected as a result of the compatible land uses in the vicinity as well as the fact that the subject property is centrally located within the area needing Rogers' service improvements.

PUBLIC CONSULTATION

Authority

Although Innovation, Science and Economic Development Canada (ISED) has exclusive jurisdiction over the placement of wireless telecommunications facilities, it requires the carriers to consult with the local land use authority and the general public regarding new installations. The public consultation process is intended to provide an opportunity to have property owner questions addressed while respecting federal jurisdiction over the installation and operations of telecommunications systems.

ISED's Default Public Consultation

ISED has jurisdiction over telecommunications facilities and has set out public and land use authority consultation requirements in the ISED circular, CPC-2-0-03 (CPC) for telecommunication carriers. The CPC requires Rogers to consult with the local land use authority and the general public. Rogers is also required to provide notification packages to property owners within a radius of three times the proposed tower height, measured from the tower base or the outside perimeter of the supporting structure. The required notification radius in this instance is 189.0 meters. Your property falls within this notification radius, and accordingly, Rogers is consulting with you on this tower. This process will provide you with an opportunity to engage in reasonable, relevant, and timely communication regarding this proposal. This notification will also be submitted to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRO), the Islands Trust and ISED as part of our application for land use concurrence.

The public will also be invited to comment on the proposed site in response to a public notice that will be placed in two consecutive issues of *The Islands Grapevine* on November 24th and December 1st, 2022 as well as two consecutive issues of the *Comox Valley Record* on November 23rd and November 30th, 2022. The public will then have 30 days to submit comments and questions to myself on behalf of Rogers.

I will acknowledge receipt of comments and questions received within 14 days and address all relevant and reasonable concerns within 60 days. The commenting member of the public will then have 21 days to reply to the response. A summary of all comments received and our responses will then be submitted to ISED.

Public Information Meeting

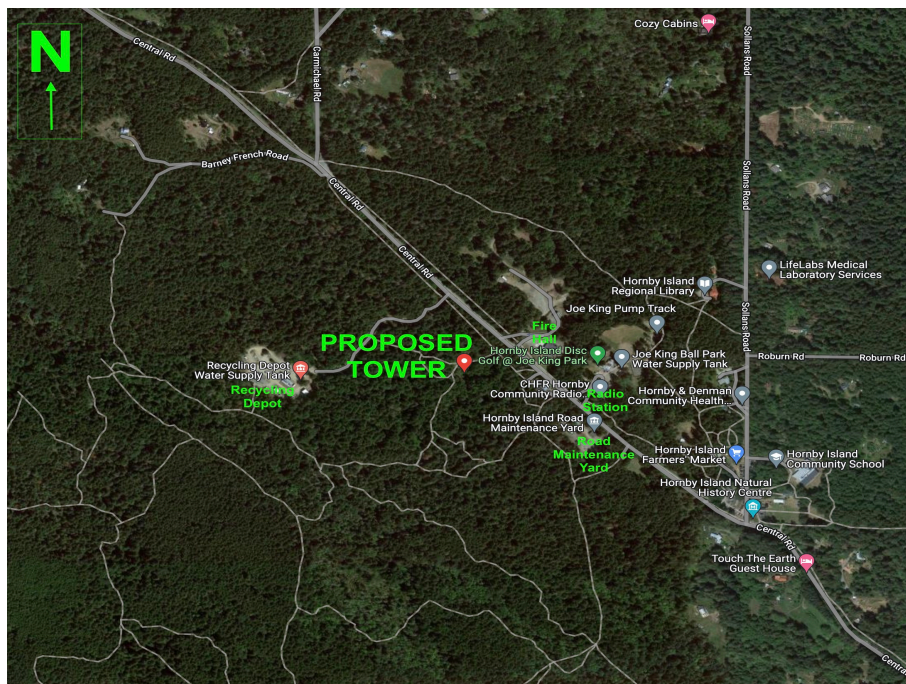
Rogers will host a digital public meeting via the Microsoft Teams application on **December 8th, 2022 from 5:00-6:00 pm**. Please note that during the public meeting there will be two (2) presentations, including a presentation at 5:00 pm and another presentation at 5:30 pm. Each presentation will be followed by a question and answer period. **For details regarding how to join the Microsoft Team meeting, please contact the Rogers contact listed below by no later than December 7th, 2022.**

Site Details

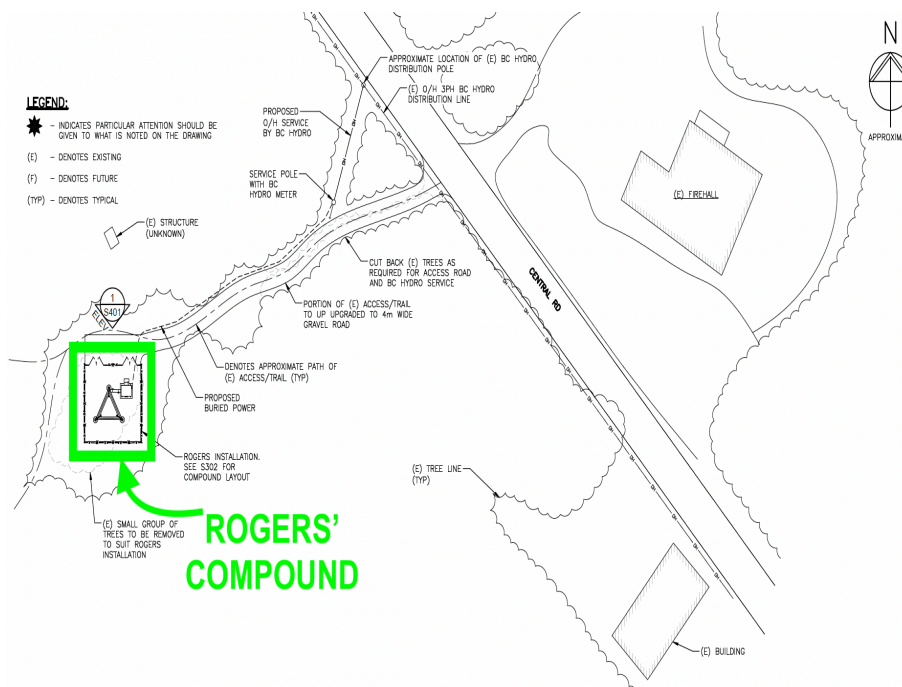
1. *Purpose* - The purpose of the proposed tower is to expand Rogers' wireless coverage on Hornby Island. Currently, there are no suitable existing antenna support structures or other feasible structures that can be utilized and, as a result, a new tower is required. The tower, if constructed, will provide improved wireless connectivity in terms of reliability and speed for those in the vicinity of the facility.
2. *Location and Land Use* - The proposed facility is to be located on Provincial Crown land on the west side of Central Road on a property that is zoned PU-Public Use. Adjacent land uses include the Hornby Island Fire Rescue property, the CHFR Hornby Community Radio Society property including an existing radiocommunication facility, the Hornby Island Recycling Depot, the Hornby Island Road Maintenance Yard, Joe King Ball Park and other mixed commercial and public service uses. If the subject tower is constructed, Rogers is willing to explore hosting emergency communications equipment from the volunteer fire department in support of public safety thereby enabling co-location and potentially mitigating the future need for another purpose-built tower structure in the area. The approximate coordinates of the proposed tower are 49.535055, -124.672134.
3. *Safety Code 6* - ISED requires all wireless carriers to operate in accordance with Health Canada's safety standards. Rogers confirms that the tower described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's *Safety Code 6 including combined effects with the local radio environment*, as may be amended from time to time.
4. *Site Access* - The site will be accessed via Central Road and via a small access driveway into the subject property. Construction will take approximately 60 days. Once complete the site will only be accessed for infrequent maintenance. Rogers' compound will be fully fenced and locked so as to limit public access.
5. *Environment* – Rogers confirms that the installation is excluded from environmental assessment under the *Impact Assessment Act*.
6. *Design* - This proposal is for a 60.0-meter tall self-support tower as well as a 3.0-meter tall lightning rod (63.0 meters of total height including the lightning rod). The tower will house numerous panel antennas and dishes in support of a variety of communication technologies. A preliminary design of the tower profile and compound plan is included in this notification package for your reference.
7. *Transport Canada* - The tower will be marked in accordance with the Department of Transportation and NAV Canada requirements.
8. *Structural Considerations* - Rogers confirms that the antenna structure described in this notification package will apply good engineering practices including structural adequacy during construction.
9. *Land Use Authority* - Rogers will work closely with the Village of Sayward to apply for land use concurrence and any applicable permits. The Village of Sayward does not have an applicable Antenna Siting Protocol and as such we are applying ISED's Default Public Consultation process.
10. *Co-location* - Rogers will consider all applications for tower sharing and co-location in accordance with ISED protocols.
11. *General Information* - General information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website: http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/h_sf01702e.html.
12. *Contacts*:

Rogers Communications Inc. C/O Brian Gregg, SitePath Consulting Ltd. Land Use Consultant PO Box 20138, Vancouver RPO Fairview, BC V5Z 0C1 Phone: 778-870-1388 Email: briangregg@sitepathconsulting.com	Innovation, Science and Economic Development Canada (ISED) - Vancouver Island District Office 1230 Government Street, Room 430, Victoria BC V8W 3M4 Phone: 250-363-3803 Email: ic.spectrumvictoria-victoriaspectre.ic@canada.ca	Islands Trust C/O Sonja Zupanec Acting Regional Planning Manager (Northern Region) 700 North Road Gabriola Island, B.C. V0R 1X3 Phone: 250-247-2211 Email: szupanec@islandstrust.bc.ca
--	---	--

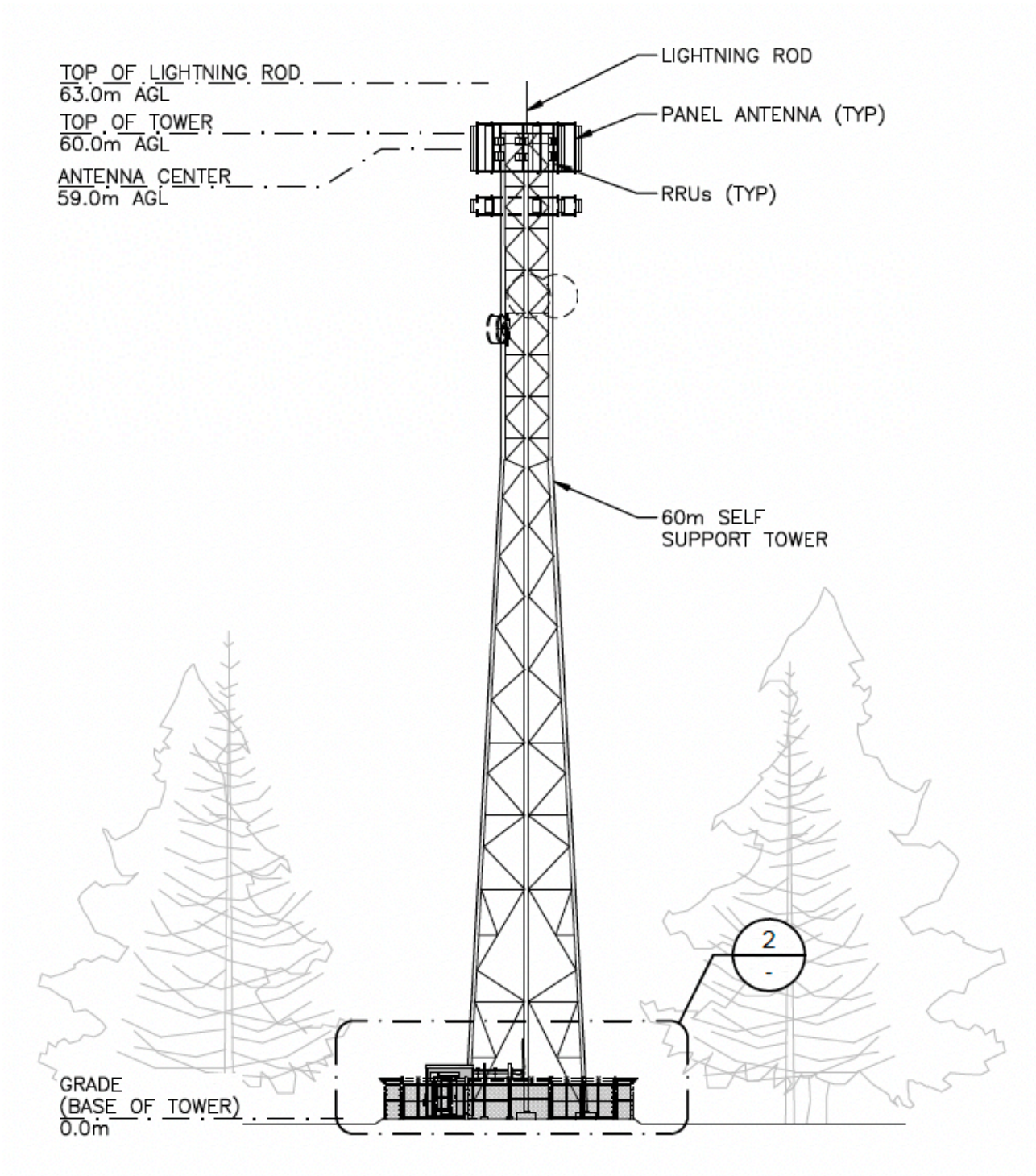
Should you have any specific questions regarding this specific proposal, please feel welcome to inquire with the contact listed herein, or return the enclosed comment sheet to Rogers Communications by **January 13th, 2023**.



Map



Site Plan (for discussion purposes only)



Tower Profile (for discussion purposes only)

□

COMMENT SHEET
PROPOSED TELECOMMUNICATIONS TOWER
COORDINATES: 49.535055, -124.672134
ROGERS FILE: W6420 – HORNBY ISLAND

1. Are you a cellular phone or wireless device user?

- ☐ Yes
☐ No

2. Do you feel this is an appropriate location for the proposed facility?

- ☐ Yes
☐ No

Comments

3. Are you satisfied with the appearance / design of the proposed facility? If not, what changes would you suggest?

- ☐ Yes
☐ No

Comments

Additional Comments

Please provide your name and full mailing address if you would like to be informed about the status of this proposal. This information will not be used for marketing purposes.

Name _____
(Please print clearly)

Mailing Address _____

Email Address _____

Please email to briangregg@sitepathconsulting.com
or mail to PO Box 20138, Vancouver RPO, Fairview, BC V5Z 0C1
ATTENTION: Brian Gregg
by January 13th, 2023.

Thank you for your input.

PUBLIC NOTICE - HORNBY ISLAND
PROPOSED ROGERS TELECOMMUNICATIONS FACILITY
63.0-METER SELF-SUPPORT TOWER STRUCTURE

PROPOSED STRUCTURE: As part of the public consultation process required by Innovation, Science and Economic Development (ISED) Canada, Rogers is inviting the public to comment on a proposed telecommunications facility consisting of a 63.0-meter tall self-support tower structure and ancillary radio equipment situated on Provincial Crown land on Hornby Island.

COORDINATES: 49.535055, -124.672134

PUBLIC INFORMATION MEETING: A digital public information meeting is scheduled for **Thursday, December 8th, 2022**, from **5:00-6:00 pm** and shall be hosted via the Microsoft Teams application. For details regarding how to join the meeting, please contact the Rogers contact listed below by no later than **December 7th, 2022**.

ANY PERSON may comment by close of business day on January 13th, 2023 with respect to this matter. Please submit any comments to the following contact:

ROGERS CONTACT:
Brian Gregg, SitePath Consulting Ltd.
PO Box 2013, Vancouver RPO, Fairview, BC V5Z 0C1
Phone: 778-870-1388
Email: briangregg@sitepathconsulting.com



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

Table of Contents

1	Introduction	3
2	Interviews and Review of Literature.....	4
2.1	Introduction	4
2.2	Local Trust Committee Jurisdiction and ISED’s Requirements and Recommendations.....	4
2.3	Islands Trust Experience	5
3	Model Consultation Program.....	7
3.1	Information Science & Economic Development Canada (ISED) Application & Default Public Consultation Process	7
3.2	Model Public Consultation Protocol for Local Trust Areas	14
4	Land Use Siting Criteria	30
4.1	Introduction	30
4.2	Criteria	30
5	Model Official Community Plan Policies	34
5.1	Advocacy Policies	34
5.2	Land Use Policy	34
6	On-line Brochure on the Default ISED Public Consultation & Approval Process and the Role of Islands Trust	37
7	Definitions.....	38
8	Appendix: Antenna Design Matrix.....	40

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* template¹, 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 *proponents* 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 *proponents* 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.

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.

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.

BUILD 5

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 *proponents* 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 *proponents*. 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 *proponents* 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 *proponents* 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, *proponents* 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 *proponents* 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, *proponents* 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 *proponents* 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, *proponents* 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 replaced⁶, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation⁷. 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.

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, *proponents* 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, *proponents* 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 modifications⁸ 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 locations* 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:** confirmation 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 Districts*, *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*

- ⌘ 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-o-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* and 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 *proponent* 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 public 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 infrastructure** 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 existing Safety 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.
- Setbacks 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***

Model Strategy for Antenna Systems—Local Planning Committee

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, *proponents* 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 *with 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 *proponents* 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;

Model Strategy for Antenna Systems—Local Planning Committee

- c) use of **existing infrastructure** 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 system* should be designed with *co-location* 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 *proponents* 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

Guyed



Self-Supporting



Monopole



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

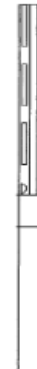
Monopole 1
(pin wheel)



Monopole 2
(flush mount)



Monopole 3
(shrouded)



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
--	--	---

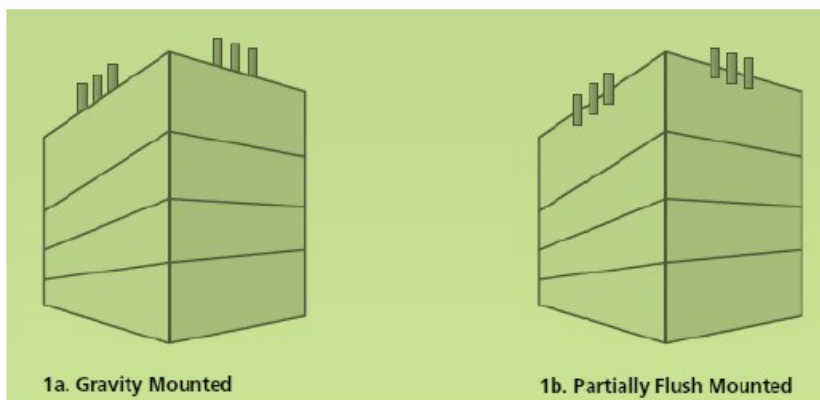
Telecommunication Design

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



Attachment 3 – Hornby LTC Strategy for Antenna Systems Checklist

Consultation and Information Process Requirements			Staff Comments
Hornby LTC Antenna Strategy Requirement	Rogers Cell Tower Proposal Complies?	Default ISED Process Met?	
Pre-Consultation			
Informal meetings with LTA representative	Yes	N/A	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. Pre-consultation is not a requirement of ISED. The proponent reached out to Islands Trust staff on June 10, 2022 to determine Local Government requirements regarding antenna systems and was informed that there were no special requirements, as the Model <i>Strategy for Antenna Systems</i> had not yet been adopted by the Hornby Island LTC.
Notification to LTA representative of potential locations	Yes	N/A	The proponent reached out to staff in June 2022 to notify Islands Trust of a potential site for the proposed cell tower, and again in September 2022 once a location had been confirmed and after a Crown land application had been submitted to the Province.
Proponent-hosted community workshop (optional)	N/A	N/A	Not discussed with the proponent at the time because the <i>Hornby Strategy</i> had not yet been adopted by the LTC.
Pre-application Site Investigation Meeting	Yes	N/A	The proponent provided a summary of a site-specific location to Islands Trust staff on June 10, 2022.
Confirmation of IT preferences and requirements	Yes	N/A	Planning staff provided the proponent with a response on June 14, 2022, confirming that Islands Trust did not have special requirements or preferences beyond the ISED Default Consultation Process.
Application			
Initial application package (must include information listed on Page 22-23 of the <i>Strategy</i>)	Yes	N/A	The proponent submitted an initial application package to Islands Trust in January 2023. The items missing from this package, which are expected to be provided in the future as the process continues, are as follows: - Information outlining the number of antennas proposed on the structure (TBD) - 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, or other person(s) having legal or equitable interest in the land (TBD – awaiting Crown land license of occupation). - Supplemental Documentation: other documentation as reasonably identified by the LTC. - A copy of written correspondence indicating that the proponent has referred the proposal to local emergency services (including ambulance) and local School Districts.
Submission prior to notification – for staff review and approval - Draft of all public notices - Address list and map of all property owners and residents to be notified - Draft of newspaper ads	Yes	N/A	The proponent submitted public notification information to Islands Trust staff in November 2022. They provided a draft of the public notice package, an address list of all property owners and residents to be notified, and a draft newspaper notice which included the general proposal information and public consultation period details, as well as the public information meeting details.
Public Consultation			
Written notice to: Property owners and residents within 10x	No	Yes	The proponent has provided written notice to all property owners and residents within a notification distance of three times the proposed

Consultation and Information Process Requirements			
Hornby LTC Antenna Strategy Requirement	Rogers Cell Tower Proposal Complies?	Default ISED Process Met?	Staff Comments
tower or building/structure height - Neighbouring land use jurisdictions, Emergency service providers and School Districts within 1 kilometer from the base of the structure - ISED's regional office - Community associations identified in site investigation meeting			tower height, following the ISED requirements for a freestanding antenna system. The LTC may ask the proponent to send out notice to include all remaining property owners not previously notified within a notification distance of <u>10 metres for every one metre in height from the base of the proposed structure</u> (630 metres) The LTC may also ask the proponent to send written notice during the next round of public consultation to School Districts and Emergency Service Providers within 1 kilometer from the base of the structure, as well as any additional community associations/groups that have not yet been notified.
Newspaper notice - Notice in two editions of a local newspaper - Notice posted to website and/or social media Proposal and information meeting required in addition to newspaper notice	Yes	Yes	The proponent placed notice in four local newspaper publications including: - The <i>Islands Grapevine</i> on November 24 and December 1, 2022; - The <i>Comox Valley Record</i> on November 23 and November 30, 2022; - The December issue of <i>The First Edition</i>; and - The November 30 edition of the <i>Hornby Tribune</i>.
Notice content 12 points of the <i>CPC</i> Appendix 1 - Additional requirements listed in the Cell Tower Strategy such as a Site Plan and a statement on roles of ISED and Islands Trust	Yes	Yes	The LTC may request that any notice sent out in the future should acknowledge that the <i>Hornby Strategy for Antenna Systems</i> is applicable to the proposed tower application.
Public information session Yes, for all proposals exceeding 15 metres in height or where there is significant public interest	Yes	N/A	A virtual public information meeting was held by the proponent via Microsoft Teams on December 8, 2022 and was attended by 31 community members.

DATE OF MEETING: September 8, 2023

TO: Hornby Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: HO-DVP-2022.4 Application
Applicant: Yajun Song and Houmei Li
Location: 5905 Maclean Rd. (PID: 000-157-503)

RECOMMENDATIONS

1. That the Hornby Island Local Trust Committee approve issuance of Development Variance Permit HO-DVP-2022.4 (Song & Li)

REPORT SUMMARY

The purpose of this report is for the Hornby Island Local Trust Committee to consider Development Variance Permit (DVP) application HO-DVP-2022.4. The application proposes variances to the Hornby Island Land Use Bylaw to permit the siting of three existing buildings (one dwelling with an accessory building attached by a roofed breezeway; an associated deck/wooden terraces and rain garden; and an accessory garage) that were constructed such that they encroach into the required 30 metre setback area to a wetland; and to permit the siting of an existing wooden deck that was constructed such that it encroaches into the required 15 metre setback to the natural boundary of the sea. This application seeks to rectify outstanding siting contraventions that occurred when the existing structures were built, and to bring the property into compliance. Staff recommend the LTC approve issuance of this DVP for the reasons outlined on Page 6 of this report.

BACKGROUND

The submission of this DVP application seeks to rectify outstanding siting contraventions which are considered minor in nature, including the siting of a deck within the 15.0 metre setback to the natural boundary of the sea, and the siting of all buildings and structures on the lot within a wetland area identified in Schedule D1 of the Official Community Plan.

The 3.7 hectare (9.14 acre) waterfront property is located in the north-eastern portion of Hornby Island, west of Whaling Station Bay. The scope of existing development on the property as shown in Figure 3 entails:

- a single family dwelling, deck, and rain garden;
- an accessory building connected to the dwelling by a roofed breezeway; and
- an accessory building (garage).

The application is a result of bylaw enforcement file HO-BE-2021.9. A bylaw notice was issued for the siting of a structure (wooden deck protruding from the existing dwelling) within the setback to the natural boundary of the

sea. A Siting and Use Permit (HO-SUP-2016.17) was issued for the dwelling, accessory building, and garage, but not the deck. The agent for the Owners confirmed that the previous contractor (who has since been fired from the project) had built the deck without permits. There are no DVPs on title allowing structures within setback areas.

Initially, the Owners applied for DVP to address the existing bylaw enforcement issues *as well as* to locate a new set of wooden stairs and a platform in the setback to the natural boundary of the sea. The agent also expressed the desire to protect the property from erosion by planting shrubs along the shoreline. Staff requested more information about the proposed new structures before proceeding, recommending that a qualified coastal professional assess the proposed work as well as the existing deck encroachment.

The agent hired an engineering firm to carry out a report - *“Coastal, Geotechnical and Green Shores Review for Existing Deck, Proposed Access Stairs to a Platform at the Shoreline and Potential Shoreline Erosion Protection”*. Staff found that the engineer’s report did not provide clear recommendations and that a proper approach is needed if the Owners would like to proceed with building new structures and protecting their property from erosion. Staff advised the agent to apply for a separate variance for the stairs and platform/erosion protection at a later date, once details are confirmed. The engineer’s report, which addresses the proposed new work and only briefly considers the existing deck, has not been included in this report but may be included in a separate variance application report in the future.

All relevant background materials are attached to this staff report. A site context analysis is provided in Attachment 1. A copy of the Notice and draft Permit HO-DVP-2022.4 are found in Attachments 2 and 3.

Figure 1 – Subject Property

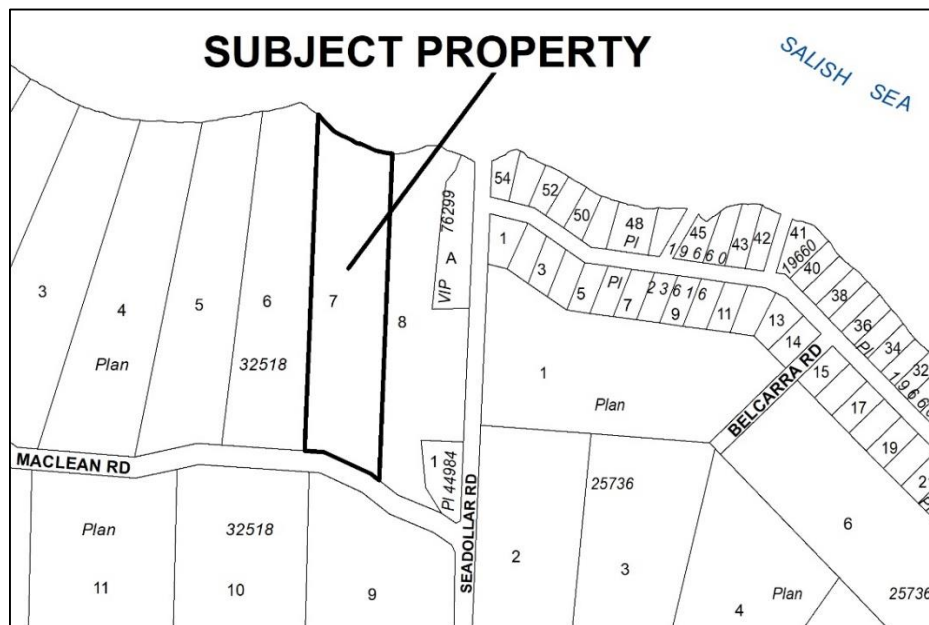
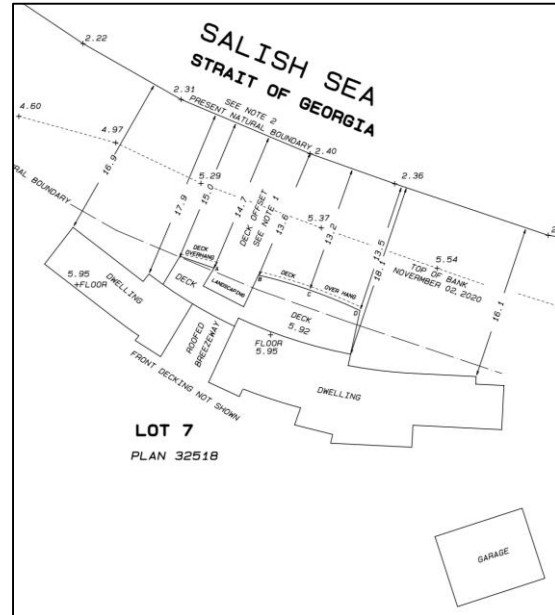


Figure 2 – Orthophoto (2020)



Figure 3 – Site Plan Excerpt



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Islands Trust Policy Statement (ITPS) directive policies relevant to this application include:

- **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.
- **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.

Staff does not find the application to be in conflict with these policies.

Official Community Plan:

The subject property is designated Agricultural (AG) in the Hornby Island Official Community Plan Bylaw No. 149, 2014 (OCP). The land is wholly within the Agricultural Land Reserve (ALR) and does not have farm class status.

The relevant OCP policy to this DVP application is as follows:

6.4 Agriculture

6.4.2 Additional Policies for Land in the Agricultural Land Reserve

6.4.2.1 The retention of the Agricultural Land Reserve and the Agricultural Land Commission to protect against the loss of the potential for self-sufficiency in agricultural production in the Province of British Columbia is supported.

The property is also within the *Heavily developed, high vulnerability aquifer* area as shown on OCP [Schedule D2 – Environmentally Sensitive Areas, Aquifers Map](#), and ‘Wetland-Swamp’ area as shown on OCP [Schedule D1 – Environmentally Sensitive Areas Map](#). The property is not within any Development Permit Areas.

Staff does not find the application to be in conflict with any OCP policies.

Land Use Bylaw:

The subject property is designated Agriculture 1 (A1) in the Hornby Island Land Use Bylaw No. 150, 2014 (LUB). The relevant LUB regulations to this DVP application are as follows:

PART 3 General Regulations

3.3 Siting and Setback Regulations

3.3(2) No building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea.

3.3(3) Despite Subsection 3.3(2) no buildings or structures may be located within 30.0 metres of Ford Creek or Beulah Creek or wetlands shown on Schedule D.

The buildings and structures on the lot comply with all other applicable LUB regulations.

Figure 4 – Deck and rain garden/landscaped area within setback to the natural boundary of the sea



Figure 5 – Shoreline setback area facing east



Issues and Opportunities

Setback to the Natural Boundary of the Sea

The wooden deck, although located one to two metres into the 15 metre required setback area from the natural boundary of the sea, is considered minor in nature. It is located upland, well back from the top of the bank and from the shoreline and does not appear to impact the nearby shoreline ecosystem, encroach into the foreshore, or impact public beach access. The engineer's report stated that there are no significant engineering concerns for the deck. For these reasons, staff recommend approving the setback variance for the deck.

Setback to Wetlands Mapped in Schedule D1

There is an environmentally sensitive 'Wetland' ecosystem indicated in Schedule D1 of the OCP, for the entire property as well as the two adjacent properties to the west. Therefore any development on this lot requires a variance to the 30 metre setback requirement per Section 3.3(3) of the LUB.

Staff noted wetland areas throughout the property during the site visit, but found that any developed/disturbed portions of the lot were well drained. Although the wetland ecosystem may have been disturbed as a result of development, staff recommend approving the setback variances as:

- there is no other possible location on the property to site development not in a 'Wetland' area; and
- rain gardens and permeable landscaping have been installed around the dwelling to slowly disperse storm water runoff, facilitate drainage, and reduce impacts on the surrounding environment.

Secondary Dwelling/Accessory Building

Although not under consideration for this DVP, the applicant has been notified that the 80 square metre accessory building, attached to the dwelling by a roofed breezeway shall not be used as a secondary dwelling or secondary suite. The LUB's 'Agriculture' (A1) zone permits one dwelling on lots less than 4.0 hectares, and a secondary suite is not a permitted use in a dwelling on any lot within the heavily developed – high vulnerability aquifer designation as shown on Schedule D2 of the OCP Bylaw.

The bylaw enforcement site inspection in 2021 confirmed that there was no indication of a kitchen in the accessory building, and there was no complaint received regarding the use of that building as a secondary dwelling.

Consultation

Statutory Requirements

DVP Notices were circulated to surrounding property owners and residents within 100 metres (Attachment 4). The notification period ends at 4:30 p.m. on September 7, 2023.

To date, no correspondence has been received and any submissions received following the preparation of this staff report will be forwarded to the LTC and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Remote Access to Archaeological Data (RAAD) mapping indicates that the subject property does not contain archaeological sites within the property or within 100 metres. The nearest recorded archaeological site is approximately 140 metres from the subject property.

The K'ómoks First Nation have a Cultural Heritage Policy which indicates that all areas within 200 metres of major waterways or of recorded archaeological sites have high archaeological potential. A Cultural Heritage Investigation Permit (CHIP) application to the Nation would be required for any ground disturbing activities greater than 10 m² within these archaeological potential areas. No ground disturbance is proposed as part of this DVP application, since all buildings and structures have been built, so a Cultural Heritage Investigation Permit with the K'ómoks First Nation is not required.

Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the *Heritage Conservation Act* directly to the applicants.

Rationale for Recommendation

Staff recommend approval of this DVP for the following reasons:

- the siting of the deck does not affect the neighbouring properties or public beach access;
- the impact of the existing buildings and structures on sensitive ecosystems and processes (wetland and shoreline) appears to be minimal;
- notification to date has generated no concerns/objections; and
- the variances do not impact the intent of the bylaw regulation.

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. 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 [Specify information] prior to making a decision of HO-DVP-2022.4.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Hornby Island Local Trust Committee deny application HO-DVP-2022.4 for the following reasons [insert reasons].

NEXT STEPS

If the LTC resolves to issue the Development Variance Permit, the permit will be issued and forwarded to bylaw enforcement staff to close the current bylaw enforcement file for the property.

Submitted By:	Margot Thomaidis, Planner 2	August 31, 2023
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	September 1, 2023

ATTACHMENTS

1. Site Context
2. Notice
3. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 7 SECTION 10 HORNBY ISLAND NANAIMO DISTRICT PLAN 32518
PID	000-157-503
Civic Address	5905 MACLEAN RD, HORNBY ISLAND, BC V0R 1Z0

LAND USE

Current Land Use	Residential
Surrounding Land Use	North: Oceanfront (Marine 1); East, South, and West: Residential and Agriculture (ALR).

HISTORICAL ACTIVITY

File No.	Purpose
HO-ALR-2016.1	ALC Referral: Application for a non-farm use for a second dwelling (guest house) on land in the ALR – LTC requested it be forwarded to the ALC; the ALC denied the application. (closed)
HO-SUP-2016.5	SUP application corresponding to HO-ALR-2016.1. Construction of one house, one guest house and one garage – the ALC application was denied. The SUP was also denied. (closed)
HO-SUP-2016.17	Construction of one house and one garage. Approved. No deck was included in the site plan. (closed)

POLICY/REGULATORY

Hornby Island Official Community Plan Bylaw No. 149, 2014	Agriculture (AG) Agricultural Land Reserve (ALR) Designated Development Permit Area: None
---	---

Hornby Island Land Use Bylaw No. 150, 2014	Zone: Agriculture (A1) Zone Applicable regulations to this DVP request: Siting and Setback Regulations 3.3(2) No <i>building</i> or <i>structure</i> may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea. 3.3(3) Despite Subsection 3.3(2) no <i>buildings</i> or <i>structures</i> may be located within 30.0 metres of Ford Creek or Beulah Creek or wetlands shown on Schedule D. “building” means any structure which is used or intended to be used for the shelter, habitation, support or accommodation of people or animals, or for the storage of goods or chattels, and includes manufactured homes, wood sheds, garages, carports, garden sheds, tool sheds and pit toilets. “structure” means any object or construction fixed to, supported by or embedded in land, including <u>retaining walls and stairs</u> and excludes loose stones and concrete, other paved surfaces, storage of building materials, septic fields, tanks, absorption fields and related appurtenances.
Other Regulations	N/a.
Covenants	201939G – BC Hydro Right of Way
Bylaw Enforcement	HO-BE-2021.9 (open) - Concerns about the number of campers being used as residences during construction of the dwelling. Time was provided for the building crew to occupy trailers until completion of the development. - BEO site visit and updated building plans showed that a deck had been added to the dwelling which was not part of the initial building application HO-SUP-2016.17 - Portions of an existing deck and two wooden terraces encroach into the 15m setback from the natural boundary of the sea. - Owner must either remove or obtain permitting to legalize encroaching structures.

SITE INFLUENCES

Islands Trust Conservancy	N/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC as per Policy 3.3.ii for comment is not required.
ITC Regional Conservation Strategy	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM-HIGH . This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	SAR Critical Habitat: Northern Myotis and Little Brown Myotis. See the Little Brown Myotis (Myotis lucifugus), the Northern Myotis (Myotis septentrionalis), and the Tri-colored Bat (Perimyotis subflavus): recovery strategy 2018 for more information.

	SAR (Public) Ecological Community: Coastal Douglas-Fir/Dull Oregon Grape ecosystems identified adjacent to the subject property. Threats to this public Species at Risk include urban and semi-rural development, small-scale but intensive agriculture, forest harvesting, livestock (sheep and goats) grazing, the introduction and spread of invasive species (e.g., daphne laurel, Scotch broom in early seral stages), and probably climate change.
Sensitive Ecosystems	Sensitive Ecosystem Inventory: None Currently Mapped Heron Rookery/Raptor Nest/Sea Bird Colony: None Currently Mapped RAR Watercourse: None Currently Mapped Environmentally Sensitive Areas: 1. Wetland/Swamp Primary Class Ecosystem identified on the subject property. 2. Mature Forest Secondary and Tertiary Class Ecosystem identified on the property and approximately 126m east and 104m west of subject property. See Schedule D1 of the Hornby Island Official Community Plan Bylaw No. 149: https://islandstrust.bc.ca/document/hornby-island-schedule-d1-map-ocp-bylaw-149/ (See TAPIS map of subject property outlined in yellow, below) 
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping indicates that subject property does not contain archaeological sites within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be

	contacted immediately as a 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 DVP application seeks to lawfully site structures on the property and as such does not propose any additional intensity of use or development beyond what is currently permitted by zoning. GHG emissions can be expected to be commensurate with normal levels associated with Single Family Residential development patterns and use, including the use of personal vehicles for transport on and off island. In consideration of the existing development's close proximity to the natural boundary of the sea, there may be potential for future impacts by sea level rise or other climate change induced hazards. King tides and storm surges have impacted and eroded parts of the existing shoreline in the past and may continue to erode the bank in the future. The subject property ranges in elevation from approximately 2.0 to 17.0 metres. The existing development occurs within 6.0 metres of sea level.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Marine Ecosystems (see TAPIS map below): 1. Forage Fish (Surf Smelt) mapped approximately 99 m West of subject property; 2. Eel Grass (Moderate) mapped approximately 165 m Northeast of property; 3. Eel Grass (Undetermined) mapped approximately 190 m Northwest of subject property. 

NOTICE
HO-DVP-2022.4 (Song & Li)
HORNBY ISLAND LOCAL TRUST COMMITTEE

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

Reducing the minimum required 15.0 metre setback from the natural boundary of the sea for an existing deck to be sited a minimum of 12 metres from the natural boundary of the sea.

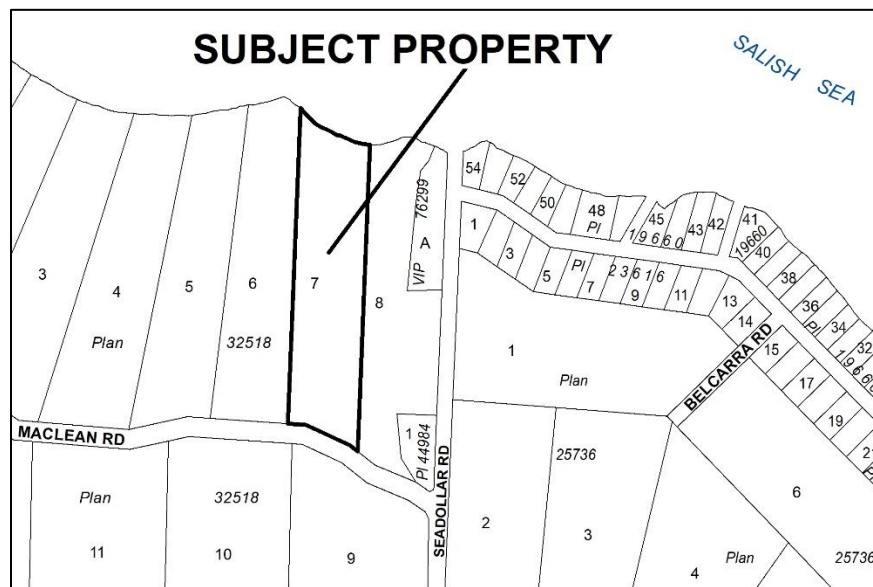
Reducing the minimum required 30.0 metre setback from wetlands shown in Schedule D for the following existing buildings and structures:

- i. A single family dwelling, deck, and rain garden to be a minimum of 0.0 metres from wetlands shown on Schedule D; and
- ii. An accessory building (garage) to be a minimum of 0.0 metres from wetlands shown on Schedule D.

The property is located at **5905 Maclean Road**, Hornby Island, BC and is legally described as:

LOT 7, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 32518 (PID: 000-157-503).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **August 24, 2023** and continuing up to and including **September 7, 2023**.

Enquiries or comments should be directed to Margot Thomaidis, Planner 2 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:00 pm, **September 7, 2023**.

The Hornby Island Local Trust Committee may consider issuance of the proposed Permit at its regular Business Meeting to be held at 11:30 am September 8, 2023 at Room to Grow, 2100 Sollans Road, Hornby Island, BC.

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

Nadine Mourao, Deputy Secretary



PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT HO-DVP-2022.4

To: Yajun Song & Houmei Li

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

**LOT 7, SECTION 10, HORNBY ISLAND, NANAIMO DISTRICT, PLAN 32518
(PID: 000-157-503)**

2. Hornby Island Land Use Bylaw No. 150, 2014 is varied as follows:

- a) Subsection 3.3(2) which states that no building or structure may be located within 15.0 metres of, nor less than 1.5 metres above, the natural boundary of any lake, watercourse or the sea is varied to permit:
 - The location of an existing deck within 12.0 metres of the natural boundary of the sea.
- b) Subsection 3.3(3) which states that no buildings or structures may be located within 30.0 metres of Ford Creek or Beulah Creek or wetlands shown on Schedule D is varied to permit:
 - The location of an existing single family dwelling, deck, and rain garden within 0.0 metres of wetlands shown on Schedule D.
 - The location of an existing accessory building (garage) within 0.0 metres of wetlands shown on Schedule D.
- c) These building and structure siting and setback variances apply only to the described parcel and buildings and structures as shown on **Schedule 'A.1' – Site Plan** and **Schedule 'A.2' – House and Deck Plan** which are attached to and form part of this permit.

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

AUTHORIZING RESOLUTION PASSED BY THE THETIS ISLAND LOCAL TRUST COMMITTEE THIS XXTH DAY OF _____, 202X.

Deputy Secretary, Islands Trust

Date of Issuance

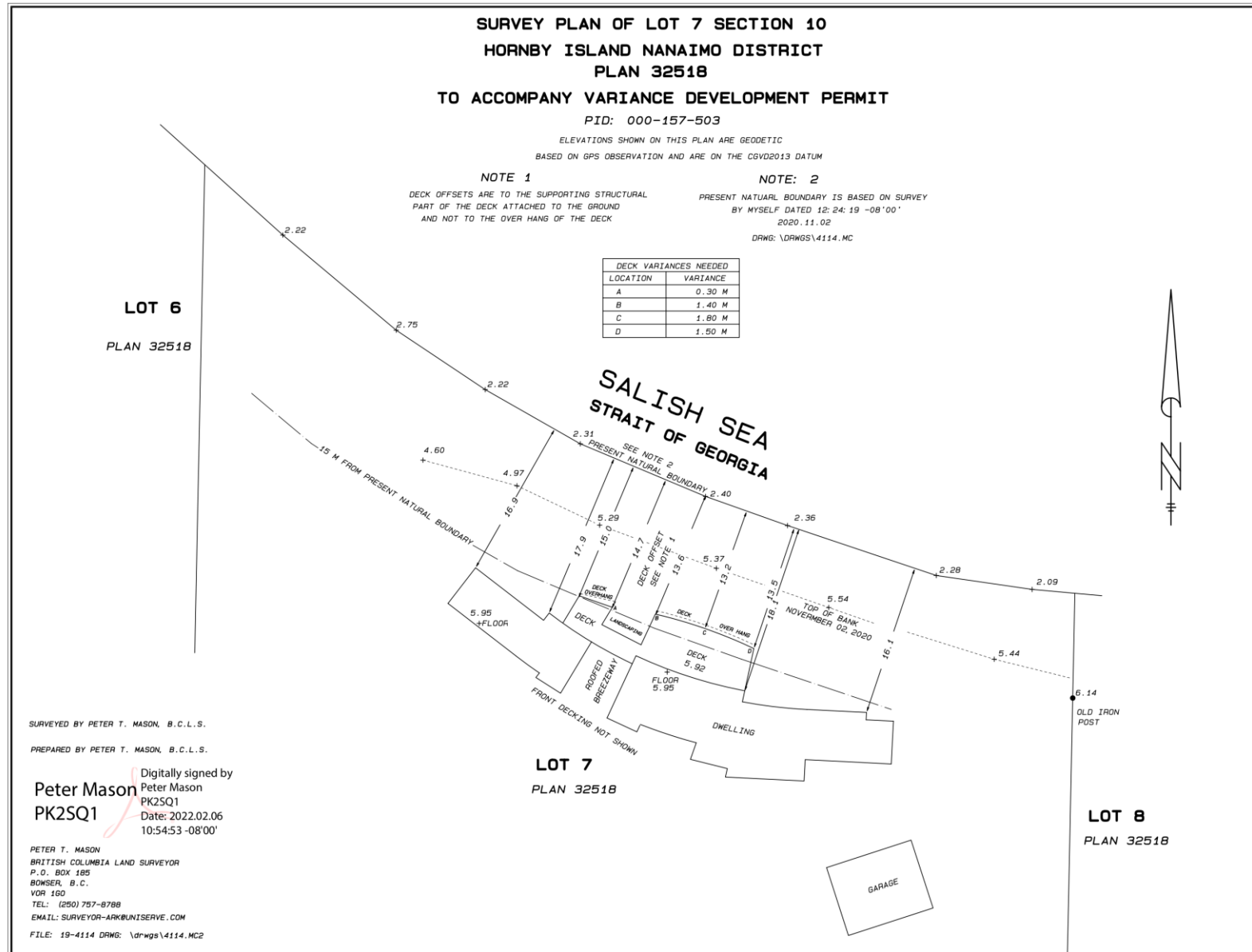
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XXTH DAY OF _____, 202X (2 YEARS FROM DATE OF ISSUANCE) THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE

HO-DVP-2022.4

SCHEDULE 'A.1' – Site Plan

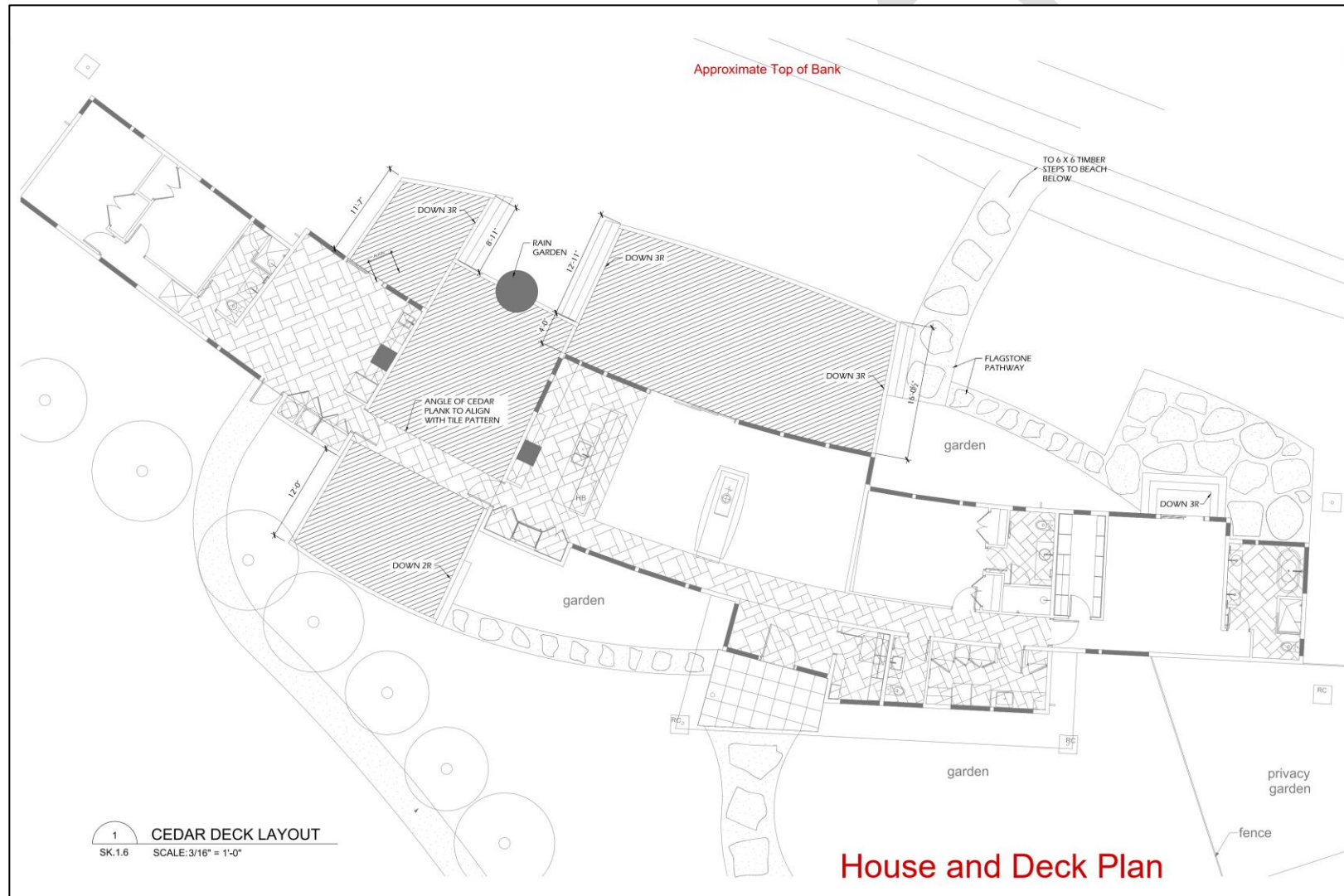


PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE

HO-DVP-2022.4

SCHEDULE 'A.2' – House and Deck Plan



File No.: HO-6500-06
(First Nation Relationship Building)

DATE OF MEETING: September 8, 2023
TO: Hornby Island Local Trust Committee
FROM: Renée Jamurat, Regional Planning Manager
Northern Team
SUBJECT: Major Project Proposal Endorsement for 2024/2025 Budget Process - Staff Report

RECOMMENDATION

1. That the Hornby Island Local Trust Committee endorse the proposal for First Nation Relationship Building – Major Project; and
2. That the Hornby Island Local Trust Committee request staff forward the proposal to the Islands Trust Regional Planning Committee and Financial Planning Committee for consideration of inclusion in the 2024/2025 Islands Trust budget.

REPORT SUMMARY

The purpose of this report is to respond to the Hornby Island Local Trust Committee's request that staff prepare a business case on Project No. 7 "First Nations" as a major project for the 2024/2025 fiscal year.

A proposal is provided for endorsement instead of a business case because there are outstanding areas of information requested of the LTC to inform a business case, such as further detail on scope of work, level of involvement, anticipated goal of the work. The information contained in the proposal for endorsement will be used to submit a business case for the Islands Trust budget.

This report outlines areas of the proposal that require further information from the Local Trust Committee to inform a business case for the upcoming fiscal budget. At this stage of the budget process, it is imperative that clear direction is provided to staff in order to submit a proposal for budget deliberations to both the Regional Planning Committee and Financial Planning Committee meetings in November and December.

It is important to recognize that the Islands Trust is attempting to evolve and making positive changes to its key vision and Policy Statements, to implement meaningful efforts and approaches regarding reconciliation with First Nations. Recent changes to the organization's key vision and governance processes (i.e. reconciliation efforts with First Nations, and creation of the Regional Planning Committee) has meant that there is outstanding clarity needed on the Islands Trust's administrative/operational processes to identify where the Hornby Island LTC's request falls within the purview of the Islands Trust Area Services, and the approach for raising projects that are beyond the conventional land use scope of Local Planning Services functions.

The subsequent actions include evolving or pivoting our administrative and operational policies and processes ('ways of doing business') in ways that the organization continues to learn and respond to in order to fulfil these important efforts. In the areas where there is uncertainty and lack of information, staff are exploring ways to navigate how to work within existing processes (i.e. budget) while being responsive to necessary changes to support these new ways forward.

BACKGROUND

At the regular business meeting on June 16, 2023, the Hornby Island Local Trust Committee passed the following resolution:

HO-LTC-2023-034

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request Staff to work on a business case on Project No.7 “First Nations” as a major project for the 2024/2025 fiscal year.

CARRIED

Actions were added to the Local Trust Committee’s ‘Future Project’ list as a result of the OCP advocacy policy recommendations made during the current OCP/LUB review project. The specific ‘Future Actions’ listed under the proposed project include:

- Consider heritage and traditional knowledge mapping with the K’omoks First Nation.
 - attempt to better understand the relationship between Indigenous cultural heritage preservation, species at risk, and freshwater resource sustainability;
 - gather information to inform meaningful engagement with First Nations; and
 - inform policy development related to the preservation of areas of cultural significance.
- Consider the use of covenants in conjunction with rezoning application to reduce the direct impacts of development on indigenous culturally sensitive areas.
- Work with K’omoks First Nation to determine how they wish to be engaged, information circulated in review of development and policy plans.
- Improve communications with K’omoks First Nation and Hornby Island LTC (Islands Trust).
- Improve communications with K’omoks First Nation by setting up regular LTC/Chief and Council meetings to discuss a wide range of issues of mutual concern.
- Consider the development of an agreement similar to the qathet Regional District, City of Powell River and Tla’amin First Nation www.ubcm.ca/sites/default/files/2021-08/Tlaamin_PowellRiver_20190909.pdf
- Consider inviting K’omoks representatives to attend as non-voting members and Advisory Planning Commission and Local Trust Committee meetings.

ANALYSIS

The proposal is attached as part of this report (Attachment 1) and the following identifies areas required for further direction by the LTC in order to have adequate information and proceed with the budget submission.

1) Confirm Proposal Scope and Desired Results

Hornby Island LTC has requested this initiative because of their desire to grow and foster a better relationship with K’omoks First Nation, and to understand what they would like to see for reconciliation actions by the LTC, and perhaps even the larger organization (Islands Trust).

Staff recommend that a broader approach be undertaken instead of the specific actions identified through the June 16th resolution. Instead, staff recommend that the scope for this proposal be *to support and carry out activities identified by the LTC to promote and build positive political/governance relationships with K’omoks First Nation, and which would be led by the Hornby Island LTC and K’omoks First Nation, with support from staff.*

This would support anticipated discussions that would apply to the overall Islands Trust political relationship building, strategic goals, and initiatives, in addition to other Islands that K'omoks First Nations may express interest in discussing. (i.e. Denman Island Local Trust Area).

Specific actions to create or update planning processes or bylaws would be outside of the scope of the 2024/2025 fiscal proposal.

Staff recommend that actions focus on relational aspects such as calls, meetings, activities between LTC Chair & Trustees, and K'omoks First Nation Chief & Council. In addition, this scope of work could accommodate the opportunity, with interest from K'omoks First Nation, to initiate a Memorandum of Understanding (MOU) or protocol agreement.

The proposed scope of work is expected to be ongoing and based on specific actions that may require multiple years of LTC priority, staff resources, and budget.

Staff recommend there should be consideration for budget and resources given to actions that K'omoks First Nation may also identify through these discussions.

Requested Input from LTC:

- **Confirm the scope and intent of the proposal as described above and including specific changes to the purpose and results.**
- **What are your desired outcomes of the request? Are there key actions you would like to see included?**

2) Confirm LTC Commitment for Priority and Involvement

Staff suggest that a critical aspect of undertaking this initiative and building meaningful relationships, must be led and championed by the Hornby Island LTC. Through the endorsement of this proposal and the subsequent business case, the LTC signals its commitment towards reconciliation by giving priority of time needed to carry this out.

It's also noted that the actions may take longer than one fiscal year and may extend into multiple years. As a result the proposal explains that this may require LTC commitment over multiple fiscal years and priority of time.

The proposal and actions relate in a general way to governance matters of the Islands Trust & LTC through advocacy work, which does not clearly fall under the local planning service function for the organization. Also since this is a new kind of request for the Islands Trust, a strategic and coordinated approach is needed at the senior governance and management levels to inform how this request will be approached and to identify the staff to support it.

Requested Input from LTC:

- **Confirm the LTC's support for involvement over multiple fiscal years based on the proposal.**

3) Confirm Range of Estimated Budget and Budget Sources

Staff recommend two options through this proposal:

- Option 1: to focus on actions to initiate and continue relationship building; and
- Option 2: to explore the interest to initiate a Memorandum of Understanding (MOU) or protocol agreement with K'omoks First Nation.

A general estimated budget for option two (which includes option 1) is \$19,500 and a lower anticipated budget should just option 1 be endorsed as described in the proposal. Staff note that estimates provided at this time are subject to change because of the uncertainty of the timeframe and nature of the work involved.

The proposal (Attachment 1) includes estimated budget, budget sources, and time (staff resources) for both options, which suggests a feasible range of time to undertake work within one to two fiscal years.

Potential funding sources include:

- Islands Trust First Nation Reconciliation/Capacity funding program, \$150,000 over 5 years, existing from 2023-2028, managed by Trust Area Services.
- Capital budget project, endorsed by LTC, approved by Trust Council.
- Honorarium budget, managed by Administrative Services (Finance).
- Future funding opportunities that align and meet the results of this request, none identified.

Subject to input from Trust Area Services, the proposal could be funded from either the existing reconciliation funding, a combination of funding and capital budget, or just capital budget. It is anticipated that deliberations through the Regional Planning Committee and Financial Planning Committee will clarify the best approach.

The proposal identifies factors such as staff involvement to support the LTC's work, and will need to be identified. Staff may include Senior Management, Trust Area Services (Indigenous Relations, Communications), Local Planning Services, and Administrative Services (Finance).

Requested Input from LTC:

- **Support the estimated budget based on the options identified in the proposal.**

RATIONALE FOR RECOMMENDATION

In summary, staff recommend the following as presented in the attached Proposal for the LTC's consideration:

- The scope for this proposal is to support and carry out activities identified by the LTC to promote and build positive political/governance relationships with K'omoks First Nation, and which would be led by the Hornby Island LTC and K'omoks First Nation, with support from staff. The work is expected to be ongoing and based on specific actions that may require multiple years of LTC priority, staff resources and budget.
- Actions focus on relational aspects such as calls, meetings, activities between LTC Chair & Trustees, and K'omoks First Nation Chief & Council. In addition, this scope of work could accommodate the opportunity if there's interest to initiate a Memorandum of Understanding (MOU) or protocol agreement.
- Include two options focussing on actions to initiate and continue relationship building; and to explore the interest to initiate a Memorandum of Understanding (MOU) or protocol agreement with K'omoks First Nation.

- A general estimated budget for option two (which includes option 1) is \$19,500 and a lower anticipated budget should just option 1 be endorsed as described in the proposal.

ALTERNATIVES

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

1. Request more information

The LTC may request further information prior to making a decision. Should the LTC require more information, staff note that required budget deadlines for RPC and FPC deliberations will be missed and the proposal will not be submitted in time for the 2024/2025 fiscal budget approval. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

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

2. Reduce scope of project proposal

If the LTC requires more time for consideration based on the current proposal, then staff suggest the LTC reduce the proposal to only option 1 as described in the proposal. The direction provided to staff at this meeting will be used to submit a proposal for RPC and FPC budget deliberations.

That the Hornby Island Local Trust Committee endorse option 1 from the proposal for First Nation Relationship Building – Major Project; and

That the Hornby Island Local Trust Committee request staff forward the proposal to the Islands Trust Regional Planning Committee and Financial Planning Committee for consideration of inclusion in the 2024/2025 Islands Trust budget.

3. Proceed no further

The LTC may request that staff proceed no further with this project request and not pursue a major project for next 2024-2025 fiscal year. The LTC would pursue minor projects identified in the current and future project lists in the next fiscal year, subject to operational budget and capacity.

That the Hornby Island Local Trust Committee request staff proceed no further with the First Nation Relationship Building – Major Project proposal for the 2024/2025 Islands Trust budget.

NEXT STEPS

Upon LTC endorsement of the proposal, staff will forward it to the Regional Planning Committee and the Financial Planning Committee for their consideration.

For information, the budget approvals and deadlines include:

- Due at this September 8th Hornby Island LTC Meeting, is the LTC endorsement of the proposal prior to RPC and FPC budget deliberations.
- RPC budget deliberations (if applicable) on September 6, November 15
- FPC budget deliberations on October 18, November 8, in order to proceed to Trust Council for budget approvals in December.

Submitted By:	Renée Jamurat, RPP MCIP, Regional Planning Manager	August 31, 2023
---------------	--	-----------------

ATTACHMENTS

Hornby Island Major Project Proposal – First Nation Relationship Building

Attachment 1 - Project Proposal for Fiscal Budget 2024/2025

Proposal for Fiscal 2024/2025 Budget Request
Hornby Island First Nation Relationship Building (Major Project)

This proposal will be submitted to the Regional Planning Committee and Financial Planning Committee for budget deliberations. The proposal will be endorsed by the Hornby Island LTC with the intent to be used to inform a business case (as needed) for the budget review process.

Should the proposal be approved by Trust Council, then staff can prepare a project charter along with any necessary project management documents (ex: work programs, meeting schedules, etc.)

ISSUE/OPPORTUNITY:

The purpose and scope of this request is to support and carry out activities identified by the Hornby Island Local Trust Committee (HO LTC) to promote and build positive political/governance relationships with K'ómoks First Nation on whose unceded lands Hornby Island is situated on.

Hornby Island LTC trustees have requested this initiative because of their desire to grow and foster a better relationship with K'ómoks First Nation, and to understand what they would like to see for reconciliation actions by the LTC, and perhaps even the larger organization (Islands Trust).

'Suggested Approach':

The 'program' or key objectives, activities and timing, must be led and championed by the HO LTC. Through the endorsement of this project and the subsequent business case, the LTC will give direction to staff on what kind of support is needed to carry this out.

This is governance – Islands Trust & LTC - advocacy work and does not clearly fall under the planning role and function for the organization. Also since this is new for the Islands Trust, a strategic and coordinated approach is needed at the senior governance and management level to inform how this request will be approached and identify the staff to support it.

Then once an MOU or agreement is established, then administrative meetings (staff to staff) would identify actions as identified in Hornby Island's 'Project #7' are appropriate to discuss with K'ómoks First Nation in addition to others they may identify.

This proposed fiscal project seeks to 'address the missing pieces' of this relational and governance aspect, to establish/continue a positive relationship between K'ómoks First Nation and Hornby Island LTC, before staff begin exploring the analysis of larger policy processes and tools (both new and revising existing ones).

Scope of Work:

The work is expected to be ongoing and based on specific actions may require multiple years of LTC priority and staff resources and budget. Anticipated actions could focus on relational aspects such as calls, meetings, activities between LTC Chair & Trustees, and K'ómoks First Nation Chief & Council. This scope of work may include drafting and/or completing a MOU and protocol agreement, for example.

Specific actions to create or update planning processes or bylaws are outside of the scope of this year's fiscal proposal until a protocol agreement/MOU is established, which will be led by the HO LTC. In addition there should be consideration for resources given to specific actions that K'ómoks First Nation may identify through these discussions.

The LTC has also discussed as part of the LTC's current fiscal (2023/2024) Major Project, considering more robust acknowledgement of First Nations within the OCP, and comprehensive engagement with the K'ómoks First

Commented [RJ1]: LTC to confirm the scope of work and the specific actions?

LTC to confirm their commitment of time and involvement.

LTC to confirm this as a multi-year project, subject to available funding and/or budget and staff capacity as a major project.

Proposal for Fiscal 2024/2025 Budget Request
Hornby Island First Nation Relationship Building (Major Project)

Nation has been a cornerstone to the development of draft bylaws for the current project. The LTC considers engagement with K'ómoks First Nation to be a top priority for the following fiscal year, as well.

TIE TO ISLANDS TRUST GUIDING DOCUMENTS (Islands Trust Mandate, Policies and Resolutions)

Commented [RJ2]: Address for business case.

The possible actions provided under the proposed project are ideas that relate to the Islands Trust mandate, Policy Statements, Policies, Hornby Island's OCP, as well as help improve planning processes and non-planning functions carried out by the Islands Trust such as advocacy. However some initiatives may be too advanced to take action on at this time before a good government to government relationship is established between K'ómoks First Nation, Hornby Island LTC and Islands Trust via a protocol agreement (or MOU).

Rather the actions to support the progress to establishing a protocol agreement or MOU is the appropriate scope of this project instead.

Islands Trust has adopted policies regarding reconciliation, respect, communication and actions that build relations with Indigenous Communities on whose traditional and unceded lands the Islands Trust operates.

1) Islands Trust Reconciliation Declaration, adopted by Islands Trust Council on March 14, 2019.

"The Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home.

The Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous Peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process.

The Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea."

2) The Hornby Island LTC's standing resolution regarding First Nations in the Local Trust Area, adopted May 24, 2019.

"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;

Proposal for Fiscal 2024/2025 Budget Request
Hornby Island First Nation Relationship Building (Major Project)

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."*

- 3) Islands Trust Conservancy Reconciliation Declaration, ratified by the Islands Trust Conservancy Board on June 16, 2019, in the territories of the Lək̓ʷəŋən Peoples, METULIYE/Victoria, B.C.

"The Islands Trust Conservancy acknowledges that the islands and waters that encompass the Salish Sea have been home to Indigenous Peoples since time immemorial. We recognize that we are all intertwined in the ecosystems that are the lands, waters, culture, and ecology that embody this place.

The Islands Trust Conservancy will strive to create opportunities for knowledge-sharing, understanding and collaboration as people come together to preserve and protect the special nature of the islands within the Salish Sea.

The Islands Trust Conservancy is committed to the protection and preservation of this place through processes that respect and honour reconciliation and mutually respectful relationships with Coast Salish Indigenous Peoples. We express our recognition for the past, present, and future stewardship and knowledge that has been shared by Indigenous Peoples and are humbled and grateful."

- 4) Reconciliation Action Plan 2019-2022, passed by the Islands Trust on June 19, 2019, in the Coast Salish/Penelakut Territory, Galiano Island.

[Reconciliation Action Plan 2019-2022 \(1668KB\)](#).

The Reconciliation Action Plan is a four-year action plan that will guide Islands Trust in the implementation of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation Commission (TRC) Calls to Action, and the Declaration on the Rights of Indigenous Peoples Act (DRIPA). Progress report to-date available on the IT website: [2019-2021 Reconciliation Report \(3368KB\)](#).

- 5) Trust Council's strategic plan
6) Policy Statement directives
7) Council Bylaws
8) Work programs

PROJECTED RESULTS/DELIVERABLES:

The proposed Major Project would address issues and provide opportunities as follows:

- Strengthen and improve the LTCs relations with K'ómoks First Nation, while taking actions that align with the Trust Council Declaration on Reconciliation and the Standing Resolution regarding First Nations in the Hornby LTA.
- Build trust with the K'ómoks First Nation, and ask them how the LTC can support them in building their own capacity to engage with the LTC (if that's what K'ómoks First Nation would like to prioritize).
 - [Issue example: Thatch Pub development where the K'ómoks First Nation became aware of the proposed development during the Development Permit process, and approval proceeded despite the K'ómoks First Nation's objections. In this case, the LTC was obligated to approve the owner's DP because it met the guidelines, despite K'ómoks First Nation's statement of objection on the basis of a large, culturally sensitive archaeological site on the lot (Shingle Spit site).]
- If this qualifies as an LPS – planning major project (and not under the purview of another department), then it would be classified as 'major' because of following criteria: (Policy 5.9.1)
 - Will likely exceed 12 to 18 months to complete;
 - The budget is expected to exceed \$5,000; and
 - The approach is newer to the IT and not formally established. Therefore the project requires discretionary and additional activities that exceed planning processes.

RISK ASSESSMENT: *This is not an exhaustive list and is meant to illustrate areas for budget deliberations.*

BENEFITS:

- This assumption is based on staff expertise and capacity to draft a protocol MOU agreement in-house, rather than engaging with a consultant service to support this work.
 - To be confirmed if there is in-house expertise from LPS and TAS.
- Consultant service benefits include expertise regarding nature of the work and process, capacity, connected to outside agencies and resources.
- Staff benefits include potential cost savings to complete work in-house, intimate knowledge of Islands Trust process.
- This proposed fiscal project seeks to 'address the missing pieces' of this relational and governance aspect, to establish/continue a positive relationship between K'ómoks First Nation and Hornby Island LTC.
- The relationships fostered can support future discussions of mutual interest regarding key strategic and planning policies, Islands Trust and planning processes, bylaws, and tools (both for new and revising existing ones).

RISKS:

- Approach: There's no approach in-place yet for the organization so the LTC will need to support the evolution of this as staff create something. The nature of the work does not clearly fall under the LPS planning role and function for the organization. Also since this is new for the Islands Trust, a strategic and coordinated approach is needed at the senior governance and management level to inform how this request will be approached and identify the staff to support it.
- Staff capacity and K'ómoks First Nation capacity to support the work. First Nation capacity and interest to engage may not align with desired project timelines.

Proposal for Fiscal 2024/2025 Budget Request
Hornby Island First Nation Relationship Building (Major Project)

- Cost of First Nation capacity support funding/honoraria, compensation for participation may be beyond budget.
- The project may take longer to complete, running into multiple fiscal years. Once started, the commitment to complete a protocol MOU agreement with K'ómoks First Nation must remain a priority both financially (budget) and as a strategic priority (politically, staff time).
 - This may mean other projects would not be initiated by TAS and/or LPS for Hornby Island and other LTC areas.
- Staff resources: Uncertainty of staff allocation for time and limited hours of staff time available to any large level of activities. Staff will recommend to keep the scope small and simple to achieve results incrementally and be able to maintain strong positive relationships consistently/over time.

OPTIONS CONSIDERED: *This is not exhaustive and is meant to illustrate areas for budget deliberations.*

(Proposed) Option 1: Relationship Building Actions: meetings, activities, joint events organized and/or supported by Hornby Island LTC with K'ómoks First Nation.

Funding Request (FY24/25)	Target Duration	Estimated Cost
Budget Approval	2024 Q1	
*On-going meetings 'Council & LTC', honoraria for First Nation and participation, activities, events, facility rentals, materials, printing, travel	Start in 2024 Q2	~\$3,000-\$5,000**
	Total Hours ~TBD*	Total \$5,000

*Subject to interest and availability by K'ómoks First Nation.

**When providing capacity support funding to K'ómoks First Nation, we have been allotting \$150 per hour to the Nation.

* Estimated hours of 1 full-time staff time.

Financial implications –

- Not sure how much budget to request because we don't know what actions, quantity.
- Scale, scope could be kept to just LTC and Chief/Council in order to estimate budget.
- Option to be given a budget to work within. Ex: \$10,000
- TAS reconciliation budget: Funding is available to support relationship building. Implication is that TAS does not yet have an approach to request funding (i.e. capacity, honoraria, activities, events, meetings, etc.). However a list of all related projects by TAS is underway.
- Provincial grant funds to support relationship building (\$150,000 over 5 years). Implication is that TAS does not yet have an approach to request funding (i.e. capacity, honoraria, activities, events, meetings, etc.). However a list of all related projects by TAS is underway.

Resource requirements –

- Will require administration time to coordinate meetings, events, activities, take minutes, etc.
- If K'ómoks First Nation wants to include IT staff, we should know who is available and # hours.
- Should include a briefing by LTC trustees on the actions and how it went, to share with TC and community.

Other implications-

Proposal for Fiscal 2024/2025 Budget Request
Hornby Island First Nation Relationship Building (Major Project)

- LTC needs to provide general guidance on kinds of actions and how many.
- Need to consider if K'ómoks First Nation is interested to participate, how much.
- No established approach.

(Proposed) Option 2: Includes Option 1 & Establish an MOU or Protocol Agreement

Commented [RJ3]: LTC to confirm this as an option.

Funding Request (FY24/25)	Target Duration	Estimated Cost
Budget Approval	2024 Q1	
On-going meetings 'Council & LTC', honoraria for First Nation and participation, activities, events, facility rentals, materials, printing, travel	Start in 2024 Q2	~\$3,000-\$5,000
Development of a protocol MOU agreement—including capacity funding to support their participation in this work, plus related costs for meetings	Start in 2024 Q3. Likely 6 months, possibly longer.*	~\$7,500** + \$2,000
Legal review	~3 months	~\$5,000
Finalize MOU agreement & Celebration	~1 month	~2,000
<i>May need multiple fiscal years' budget & priority to support a protocol/MOU agreement.</i>	~13 months (Q2 2024 – Q2 2025)	
	Total Hours ~600*	Total ~\$19,500

*A Protocol/MOU Agreement may take more than one fiscal year, subject to interest and availability by K'ómoks First Nation.

**When providing capacity support funding to K'ómoks First Nation, we have been allotting \$150 per hour to the Nation.

* Estimated hours of 1 full-time staff (i.e. Island Planner or Manager) time.

- Occurs over multiple years in sequence.
- Unclear of which department or joint team will lead the project. Requires clarity from Islands Trust-CAO/management group in order to estimate staff resources.
- Suggest CAO, Legislative Director or TAS Director to lead. LPS supports/informs.

Financial implications –

- Not sure how much budget to request because we don't know what actions, quantity.
- Scale, scope could be kept to just LTC and Chief/Council in order to estimate budget.
- Option to be given a budget to work within. Ex: \$10,000
- TAS reconciliation budget: Funding is available to support relationship building. Implication is that TAS does not yet have an approach to request funding (i.e. capacity, honoraria, activities, events, meetings, etc.). However a list of all related projects by TAS is underway.
- Provincial grant funds to support relationship building (\$150,000 over 5 years). Implication is that TAS does not yet have an approach to request funding (i.e. capacity, honoraria, activities, events, meetings, etc.). However a list of all related projects by TAS is underway.

Resource requirements –

- Will require administration time to coordinate meetings, events, activities, take minutes, etc.
- If K'ómoks First Nation wants to include IT staff, we should know who is available and # hours.

Proposal for Fiscal 2024/2025 Budget Request
Hornby Island First Nation Relationship Building (Major Project)

- Should include a briefing by LTC trustees on the actions and how it went, to share with TC and community.

Other implications-

- LTC needs to provide general guidance on kinds of actions and how many.
- Need to consider if K'ómoks First Nation is interested to participate, how much.
- No established approach.

Option 3: 'Do Nothing' approach

Benefits –

Risks –

Financial implications –

Resource requirements –

Other implications -

CRITICAL SUCCESS FACTORS:

What related factors have been identified?

Which of these factors are critical to the success of this initiative?

Discuss outcomes if critical success factors are not met.

RECOMMENDED OPTION:

State your recommendation, and summarise why you chose it over others. Reference options, summary.

COST/BENEFIT ANALYSIS:

Quantitative & Qualitative considerations, i.e. financial costs, cost-savings, non-quantifiable costs & benefits.

a. Does it need budget? How much? From where?

- Subject to the selected option or level of work, there will be a cost for carrying out the work. Anticipated costs will be related to capacity support for First Nation Chief and Council and their administration (staff), in-person meetings, activities and events held between the LTC and First Nation, legal fees for agreement drafting.
- Staff need LTC direction on an option for the request and desired results, in order to suggest a budget.
- Staff will suggest one simple option with actions in order to provide a budget estimate, however the nature of the work and timing is uncertain so the actual time and budget may be higher.

b. Potential Funding Sources:

Commented [RJ4]: For business case.

Commented [RJ5]: For business case.

Commented [RJ6]: For business case as endorsed by LTC.

Commented [RJ7]: For business case.

Proposal for Fiscal 2024/2025 Budget Request
Hornby Island First Nation Relationship Building (Major Project)

- Islands Trust First Nation Reconciliation/Capacity funding program, \$150,000 over 5 years, existing from 2023-2028, managed by Trust Area Services.
 - Gift and honorarium budgets, managed by Finance.
 - Capital budget project, endorsed by LTC, approved by Trust Council.
 - Future funding opportunities that align and meet the results of this request, not identified.
- c. Budget Approvals and Deadlines: What approvals (what & when) is needed by LTC, RPC, FPC, TC?
- Due at this September 8 LTC Meeting: The LTC endorsement of the proposal/business case prior to RPC and FPC budget deliberations.
 - RPC budget deliberations (if applicable) on September 6, November 15
 - FPC budget deliberations on October 18, November 8, in order to proceed to Trust Council for budget approvals in December.
 - Reference Islands Trust Council Budget Process Policy 6.3.1.

PURCHASING PROCEDURE: Describe any purchasing processes that will be needed to support this initiative (i.e. Direct Award, RFP, ITQ to qualified vendor); goods or services needed to be procured for the work. If this is for new staff hiring, indicate likely hiring method (i.e.: external competition, government-restricted internal competition, etc.)

Commented [RJ8]: For business case.

PROPOSED IMPLEMENTATION STRATEGY:

What are the specific features of the “roll-out” of the recommended solution? What is the timeline and anticipated date of completion for this initiative?

- A Protocol/MOU Agreement may take more than 1 year, subject to interest and availability by K’ómoks First Nation.
- When providing capacity support funding to K’ómoks First Nation, we have been allotting \$150 per hour to the Nation.

Commented [RJ9]: LTC to confirm the scope of work for this fiscal and any actions that would require multiple fiscal years.

STAFF RESOURCING:

What staff resources will be needed to achieve success on this initiative? Estimate how many hours of staff time will be required, by staff level. Comment on the reasonability of expected staff hours when assessed in conjunction with other work underway or planned.

Staff involvement:

- Senior Management – CAO (lead), Directors (co-lead)
- Senior Indigenous Relations Advisor, Trust Area Services (team)
- Communications Specialist, Trust Area Services (support)
- Legislative Services (support)
- LPS – RPM or Island Planner (support)
- Administrative support
- Updates to Regional Planning Committee?
- Updates to Legislative/Governance Committee?
- Trust Area Services as lead? LPS as lead? And explain role/responsibilities, involvement, and why.
- Regional Planning Team capacity to manage the project in 2024/2025 along with other LTC projects that are yet to be approved for that time frame.

Proposal for Fiscal 2024/2025 Budget Request
Hornby Island First Nation Relationship Building (Major Project)

- The CAO and LTC trustees must commit to involvement & available throughout the entire process & project.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

Commented [RJ10]: For business case.

Are there any concerns and how will these be addressed? Have other stakeholders been identified?

SUPPLEMENTAL INFORMATION:

- 1) At the Hornby Island LTC Regular Business Meeting of June 16, 2023, the LTC passed the following resolution:

HO-LTC-2023-034

It was MOVED and SECONDED,

that the Hornby Island Local Trust Committee request Staff to work on a business case on Project No.7 "First Nations" as a major project for the 2024/2025 fiscal year.

CARRIED

- 2) Specific actions were added to the LTC's 'Future Project' list as a result of OCP Advocacy Policy recommendations made during the current OCP/LUB review project. Specific 'Future Actions' listed under this proposed project include the following:
 - Consider heritage and traditional knowledge mapping with the K'ómoks First Nation.
 - attempt to better understand the relationship between Indigenous cultural heritage preservation, species at risk, and freshwater resource sustainability;
 - gather information to inform meaningful engagement with First Nations; and
 - inform policy development related to the preservation of areas of cultural significance.
 - Consider the use of covenants in conjunction with rezoning application to reduce the direct impacts of development on indigenous culturally sensitive areas.
 - Work with K'ómoks First Nation to determine how they wish to be engaged, information circulated in review of development and policy plans.
 - Improve communications with K'ómoks First Nation and HO LTC (IT)
 - Improve communications with K'ómoks First Nation by setting up regular LTC/Chief and Council meetings to discuss a wide range of issues of mutual concern.
 - Consider the development of an agreement similar to the qathet Regional District, City of Powell River and Tla'amin First Nation www.ubcm.ca/sites/default/files/2021-08/Tlaamin_PowellRiver_20190909.pdf
 - Consider inviting K'ómoks representatives to attend as non-voting members and Advisory Planning Commission and Local Trust Committee meetings.



DATE OF MEETING: September 8, 2023

TO: Hornby Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Office

SUBJECT: Official Community Plan and Land Use Bylaw Targeted Review Project – Status Update

The purpose of this memo is to provide the Hornby Island Local Trust Committee (LTC) with a status update for the Official Community Plan (OCP) and Land Use Bylaw (LUB) Targeted Review project.

BACKGROUND

The following resolutions were passed by the LTC in June 2023:

HO-LTC-2023-029 It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by removing the words under the In Scope Section “explore use of” and replacing with the words “to require a.” CARRIED

HO-LTC-2023-030 It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by adding a fifth bullet in the Deliverables Section that reads: “Post Bylaw Adoption Community Information Materials.” CARRIED

HO-LTC-2023-031 It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee amend the Official Community Plan/ Land Use Bylaw Review Project Charter Version 2.1 by removing Bullet 5 from the In Scope Section; and by adding to Bullet 4 of the In Scope Section; so that Bullet 4 reads: “Permitting secondary suites or attached/detached secondary dwellings on lots over 2 HA where septic capacity allows and sufficient groundwater is available. CARRIED

HO-LTC-2023-032 It was MOVED and SECONDED,
that the Hornby Island Local Trust Committee endorse the revised Project Charter Version 2.1, dated June 16, 2023 to reflect the revised timeline and deliverables of the Official Community Plan and Land Use Bylaw Review project, as amended. CARRIED

The revised and updated [project charter](#) is posted to the project webpage.

First Nations Engagement: Staff have been working on a draft capacity funding agreement with the staff from the K’omoks First Nation to allow Nation staff to review the scope of potential amendments to the OCP and LUB. A regular schedule of staff to staff meetings is proposed between September 2023 and March 2024. The objective is for the Nation’s staff to work with Islands Trust planning staff to draft and review policy and regulatory updates for LTC consideration this winter. The review is consistent with the terms outlined in the

Project Charter. At the time of report writing, the capacity funding agreement details with the Nation were being finalized.

Community Consultation: Once the LTC has received and considered the compilation of suggested amendments from K’omoks First Nation, staff recommend one electronic community information meeting with Hornby Island residents, Islands Trust staff and K’omoks First Nation staff to discuss the work completed to-date and highlight key policy and regulatory amendments being considered by the LTC. In the interim, any members of the public with questions or comments about the project are encouraged to contact the project planner directly.

NEXT STEPS

Staff will continue working with the K’omoks First Nation to review the Hornby Island OCP and LUB proposed amendments to First Nations references, housing options and regulating short term vacation rentals. Staff anticipate providing the LTC with specific details regarding the scope of possible amendments from K’omoks First Nation, at the next business meeting in November. Draft bylaws will be presented to the LTC for consideration this winter.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	August 22, 2023
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	August 22, 2023



Consultation check-in on 9 aquatic species under consideration for addition to Schedule 1 of the Species at Risk Act



The 9 aquatic species listed below were assessed as at-risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) between 2009 and 2022. Fisheries and Oceans Canada (DFO) undertook consultations with Indigenous peoples, stakeholders, and other interested parties on the potential addition of these species to Schedule 1 of SARA between 2012 and 2021. To ensure the Minister of Fisheries, Oceans and the Canadian Coast Guard takes into account current opinions in her listing advice, DFO is inviting interested parties to confirm their previous positions or offer additional information that the Minister can consider in finalizing her advice.

Consultation period: 2023-06-07 to 2023-08-10

Send comments to dfo.ncrsara-leprcn.mpo@dfo-mpo.gc.ca or [see below for other contact information](#).

File

- Consultation check-in on 9 aquatic species under consideration for addition to Schedule 1 of the Species at Risk Act (2023-06-07)
 - PDF format: [Cd-9Species-v00-2023June-Eng.pdf](#)
 - HTML format: [check-in-9-aquatic.html](#)

Contact person

Director
SARA Directorate
Department of Fisheries and Oceans
200 Kent St.
Ottawa, ON
K1A 0E6
dfo.ncrsara-leprcn.mpo@dfo-mpo.gc.ca

Related species

- [Atlantic Sturgeon](#) (*Acipenser oxyrinchus*) - St. Lawrence populations
- [Atlantic Sturgeon](#) (*Acipenser oxyrinchus*) - Maritimes populations

- Bocaccio (*Sebastes paucispinis*)
- Cusk (*Brosme brosme*)
- Lake Sturgeon (*Acipenser fulvescens*) - Western Hudson Bay populations
- Lake Sturgeon (*Acipenser fulvescens*) - Saskatchewan - Nelson River populations
- Northern Fur Seal (*Callorhinus ursinus*)
- Quillback Rockfish (*Sebastes maliger*)
- White Sturgeon (*Acipenser transmontanus*) - Upper Fraser River population

Date modified: 2023-06-13

Here is the latest update on the Hornby Island situation. Please let me know if you need anything further. Updates will be posted to our community page at: <https://www.bcferriesprojects.ca/hornby-island>

Update: August 23

As a company that is deeply committed to reconciliation and respectful relationships with First Nations partners, we are not just concerned but also very disturbed by news that on Friday, August 18, an environmentally and culturally sensitive site near Shingle Spit terminal on Hornby Island was disturbed by BC Ferries.

Work was immediately halted, K'omoks First Nation immediately notified, and senior members of the BC Ferries team travelled to the site to view the area and meet with community members. This included the Regional Manager of Terminal Operations, the Director of Terminal Maintenance, and the Director of Community Relations.

This morning, BC Ferries team met with K'omoks and Qualicum First Nation representatives to walk the site and answer questions. Further meetings will take place next week with the Nations once they have had time to review the outcome of today's meeting with their leadership.

BC Ferries safe and respectful stewardship of the lands and waters on which we operate is paramount which is why we've taken immediate action to prevent this type of situation from happening again.

All terminal maintenance staff organizing any work involving ground disturbance or tree removal must have a written project plan signed off by their manager and director before proceeding. The new process also stipulates that the Regional Terminal Maintenance Managers and Director are to ensure the Indigenous Relations team and Operations teams are aware of any work planned of this nature.

Carrie McIntosh
Director, Community Relations
Strategy & Community Engagement
British Columbia Ferry Services Inc.
500 – 1321 Blanshard Street, Victoria BC
T: 250-978-1720 **C:** 250-886-1397
carrie.mcintosh@bcferries.com

On Aug 27, 2023, at 12:38 PM, Anthony Law <[REDACTED]> wrote:

To; Hornby Island Local Trust Committee

Rather than take up meeting time as a delegate at the LTC's September 2023 meeting, I am instead submitting this email and attachments as correspondence, which I hope will be given as much attention as if I was a delegate.

1) Housing and Land Use Planning

Attached is a paper proposing a comprehensive approach to land use planning for housing on Hornby Island (slightly revised).
I hope it is useful.

2) Community Services Area (map attached)
(Public Use Zone)

a) At the end of this message is the text* of two previous messages pointing out an error in the "Public Use Zone" regulations in the Land Use Bylaw. As you are no doubt aware, HICEEC is developing a proposal for community consideration for housing in the public use zone. This error will need to be corrected in order for this to be a permitted use in the portion of the zone south-west of Central Road.

b) It is my understanding that the type of housing HICEEC is considering is a managed facility where tiny homes and other movable units can be located. This type of housing is not identified in OCP policies nor in the LUB definition of "community housing". Both would need to be amended to permit this use.

c) If there is community support for this proposal, implementation would require obtaining a site on Crown land. OCP policy 6.2.15 states:

"The responsible provincial Ministry(ies) is requested to:

- a) only consider dispositions of land designated for community service use that are compatible with the objectives and policies of this Official Community Plan;
- b) consult with the Local Trust Committee to ensure that any dispositions are in accordance with a master plan for the area.

This policy was put in place to ensure that applications by one particular entity for the use of Crown land would not be considered without also considering the availability of land for possible future necessary community uses.

The availability of land is limited:

- land to the north-east of Central Road is either already occupied by community organizations or identified as settlement land in treaty negotiations with K'omoks FN;
- leaving only land to the south-west of Central Road (held by the Crown, some of it within the Beulah Creek watershed) available for future community uses. - including community housing, community trades and services and other proposals that might arise (such as the current one for a microwave tower.).

A master plan has not yet been developed.
It certainly makes sense to prepare one.

This could be as simple as identifying a general area for community housing and a general area for community trades and services.

My own thinking is that housing could be located north of the recycling depot (next to adjacent residential zones), and that trades and services could be located between the recycling centre and the highways yard, (which are both light industrial-type uses.).

I believe such a plan should be prepared immediately in conjunction with the necessary amendments to the OCP and LUB mentioned in a) and b) above, so that the HICEEC proposal, if supported by the community, can move forward without undue delay.

However, if the LTC has no intention of implementing policy 6.2.15, it should probably be deleted from the OCP.

I hope this is helpful.

.

*Text of previous messages:

To: Hornby LTC re. Public Use zoning area

Inbox

Search for all messages with label Inbox

Remove label Inbox from this conversation

Anthony Law <[REDACTED]>

Jan 6, 2022, 3:51 PM

to northinfo, aallen, Islands, Wendy, ronandesign, Sue

To: Hornby Island Local Trust Committee

At the February 18, 2018 meeting of the Hornby Island Local Trust Committee and also in an email sent to trustees and staff on May 28, 2019 (below), I drew attention to a significant error in the regulations for the "Public Use" zone in the Hornby Island Land Use Bylaw - Bylaw 150.

What is being done to address this?

The error is that the site specific regulations for Sub-zone PU(a) incorrectly state:

Despite 8.21(1), the only permitted uses are:

- (a) Cemetery;
- (b) Public utility storage yard;
- (c) Highways maintenance yard; and
- (d) Recycling depot.

The previous Land Use Bylaw #86, correctly stated for this sub-zone:

SITE SPECIFIC ZONING VARIATION - PU(a) The purpose of the Public Use (a) Zone is to provide for additional public services and for community trades and services.

9.12.8 In addition to Subsection 9.12.1 the following uses are permitted in the PU(a) zone:

- 9.12.8.1 Highways maintenance yard;
- 9.12.8.2 Recycling depot;
- 9.12.8.3 Public utility storage yard;
- 9.12.8.4 Cemetery; and
- 9.12.8.5 Community trades and services, including associated retail.

There was never any decision made to change what were additional permitted uses for this sub-zone into the only permitted uses.

This unintended change is an error that should have been corrected by now.

It renders the "community trades and services" uses in the Hornby Spark building as non-permitted uses and precludes any "community housing" projects from happening in the portion of the Public Use zone that is south of Central Road.

Bylaw 134 had specifically amended the permitted uses for the Public Use zone in Bylaw #86 to include "community housing" because of a potential project south of Central Road.

When will this error be corrected?

Thank you.

From: "Tony Law" <[REDACTED]>
To: "Alex Allen" <aallen@islandstrust.bc.ca<<mailto:aallen@islandstrust.bc.ca>>>
Cc: gscott@islandstrust.bc.ca<<mailto:gscott@islandstrust.bc.ca>>;
"northinfo@islandstrust.bc.ca" <northinfo@islandstrust.bc.ca>"
<northinfo@islandstrust.bc.ca<<mailto:northinfo@islandstrust.bc.ca>>>
Sent: 2019-05-28 9:44:54 AM
Subject: Public use area - zoning error

Hi Alex:

At the February 18, 2018 meeting of the Hornby Island Local Trust Committee I brought attention to an error in the current Land Use Bylaw which means that, if unchanged, Hornby Island Spark's intended use of the old fire hall which they purchased yesterday is not permitted.

Here is an extract from the minutes of that meeting:

14.3 Public Utility PU(a) Zone in Land Use Bylaw - for discussion

A Trustee reported that an error has been discovered in the Land Use Bylaw zone PU(a) Site Specific Regulations that requires a correcting amendment. Timing and options for moving forward with the correction were considered to be dependent on whether this may impact the Comox Valley Regional District's ability to acquire the Old Fire Hall.

HO-2018-008 It was MOVED and SECONDED, that staff be requested to contact Comox Valley Regional District with respect to any issues regarding the permitted uses of the sub area of the PU zone which includes the Old Fire Hall and provide recommendations to the Local Trust Committee on timing and process for amending the Land Use Bylaw. CARRIED

Attached is the previous Hornby Island Land Use Bylaw and zoning map.

Here are links to the current Bylaw and map:

Hornby Island Land Use Bylaw #150

<http://www.islandstrust.bc.ca/media/346211/hobl-150-lub-consmar2018.pdf>

- zoning map:

<http://www.islandstrust.bc.ca/media/341894/hobl-150-lub-map-schedule-b-bl-153-cons.pdf>

I have extracted the sections on the Public Use zone from both bylaws below.

As you will see, Bylaw 86 designates a subzone within the Public Use Zone on the south side of Central Road which specifies the following additional permitted uses for this subzone only:

- Highways maintenance yard;
- Recycling depot;
- Public utility storage yard;
- Cemetery; and
- Community trades and services, including associated retail.

However, Bylaw 150 also designates the same subzone but specifies that the only permitted uses are:

- (a) Cemetery;
- (b) Public utility storage yard;
- (c) Highways maintenance yard; and

(d) Recycling depot.

I have no idea how this change came about and cannot recall it being addressed by staff, the LTC or the APC. I believe Bylaw 86 correctly addresses what was intended for this subzone which had been identified as an area that could potentially include such uses specified for the whole zone such as community housing on the old Lion's Club land, a community trades and services centre on the land previously identified for light industrial uses and a hostel or community trades and services in the old fire hall.

In particular, Bylaw 150 does not permit "community trades and services" in this subzone (which includes the old fire hall purchased by Spark for this purpose) whereas that use was specifically identified as one to be conducted on the land south of Central Road.

Extract from Bylaw 86

9.12 PUBLIC USE (PU) ZONE

The purpose of the Public Use Zone is to provide regulations for a range of institutional, public service and community uses for the benefit of the resident population and visitors to Hornby Islands.

PERMITTED USES

9.12.1 In the Public Use (PU) Zone, the following uses are permitted, subject to the regulations set out in this Section and to the general regulations set out in Part 3.0:

- 9.12.1.1 Community facility;
- 9.12.1.2 School;
- 9.12.1.3 Health clinic;
- 9.12.1.4 Elder's activity centre;
- 9.12.1.5 Office of a non-profit society;
- 9.12.1.6 Government office;
- 9.12.1.7 Museum;
- 9.12.1.8 Library;
- 9.12.1.9 Police station;
- 9.12.1.10 Public recreation facility;
- 9.12.1.11 Accessory uses including accessory residential, accessory retail and accessory food services;
- 9.12.1.12 Farmers market;
- 9.12.1.13 Theatre;
- 9.12.1.14 Art gallery;
- 9.12.1.15 Fire hall;
- 9.12.1.16 Community housing;
- 9.12.1.17 Community radio station;
- 9.12.1.18 Hostel;
- 9.12.1.19 Supported living facility;
- 9.12.1.20 Community wash house facility
- 9.12.1.21 Community garden; and
- 9.12.1.22 Child care facility

PERMITTED BUILDINGS, STRUCTURES, AND DENSITY 9.12.2 In the Public Use (PU) Zone, the following buildings, structures, and density are permitted, subject to the regulations set out in this Section and to the general regulations set out in Part 3.0:

- 9.12.2.1 A maximum of 5 community housing units per hectare to a maximum of 20 per lot;
 - 9.12.2.2 A maximum of one accessory residential dwelling units with a maximum floor area of 200 square metres (2,152 square feet) is permitted per lot; and
 - 9.12.2.3 Accessory buildings and structures.
- 9.12.3 In the Public Use (PU) Zone, the maximum lot coverage is 10%, of any lot having an area of 1.0 hectares (2.5 acres) or more; or 15% of any lot having an area less than 1.0 hectares (2.5 acres).

MINIMUM SETBACKS

9.12.4 In the Public Use (PU) Zone, the minimum setback for any building or structure, except for a water storage tank, fence or pump/utility shed is at least 8 m (26.2 ft) from a front, rear or side lot line

9.12.5 Despite Subsection 9.12.4, the minimum setback is 60 metres from the north boundary of the remainder of the NW ¼ of Section 11, Hornby Island, Nanaimo District and the north and west boundaries of the NE¼ of the NE ¼ of Section 12, Hornby Island, Nanaimo District.

MINIMUM AND AVERAGE LOT SIZE

9.12.6 In the Public Use (PU) Zone, no lot having an area less than 1.0 hectare (2.5 acres) may be created by subdivision, and the average size of lots created by any subdivision must be at least 1 ha (2.5 acres).

SCREENING REGULATIONS

9.12.7 In the Public Use (PU) Zone, outdoor storage and parking areas must be screened in accordance with Part 6.0 of this bylaw.

SITE SPECIFIC ZONING VARIATION - PU(a) The purpose of the Public Use (a) Zone is to provide for additional public services and for community trades and services.

9.12.8 In addition to Subsection 9.12.1 the following uses are permitted in the PU(a) zone:

9.12.8.1 Highways maintenance yard;

9.12.8.2 Recycling depot;

9.12.8.3 Public utility storage yard;

9.12.8.4 Cemetery; and

9.12.8.5 Community trades and services, including associated retail.

SITE SPECIFIC ZONING VARIATION - PU(b)

The purpose of the Public Use (b) Zone is to allow for automated electrical stations. 9.12.9 Despite Subsection 9.12.1 the only permitted use in the PU(b) zone is an electric substation.

Extract from Bylaw 150

8.21 Public Use (PU) 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) fire hall

(b) office of a non-profit society;

(c) community facility;

(d) public use facility;

(e) community trades and services;

(f) art galleries;

(g) theatre;

(h) police station;

(i) health clinic;

(j) museum;

(k) school;

(l) public recreation facility;

(m) library;

(n) farmer's market;

(o) recycling depot;

(p) accessory uses including accessory residential;

(q) radio station;

(r) community housing;

(s) hostel; and

(t) cemetery.

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) buildings and structure for the principal permitted uses;
- (b) a maximum of one accessory residential dwelling unit is permitted per lot and a maximum of two accessory residential dwelling units are permitted on a lot on which there is a police station; 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 Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A Page 64

(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 an interior side lot line; and
- (d) 8.0 metres from an exterior side lot line.

(5) The floor area of an accessory residential dwelling unit must not exceed 150 m² .

(6) The total combined floor area of all accessory buildings on a lot must not exceed 100 m² .

Conditions of Use

(7) In this zone the sale of alcoholic beverages in a public recreation facility building shall be limited to “Special Occasion” liquor licences only.

Subdivision Lot Area Requirements (8) The minimum lot area is 1.0 hectare.

Site-Specific Regulations

(9) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply.

In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the specific regulations that apply:

Site-Specific Zone Site	Specific Regulations
PU(a)	Despite 8.21(1), the only permitted uses are: (a) Cemetery; (b) Public utility storage yard; (c) Highways maintenance yard; and (d) Recycling depot.

I hope this is helpful.

Tony

Housing and Land Use Planning on Hornby Island

prepared by Tony Law, 27 August 2023

Introduction

This paper proposes a comprehensive approach to land use planning for housing on Hornby Island with 30 recommendations for enabling:

Community housing: affordable ownership, low cost rental, movable home facility
Social housing: seniors', supported living, emergency, hostel
Land sharing: co-operative, co-housing, land trust; clustered or attached housing
Multi-family housing: involving a mix of ownership housing and residential rental tenures
Secondary suites: in all residential zones and the agricultural zone
Accessory dwelling units: attached or detached, for residential rental tenures
Density bonuses or transfer: in exchange for enabling housing

These recommendations have been arrived at after:

- examining on-going local housing needs,
- reviewing the multiple initiatives to address these needs over the past quarter century,
- analyzing why the existing policy framework has not generated hoped-for results,
- considering the particular context of Hornby Island, and
- examining how available regulatory tools can best be used.

While addressing the housing crisis on Hornby Island is a priority, responses must take into account other priorities, including protecting the Island's water resources, ecosystems and rural character.

However, the accountability required to address these and other values should not be so burdensome that it discourages applications and thus fosters the continuation of non-permitted housing solutions.

The non-permitted solutions that people are finding provide an indication of what works for some. Other potential solutions are needed to address a variety of situations. Hence the need for a comprehensive approach in land use planning to enable a range of opportunities as they arise.

While this approach might seem to open the door to multiple residential developments, land use planning cannot create housing; it can only enable it. The reality is that creating housing is hard to achieve. For community or group initiatives: projects require land, money and organizational capacity. For landowners: making affordable housing available is not a financially rewarding proposition and thus involves a degree of altruism. As experience has shown, large scale up take is unlikely.

The paper begins by recounting the evolution of housing and land use planning on Hornby Island – first as the demand for housing built up, and then as it lead to a crisis of affordability and accessibility.

The experience gained from previous community and land use planning initiatives can inform what needs to be done differently in a refreshed approach.

Contents

2. Since Time Immemorial...

PART A

The Building Demand for Housing

- 3. 1960's – From resources to resort
- 3. 1970's – Land use planning begins
- 5. 1980's – Growth
- 6. 1990's – Protecting water (and ecology)

PART B

Responses to an Emerging Housing Crisis

- 7. 1990's – First responses
- 9. 2000's - Housing initiatives:
- 12. 2010 - 2014 – Consolidation of planning for housing

PART C

The Crisis Continues

- 13. Since 2014 - Plans in place, but why no new housing?
- 15. 2018-2023 - Housing needs today

PART D

Making New Plans

- 18. Context
- 20. Policy and regulatory constraints
- 23. Some regulatory opportunities
- 24. A refreshed approach
- 25. Advisory Planning Commission recommendations

PART

Recommendations for a comprehensive approach

- 26. Summary of recommendations
- 27. Enabling community initiatives
- 30. Enabling shared land initiatives
- 31. Enabling multi-family housing
- 32. Enabling secondary suites
- 34. Enabling accessory dwelling units
- 39. Enabling density bonuses
- 41. Bylaw enforcement standing resolution
- 42. Implementation

Since time immemorial..

Hornby Island is on the Unceded Traditional Territory of the K'ómoks First Nation, the traditional keepers of this land since time immemorial. For thousands of years, the Island was a place for harvesting, gathering and mostly seasonal occupancy by indigenous people who have left little impact upon the land. From the 1860s on, settlers have been arriving, clearing land and building houses.

PART A – The Building Demand for Housing

1960s – From Resources to Resort

“The islands are too important to the people of Canada to be left open to exploitation by real-estate developers and speculators.” - Select Standing Committee on Municipal Affairs, 1973

There was no land use planning for Hornby Island until the Regional District of Comox-Strathcona Regional District (created and given land use planning authority in 1965), turned its attention to Hornby in the 1970s.

In the 1950s, the arrival of ferry service, BC Hydro and the Co-op store had made the Island more attractive for settling – and also visiting.

In the 1960s, Hornby Island had morphed from a focus on resources (farming, fishing and forestry) to becoming a resort. Three summer resorts provided accommodation for 125 people and three campgrounds provided a total of 90 campsites. By the end of the 1960s, summer visitors outnumbered the resident population of about 150 people.

In response to this new interest in the Island, land that was mostly held in large parcels started to be subdivided into small lots and marketed to visitors for recreational use.

Between 1959 and 1971, 736 small vacation lots were created – mostly in the Galleon Beach, Sandpiper and Whaling Station Bay / Anderson Drive areas.

These small lots were not provided with water or sewage services; the developers claimed that customers did not plan to use the lots other than for short term camping or cottage use.

In 1971, alarmed by the potential impacts of rampant subdivision, the provincial government enforced a freeze on any further subdivisions that would create lots smaller than 10 acres in the Gulf Islands.

A pattern had been established, that would continue for the next half-century, of Hornby Island being both a residential community and a summer resort destination, with dwellings being used roughly 50/50 between residents of the Island and residents from elsewhere.

1970s – Land Use Planning Begins

“Permitted residential densities will permit several times the amount of development than foreseeably expected” - Hornby Island Planning Study, 1971

Before the Islands Trust was created in 1974 (and then given land use planning authority in 1978) the pattern for residential development on Hornby Island had already been established by the small lot subdivisions, by the 10 acre freeze, and by the creation of the ALR.

In 1973, the provincial government created the Agricultural Land Reserve. This resulted in the Agricultural Land Commission having authority to limit subdivision and residential use of the 28% of land on Hornby Island included in the reserve.

In 1971, the Comox-Strathcona Regional District completed a **Hornby Island Planning Study**.

Some key facts from this study:

There were:

- 150 permanent residents
- 125 houses (half on small lots; half on larger lots; 40% only used seasonally)
- 736 lots of less than 2 acres (covering 470 acres); 196 had been sold; 90% owned by non-residents
- 82 lots larger than 2 acres, two thirds over 100 acres (covering 4,840 acres); 50% owned by locals

Water supply was the foremost issue for islanders. Half of lot owners had, or anticipated, problems with water.

20% of residents thought that Hornby Island would be a better place to live with more people and development.

The 1971 study stated that permitted residential densities “would permit several times the amount of development than foreseeably expected”.

In 1976, the first **Official Community Plan for Hornby Island** was adopted by Comox-Strathcona Regional District, after it had been drafted by an Advisory Planning Commission guided by the 1971 study.

Goals included preserving “a rural community and atmosphere”, with a land use pattern which gave “high priority to environmental and social factors”, recognizing “that the Island is first an existing community of people, and the welfare of those people and those who join them must always be of primary concern”.

Key elements of the OCP:

- no further small lot subdivision;
- average of one lot per 10 acres for rural residential land;
- no lot under 2 acres should be used for a cottage in addition to a main residence;
- water should be provided for each lot subdivided in future;
- a hydrology study should be carried out as soon as possible.
- no to Crown leases for residential or other purposes (to preserve the water catchment area);
- no to provincial parks (insufficient water resources, fire protection, or community facilities;
- ferry size, capacity and number of runs should not be increased;
- community services should be clustered around the community hall.

The Plan encouraged “acceptable alternative modes of sewage disposal”, “water catchment, “shared wells” and “cluster housing” (two or more concentrated dwellings utilizing a community water system and surrounded by open space).

The OCP stated that “special consideration should be given for senior citizens’ housing”.

1980s – Growth

“Hornby Island is a rural community relatively close to a rapidly expanding urban area. It is fragile, beautiful and very much in demand by a wide spectrum of people for a great variety of reasons.”

- Hornby Island Official Community Plan, 1976 (Comox-Strathcona Regional District).

Since the Islands Trust was created, the already-established pattern of residential development has enabled the year-round population of Hornby Island to triple (1976: 420; 2021: 1,225), while the population of BC as a whole has doubled. The number of houses on the Island has also tripled (1976: 371; 2001: 1,117).

During the 1970s and 1980s, despite a rapidly growing population, housing had not emerged as an issue that called for planning attention.

- Land was affordable to new residents – either through purchasing a small lot that had originally been intended only for seasonal occupancy, or through sharing a large lot where two dwellings were permitted. At the same time, properties were being purchased by non-residents for seasonal recreational use and/or future retirement.

- Dwellings were being built by, or for, residents – often incrementally, and often using local lumber (including beach logs) and recycled material. Many becoming family-sized homes where children were raised. Dwellings were also being built specifically for non-residential use – some were architect-designed houses; most were cabins suitable only for seasonal occupation.

In 1981, following the establishment of an Advisory Planning Commission in 1978, the Hornby Island Local Trust Committee adopted the **Hornby Island Zoning Bylaw (Bylaw 9)** which created three main zones where residential use was permitted:

- **Rural zone** (including the small lot subdivisions)

One dwelling for each 4 hectares of lot area*

- **Agriculture zone**

One dwelling*

One additional dwelling on lots exceeding 16 hectares (subject to ALC approval)

- **Upland zone** (Mount Geoffrey Area)

One dwelling*

One additional dwelling per 16 hectares of lot size exceeding 16 hectares

* plus one guest cabin for “the seasonal lodging of guests” per lot over 3.5 hectares (size limited to 430 square feet).

1990's – Protecting water (and ecology)

“Groundwater quality and quantity are of paramount importance to residents on Hornby Island and the other Gulf Islands. As such, water conservation, proper waste disposal and placement of human development should be made a priority in future land use planning.” - Results of the Groundwater Geochemistry Study on Hornby Island, British Columbia Final Report, D.M. Allen and G.P. Matsuo

During the growth of the 1970s and 1980s, the community had developed significant infrastructure:

- the expanded Co-op and Ringside,
- the new Community Hall,
- Joe King,
- New Horizons,
- the Clinic, and Health Care Centre,
- the Recycling Depot,
- the network of trails on the mountain.

Organizations were created to provide a range of services to advance the community's well-being and support its creativity.

Also:

- BC Ferries established an improved service schedule;
- the provincial government created Tribune Bay Provincial Park;
- the school board built a new school.

These additional amenities enhanced the attractiveness of the Island to retirees, to seasonal property owners and to people aspiring to live on the Island full time, which increased the potential for impacts, such as upon the Island's water and ecology.

In 1989, a Ministry of Environment report estimated that the demand for water in developed areas had reached as much as 83% of the estimated ground water available.

In the 1990's, protection of Hornby Island's groundwater resource, in the face of increasing demand, became a significant community concern.

A Groundwater Protection Project was conducted in phases from 1994 to 2002 as a joint project of the Ministry of Environment and the Islands Trust; it generated a **Groundwater Protection Strategy** and informed a review of the Official Community Plan.

A new **Official Community Plan (Bylaw 104)** adopted in 2003 included a new, over-riding policy for all land use which requires the impacts on groundwater resources to be addressed when considering zoning, regulations and applications.

A similar over-riding policy was included with respect to sensitive ecosystems and important habitat following more information becoming available about their presence on the Island and their vulnerability.

Meanwhile, a new **Land Use Bylaw (Bylaw 86)** was adopted in 1993, with only minor changes to residential density:

- Small lot zone

One dwelling (max. 200 square metres) per lot

Size of lot creatable by subdivision - minimum: 8,000 square metres

- Rural residential zone

One dwelling per lot

One additional dwelling per lot for each 4 hectares of lot area over 4 hectares

One secondary dwelling on each lot over 3.5 hectares*

Size of lot creatable by subdivision - minimum: 1 hectare; average: 4 hectares

- Agricultural zone

One dwelling per lot

One secondary dwelling on each lot over 3.5 hectares*

Size of lot creatable by subdivision - minimum: 16 hectares

- Upland zone

One dwelling per lot

One secondary dwelling on each lot over 3.5 hectares*

Size of lot creatable by subdivision - minimum: 4 hectares; average: 16 hectares

** this recognized the previous allowance of one guest cabin per lot over 3.5 hectares, which, in many cases, had become used for year-round residential housing rather than just seasonal guest occupancy.*

PART B – Responses to an Emerging Housing Crisis

1990's – First Responses

“Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community’s current and projected housing requirements” - Islands Trust Policy Statement, 1996

During the 1990's, the community began to face significant housing challenges.

Senior's housing

In the early 1990s, seniors' housing (which had been flagged for consideration in the 1976 Official Community Plan) emerged as an issue of concern with many long-term residents now aging. In 1990, a Conference on *Seniors' Housing in Island Communities* was hosted on Hornby Island by Heron Rocks. In 1992, the *Elder Housing Society* was formed and acquired land through partial donation. (Construction of units began in 1996. The current availability of 11 units at affordable rents has been achieved through fund-raising, donations, grants and considerable volunteer effort.)

- land use planning action:

The Land Use Bylaw was amended (by Bylaw 70) in 1992 to create a new zone for seniors' housing.

Ownership housing

By the mid-1990s, after the resident population had doubled over two decades. House prices were becoming beyond the reach of those relying solely on locally-derived incomes to pay for them. Easily-developed lots were becoming more scarce. The costs of developing and building were increasing. Mortgages and loans were more difficult to obtain. Adherence to the Building Code was required to obtain financing and insurance.

Those who came during the 1970s and 1980s were generally able to secure ownership – or co-ownership - even with modest or low incomes, and to then build their own houses. This option was not so accessible for people with similar aspirations trying to settle in the 1990s.

- land use planning action:

The local trustees initiated public discussion about the possibility of allowing more subdivision of rural residential land as a way of providing more opportunities for ownership housing. This was rejected by the community because it would erode the rural character of the island and lead to fragmentation of forest cover as land was cleared for house sites, driveways, gardens, views, etc. There was support for continuing land sharing opportunities as a way to enable affordable home-ownership.

A policy was included in the OCP Bylaw 104 (2003) to support density bonuses in exchange for amenity zoning, whereby additional subdivision capacity could be permitted in conjunction with land being made available for affordable housing.

Rental housing

By the late-1990s, rental housing was also becoming problematic. With ownership housing more and more out-of-reach of many residents, rentals were sought after as a way to secure housing. There was no purpose-built rental housing. Dwellings had been specifically built by or for owner-occupiers or for recreational use for non-residents. Secondary dwellings (cabins) provided some housing. Other year-round rentals involved dwellings not currently being used by owners (such as residents temporarily living elsewhere for work or education, or non-residents planning to eventually retire on the Island). Many rental situations were not year-round but involved moving out for all or part of the summer while a dwelling was being used by non-resident owners for vacation purposes. Most of these situations did not provide long-term security. Towards the end of the decade, a group of “displaced Hornby residents” had become organized to draw attention to this situation and encourage action.

- land use planning action:

The local trustees initiated public discussion about the possibility of allowing accessory dwelling units as a way of providing more rental housing. There was strong community resistance to increasing density at a time when impacts upon the groundwater resource was already a concern.

This policy was included in the OCP Bylaw 104 (2003):

“The Local Trust Committee shall establish a special projects advisory planning commission to identify local housing needs, develop and evaluate options for addressing them and prepare recommendations for subsequent amendments to the Official Community Plan that are consistent with the objectives of the Plan.”

2000s - Housing initiatives:

“The recent prolonged boom in vacation property sales has affected both islands with steadily rising house prices. While it has always been a challenge to find adequate employment and affordable housing on the two islands, recent trends have worsened the situation.” - Housing Needs on Hornby and Denman Island Final Report, Eberle Planning and Research, 2008

At the turn of the century, the new Inland Highway and the beginning of direct flights from Edmonton and Calgary to Comox had made Hornby Island much more accessible from the urban areas of the capital region, the lower mainland, and Alberta. The start-up of property management companies and the arrival of the internet enabled short term rentals to morph from having been a low-key, off-the-radar, word-of-mouth activity into becoming a much more commercial activity. These factors put more pressure on housing.

In the 2000s, there was a significant reduction in residential rentals – from 160 units in 2001 to 100 units in 2006. This coincided with a period in which short term rentals were increasing. Only 18% of dwellings were used for residential rentals, compared with 30% across BC.

In 2008, the average renter had lived on Hornby for 12 years and had moved 8 times. 43% of renters had no indoor toilet facilities and 49% lived in dwellings requiring repairs. 68% of renters had no tenancy agreement and 33% had only seasonal rentals. 45% of renters were paying more than 30% of their income on housing costs. (97% of renters were employed.)

The community as a whole was becoming much more aware of, and concerned about, what came to be seen as a housing crisis.

In 2003, HICEEC created a *Quality of Life* report for Hornby Island. This report indicated that 48% of renters could be classified as relatively homeless as result of paying more than a third of their income on housing. Others were living in less-than-satisfactory circumstances due to conditions or lack of stability.

The report stated: *“Housing is a major concern on Hornby Island. As stated earlier the population fluctuates seasonally with summer being the peak. Houses and cabins are often rented out to summer visitors and in September-October rented out to permanent residents until May or June. This forces the majority of renters to organize other living arrangements for 2-4 months of the year. This affects families (often with young children) singles and couples. Year-round rental housing is hard to find on the island.”*

Also in 2003, there was broad involvement in creating a Community Vision for 2020. The vision statement for housing includes: *“In the year 2020 Hornby Island is a balanced, diverse community where all its residents are able to find adequate housing. Stable and affordable housing makes it possible for residents to put down roots and build a life here, actively participating and contributing to*

the well-being of the community.” “A strong community priority is placed on creating affordable, year-round housing for permanent residents.”

There were a number of community initiatives to address housing, with associated land use planning actions.

- Accessory Dwelling Units / Temporary Use Permits / Housing Agreements

Following up on an OCP policy requirement, the Hornby Island Local Trust Committee established an **Advisory Committee on Housing** in 2003. The Committee conducted a wide range of activities to gather information and input, leading to a report in 2004. This identified three key housing needs: affordable rental housing, affordable ownership housing and seniors’ housing. The report provided a number of recommendations for community action.

With respect to land use planning and regulation, the Advisory Committee on Housing report recommended the use of Temporary Use Permits and Housing Agreements to enable a range of site-specific housing solutions, particularly secondary dwelling units.

Later, in 2008, HICEEC obtained a grant to study the possible use of secondary units as a housing solution for the Gulf Islands. (At the 2007 **Housing Solutions for Small Communities** conference organized by HICEEC, a panel had proposed secondary accommodation units as an important way to provide immediate housing opportunities.) At the same time, concerns were expressed about the potential impacts of increasing density.

It was noted that, while secondary suites are being legalized in many urban communities, different circumstances are faced on islands and in other small communities. The report suggested how such units could be judiciously used on islands, noting that this should be preceded by regulations to address short term vacation rentals.

- land use planning action:

In 2005, to implement recommendations of the Advisory Committee, the Hornby Island Local Trust Committee and Islands Trust planning staff prepared draft bylaws to amend the Hornby Island Official Community Plan and Land Use Bylaw to allow secondary dwelling units permitted by Temporary Use Permits and Housing Agreements housing agreements. Unfortunately, different trustees were elected and the new local trust committee did not proceed with these amendments.

However, a subsequent local trust committee followed up on this concept by including policy in a new Official Community Plan to allow accessory dwelling units to be considered through the use of Temporary Use Permits. The use of Housing Agreements was not included as these would have involved an onerous process for a single unit; Housing Agreements are generally used for multi-unit housing projects.

Non-market Ownership Housing

A recommendation of the **Advisory Committee on Housing** to the community was the formation of a community land trust in order to facilitate non-market ownership housing. This was based on a conclusion that the only way to make home ownership affordable was to remove the cost of land and the profits associated with market housing.

In 2006, **ISLA** (Islanders' Secure Land Association) was formed as a community land trust, following up on a recommendation by the Advisory Committee on Housing.

A land donation to ISLA was proposed in 2006 and completed in 2010. Considerable work was carried out by successive dedicated directors, with regular membership and community consultation, to address site planning and preparation plus significant legal, financial and regulatory challenges.

- land use planning action:

The local trust committee first of all supported the land being proposed for use by ISLA being transferred out of the ALR in conjunction with other equal or better land being transferred into the ALR.

Then, the LTC utilized the OCP policy supporting a density bonusing by amending the zoning regulations to specify what level of subdivision would be allowed as the result of specified amounts of land being donated. The parcel was about 12 ha, meaning it could be subdivided into three 4ha lots under rural residential regulations at that time. The site-specific density bonus regulation enabled subdivision into four 1 ha lots if the remaining 8 ha lot became zoned for community housing. The whole process began in 2006 and was completed in 2010.

Once that process was completed, the property was rezoned for “community housing”.

Low-Income Rental Housing

In 2007, at a time when the local trust committee was not taking an active role in pursuing housing solutions following the election of different trustees, HICEEC facilitated regular **Round Tables on Housing** to enable community organizations and individuals to follow up on initiatives identified by the Advisory Committee on Housing, to explore other ideas and to foster community awareness of housing needs and possible solutions.

One idea generated by the Round Tables on Housing was to explore the use of Crown land for low-income rental housing.

Discussions with the Assistant Deputy Minister for housing lead to Hornby, Squamish and Invermere being selected as pilots for housing projects on Crown land, with three requirements: a) completion of a housing needs assessment, b) community support and rezoning of identified suitable Crown land, and c) the creation of an organization to manage the project with BC Housing (to whom the land would be transferred). These three requirements were met, including the formation of the Hornby Outer Island Housing Society.

- land use planning action:

In 2008, the local trust committee amended the land use regulations for the “public use zone” to include “community housing” as a permitted use throughout the zone, which included the Crown land parcel (near French Road) which had been identified as suitable for low-income rental housing.

Secondary Suites

In 2008, HICEEC obtained funding to conduct a Housing Needs Assessment for Hornby and Denman Islands.

The report stated that for Hornby Island: *“At least 37 renter households and about 60 elder households are living in housing which is unacceptable by established standards. These households tolerate housing that is sub-standard, insecure, unaffordable or overcrowded in order to stay in the community they consider home.”*

The report recommended that: *“Permitting secondary suites or detached units on residential lots could assist some homeowners struggling with affordability and would increase the supply of rental units. At least 17 Hornby renter households in need consist of single persons for whom a secondary unit could be appropriate.”*

The report also stated that:

“Creating approximately 30 affordable home ownership units could address the needs of Hornby renter households in need and who prefer home ownership.”

And:

“Approximately 10 elder households wish to move in to elder housing over the next ten years.”

- land use planning action:

The next revisions of the Official Community Plan and Land Use Bylaw included permitting secondary suites on larger lots (and, as note above, detached units can be considered through applications for a Temporary Use Permit).

Zoning regulations already permitted 30 dwelling units for affordable ownership on the ISLA property and 20 dwelling units for seniors' housing on the Elder Housing property.

2010 - 2014 – Consolidation of Planning for Housing

“An official community plan must include statements and map designations for the area covered by the plan respecting ...the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 year.” BC Local Government Act

In 2010, the **Hornby Island Advisory Planning Commission** was asked to provide recommendations to address housing based on a variety of ways of obtaining community input and on reviews of the Advisory Committee on Housing Report, the Housing Needs Assessment, and a 2008 staff report on secondary housing. This was part of a targeted review of the Official Community Plan, with housing being one of the two targeted topics.

As a result of the APC recommendations, a new section on housing was added to the Official Community Plan. It provides overall objectives for housing, and policies for community housing, affordable housing, rental housing, special needs housing and land co-operatives.

Official Community Plan policies support community housing on the Elder Housing and ISLA lots, and

enable community housing, a supported living facility, hostel and emergency housing on the Community Service (Public Use) lands. Other policies allow for secondary suites in dwellings on larger lots and for Temporary Use Permits to be considered for detached accessory dwelling units. Policies also enable applications to be considered for appropriate larger lots to be rezoned for community housing, special needs housing or land co-operatives.

Land Use Bylaw regulations permit:

- community housing on the Elder Housing and ISLA zones;
- community housing and a hostel and emergency housing in the Public Use zone;
- secondary suites on lots over 2 ha. in the Large Lot, Agricultural zones, by Siting and Use Permit;
- guidelines for considering Temporary Use Permits;
- increased permitted subdivision of lots in the Large Lot zone (average size reduced from 4 ha to 2 ha).

This last provision came about from discussion initiated by some property owners who were experiencing difficulties with land-sharing arrangements, particularly when inheritances or change of ownership occurred. There was general community support for allowing these particular lots to be subdivided and measures were enacted to enable this. But planners advised that local governments don't have the ability to distinguish between types of owners in zoning regulations.

Meanwhile, others in the community began advocating for increased subdivision as a way to create more home ownership opportunities, referencing the problems emerging with some land sharing arrangements. It was noted that allowing subdivision of 4 ha lots, on which two dwellings are permitted, into two separate lots with one dwelling on each would not increase existing density.

The **Official Community Plan (Bylaw 149)** and the **Land Use Bylaw (Bylaw 150)** were adopted in 2014 after delays for reasons unrelated to housing.

PART C – The Crisis Continues

Since 2014 - Plans in place, but why no new housing?

“The [Hornby Island] OCP is very thorough, with objectives and policies to guide the creation of affordable, special needs, and seniors housing, including recognition of shared ownership as one way to make land more affordable.” - Affordable Housing in the Islands Trust Area Baseline Report, 2019

Local land use planning actions have been carried out in response to report recommendations and community initiatives. The OCP section on housing provides a range of opportunities. However, these opportunities have not resulted in the intended housing materializing.

Here is some exploration of why:

Community (affordable ownership) housing – Beulah Creek (ISLA)

No housing built. Despite efforts by multiple directors over multiple years, the legal, financial and regulatory challenges proved insurmountable. The Hornby Island Housing Society is now pursuing low income rental housing on the Beulah Creek land with BC Housing and M'akola Housing Society.

Community (seniors') housing – Elder Housing

No additional housing. Despite being permitted 20 dwellings there are still only 11. The lot configuration does not lend itself to additional dwellings and adding additional land has not been attainable. Expansion would require significant resources of a volunteer organization.

Community (low income rental housing) housing – Public Use area

No housing built. Despite this area being specifically zoned to enable the Hornby Outer Island Housing Society to proceed with its proposed project near French Road, this never happened. The intended transfer of land to BC Housing was put on hold when the Province suspended Crown land dispositions to assess requirements for protecting Coastal Douglas Fir ecosystems, and while treaty negotiations were happening with K'omoks First Nation. In the meantime, the society became defunct.

Hostel, supported living facility, emergency housing – Public Use area

None of these proposed housing projects have been initiated. The organizations that own or lease land in the area have primary purposes other than housing. Crown leases may not allow such developments (as the Hornby Island Athletic Association found out when it tried to set up summer camping opportunities for workers and displaced residents). Other organizations without land in the area would need to prepare a viable plan and obtain community support in order to access Crown land in the area.

Accessory dwelling units - by Temporary Use Permit

There has been no uptake, despite “non-permitted” accessory dwelling units of one sort or another being a significant source of affordable housing. Reasons might include:

- the temporary nature of TUPs;
- the cost of a TUP;
- cost of establishing a permissible unit;
- the regulatory/bureaucratic process;
- lack of awareness;
- no pressure to legalize situations while there is a moratorium on enforcement.

Secondary suites – by Siting and Use Permit

There has been no uptake, despite single people seeking housing and 44% of dwellings being occupied by one-person households. Reasons might include:

- lack of awareness;
- does not align with how people want to live;
- cost of developing a suite;
- regulatory requirements;
- the option is restricted to only larger lots.

Rezoning for housing projects - community housing, special needs housing, land co-operatives

There have been no applications. Reasons might include:

- lack of awareness
- lack of available, affordable land
- lack of groups / organizations with the required capacity

Potential additional available land for ownership housing – subdivision of large lots

There has been no significant increase in lots for sale nor reduction in land prices. Few additional lots have come on the market as a result of the reduction of average lot size; most subdivisions have been to divide co-owned properties with two existing houses. Reasons might include:

- landowners do not want to subdivide;
- lots unable to meet slope, soil depth, percolation rates, and reserve field requirements;
- lots unable to meet access requirements;
- costs and challenges of bureaucratic process;
- there are no subdividable undeveloped lots.

Density bonuses – for housing opportunities

There has been no use of the density bonus provision to obtain land for affordable housing following its use to obtain land for ISLA. Since then, there have been no remaining non-ALR properties of comparable size to enable a similar process.

.....

Land use policies and regulations cannot create housing. They can only enable opportunities. These opportunities need to be taken up by the market or by non-market initiatives.

The market has been unable to generate ownership housing attainable by local residents whose financial resources are limited to local incomes. It has generated little, if any, dedicated rental housing which, due to the costs involved, can be economically challenging to provide, even on a non-profit basis.

Non-market initiatives depend upon the efforts of volunteers involved in non-profit organizations and their success in addressing complex challenges and in securing funding.

Much of the actual attainable and affordable (if not secure) housing is as a result of landowners choosing to make available dwellings they are not currently using – or making available land on which residents can site a mobile unit or tiny home. Many of these situations are not “permitted” but are able to temporarily continue due to a current moratorium on enforcement. This is not a good long-term solution.

The significant lack of uptake of opportunities suggests that policies and regulations need to be carefully reviewed to see if there are adjustments and alternatives that might better support more achievable and secure housing options.

2018-2023 - Housing Needs Today

“In the year 2020 Hornby Island is a balanced, diverse community where all its residents are able to find adequate housing. Stable and affordable housing makes it possible for residents to put down roots and build a life here, actively participating and contributing to the well-being of the community.” Hornby Island Community Vision, 2002

In 2018, the Islands Trust conducted housing needs assessments for the northern islands.

In 2018, the Hornby Island Housing Society was formed as a new entity replacing the Elder Housing Society. In 2021, the Hornby Housing Network took shape as a way for organizations to work together on housing issues. In 2023, the Network assessed current housing needs on the Island.

Housing Needs Assessment, 2018:

The following information is from the housing needs assessment for Hornby Island:

Rental housing affordability:

To be affordable, 50% of households need rental housing at \$700/month or less.

Ownership housing affordability:

Only 8.8% of households (with an annual income of over \$100,000) can afford to buy a house priced at \$581,000.

Top challenges indicated by community survey:

1. Housing is unaffordable relative to income – particularly since there is a large percentage of households that earn under \$25,000 per year.
2. Uncertain tenure forces people to move seasonally – often forcing people to share accommodation in the summer months and/or live in tents.
3. Lack of housing options – while Hornby Island has seniors housing, there are no options for other secure rental options.

(Over 80% of survey respondents indicated that those in need of affordable housing live in trailers or mobile homes, and illegal cottages.)

- Conclusions and recommendations of the Housing Needs Assessment

Based on the population projections, there could be a need for potentially 158 residential units in the next 25 years. Based on the 2016 Census, 41% of the total population falls within the no, low and low/moderate income levels.

The 2008 Housing Needs Assessment on Hornby and Denman Island identified a total housing need of 97 units for renters and seniors. Based on the population growth projected for 158 units and 41% need for affordable rental, Hornby Island now requires between 65 and 97 affordable housing units. This would require between three and four affordable rental housing units to be constructed each year.

Affordable Housing MRDT Plan, HICEEC, 2022

In 2022, HICEEC prepared an appendix on Affordable Housing as part of a strategic plan for the community's use of Municipal & Regional District Tax. This focused on how the need for workforce housing translates into a challenge for employers to attract staff, especially during the summer months.

The segment of housing that is not currently being met, either in the planning or implementation stages, is seasonal, tourism, workforce housing. Some employers are able to provide staff accommodation on their own property, but many employers aren't. Shortage of staff have resulted in reduced hours and closures for some operations.

Community First, Hornby Island Housing Report, 2023

In 2023, the Hornby Island Housing Network produced a report on housing and then summarized identified needs, including this information:

41% of people are precariously housed (Canada: 33%)

(This includes not having secure tenure and living in housing that is inadequate and/or unsuitable and/or not legally permitted.)

69 people are identified as being in immediate housing need (32 of which are over 65)

52 require a studio or 1 bedroom unit

19 are interested in sharing

There is a range of specific housing needs, including those with mental health and/or addiction challenges, separating families, people staying in negative relationships.

Few renters aspire to own housing.

House prices, 2023

These are the properties currently listed for sale with asking prices under \$1,000,000 (July 2023)

	Asking Price	Down payment	Monthly mortgage payment
.98 acres, Gunpowder	\$509,000	\$25,900	\$3,272
.62 acres, Anderson	\$695,000	\$44,500	\$4,405
1 bedroom cabin, Cannon	\$499,000	\$25,000	\$3,021
1 bedroom cabin, Campbell	\$569,000	\$32,000	\$3,423
2 bedroom cabin, Gunpowder	\$680,000	\$43,000	\$4,059
3 bedroom house, Porpoise	\$699,000	\$45,000	\$4,168
2 bedroom house, Anderson	\$729,000	\$48,000	\$4,340
3 bedroom house, Central	\$759,000	\$50,000	\$4,512
3 bedroom house, Cowie	\$885,000	\$63,000	\$5,237

(The average house price in Canada is \$709,000, with a provincial high of \$991,000 in BC)

An income of at least \$100,000 would be required to buy a house costing \$500,000.

Household incomes on Hornby Island (2021 census)

Household income	Number of households	Percentage of total
Under \$50,000	370	54%
\$50,000 to \$100,000	190	29%
Over \$100,000	120	17%

83% of Hornby Island's households cannot afford to buy the cheapest house that is for sale.

PART D – Making New Plans

Context

“Life on Hornby seeks to balance a rural experience of nature and personal freedom with a satisfying sense of community and belonging.” - *The Hornby Way* – HIRRA, 2019

Land use planning for housing needs to be shaped within the context of the land, the community and its existing housing stock.

Land characteristics

Hornby Island’s approximately 3,000 hectares are roughly divided into the following land uses:

- Parks, protected areas, other land not available for development	34%
- Land in the Agricultural Land Reserve	28%
- Residential use – large lots	30%
- Residential use – small lots	7%
- Commercial and institutional uses	1%

Lots are unserviced and require on-site provision of water and treatment of sewerage, making land development more challenging.

There are plus-or-minus 50 lots with theoretical potential for subdivision based on size, but many – perhaps most – may not have the actual capability. Only two of these lots are undeveloped. There are two lots that may have the capacity to be subdivided into 3 lots; the rest into 2 lots.

There are about 117 residential lots that do not have dwellings built on them.
(Their value ranges from \$280,000 to \$1,144,000.)

Community characteristics

- Seasonality

Summer visiting and seasonal residency means that in July and August the ferry serving Horny Island carries 4 times as many passengers than in January and February;

Over 40% of dwellings on Horny Island are only occupied seasonally;

Additional workers are required in the summer to help provide required services at a time when available accommodation tends to be fully occupied by residents, property owners and their paying or non-paying guests;

- A Naturally Occurring Retirement Community (NORC)

NORCs are communities that over time naturally come to include a high density of older adults.

People who were part of the large in-migration in the 1970s and 1980s have now reached – or will soon be reaching - retirement age.

Since the 1970s, people from elsewhere have bought property on Hornby Island for future retirement and have been steadily moving here.

A NORC requires younger people to do the work that people of retirement age are not available, or are unable, to do and to provide needed services;

Local service jobs do not provide the income to compete in the housing market with retirees who have accumulated real estate and other assets.

- Amenity migration

Amenity migration occurs when people move to a community, full or part-time, not because of the available jobs and housing but often despite their lack, in order to enjoy amenities such as natural beauty, recreation, community facilities/services/character, etc.

Amenity migration to Hornby Island occurs in a range of socio-economic groups:

- more affluent people able to afford second (or third) homes;
- retirees, who have generally previously been vacationers on Hornby Island;
- parents wanting a different environment in which to raise a family;
- young people pursuing an alternative, simpler lifestyle than possible in cities;
- vulnerable people seeking a less harsh situation to survive in.

Amenity migration is supported by:

- transportation: the Inland Highway, direct flights to Alberta, stabilized ferry fares, float plane service;
- communications: improved internet (enabling telecommuting and operating businesses from home);
- improved services, recreational opportunities, cultural activities.

- Population turnover

There appears to be a fair amount of turnover in the population, with out-migration balancing some portion of the migration to the island.

Out-migrants can be;

- young people who have grown up here who leave to pursue education, work opportunities, different living experiences, etc, some of whom may return to the island some years later;
- young people who come to Hornby and stay for a few months or years and then move on;
- people who have migrated to Hornby but then find that life here doesn't suit them;
- residents who have wearied with struggles to make a living and/or attain housing;
- residents who leave to be closer to loved ones, to pursue opportunities elsewhere, so that their children are closer to school, or to better access needed health care or other services;
- or combinations of the above.

Population characteristics

From 1976 to 2021, Hornby Island's population almost tripled (from 420 to 1,225). BC's population doubled in the same period.

The current demographics of Hornby Island are significantly different from those of the region, of BC, and of Canada in the following ways:

44% of the population is over 65 (Canada: 19%)

9% is under 15 (Canada: 16%)

48% are employment participants (Canada: 64%)

73% are employed part-time or part of the year (Canada 46%)

52% of people working are self-employed (Canada 14%)

Median after-tax income is \$27,000 (Canada: \$37,000)

Median household income is \$45,000 (Canada: \$73,000)

28% of residents are low income (Canada: 11%)

Housing characteristics

From 1976 to 2021, the number of dwellings roughly tripled, keeping pace with the growth in resident population. However, dwellings have been in demand, built, and bought for both residential and non-residential uses. Over the years, about 50% of dwelling have been owned by residents and 50% by non-residents.

In 2021, of 1,225 dwellings, 654 dwellings were occupied by residents year round (560 in 2016).

That's 59% of dwellings (Canada: 92%)

Of these, 93% are single detached dwellings (BC: 40%)

13% of dwellings need major repairs (Canada: 6%)

Mobile units are the next most common type of dwelling

In 1976, the average household size on Hornby Island was the same as the provincial average: 3.3 persons. It is now only 1.9 persons, compared to 2.4 persons across BC.

There are:

285 1 person households

260 2 person households

115 households with 3 or more persons

105 households that include children

(25 of them are single-parent households)

20% of households are rentals (Canada: 33%)

About 120 dwellings are advertised for vacation rentals – about 10% of the community's housing stock. If every existing dwelling, plus every additional dwelling that could be built, was occupied year-round by a two-person household, they would accommodate an Island population of 3,750.

Policy and regulatory constraints

“The Islands Trust today faces a major challenge. While populations, numbers of visitors and the demand for intensified use and residential development of the Trust Area can be expected to continue to grow, capacities of the Area’s resources and systems are limited.” Islands Trust Policy Statement, 1996

The challenge of addressing housing is compounded by the need to work within the existing provincial and regional legislative, policy and regulation framework.

Balancing priorities

The *Islands Trust Act* grants land use planning authority to the Hornby Island Local Trust Committee for a stated purpose: carrying out the object of the Islands Trust, which is to preserve and protect the trust area and its unique amenities and environment for the benefit.

Priorities for protection include:

- Ecosystems and biodiversity

(29% of Hornby Island has been converted to human use – the second highest level in the Trust Area)

- Freshwater

(most of the Hornby Island’s aquifers are classified as highly developed)

- Rural character

(Hornby Island’s rural residential lots have the highest subdivision potential in the Islands Trust area)

These priorities align with consistent objectives of Hornby Island Official Community Plans from 1976 to the present.

Strengthening housing affordability is a priority of the Islands Trust Council. But it needs to be balanced with the priorities of protecting ecosystems, freshwater and rural character.

Addressing policy requirements

Official community plans and regulatory bylaws will not be approved if they are contrary to, or at variance with, directive policies of the Islands Trust Policy Statement. Policy 4.4.2 requires that “neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater”. The small lot subdivisions on Hornby Island are known to have such problems.

It is a challenge to address housing within these important residential areas of the Island in the context of this policy.

Utilizing land use planning tools

The *Local Government Act* provides the regulatory tools for local governments to plan for housing, but there are challenges involved in using these tools:

- **zoning regulations** are fundamental for permitting what housing is allowed and where, but it has been long understood that such regulations can only address uses, not users (as affirmed by the BC

Court of Appeal in 2019: it is “well-settled law that a bylaw may not, without specific provision, regulate the users of property.”)

- **housing agreements** can be used to specify who uses housing along with a range of other requirements, but require a bureaucratic process (including adopting a bylaw to authorize an agreement) that generally make housing agreements only suitable for multi-unit housing projects.

- **temporary use permits** provide the only way to authorize non-permanent housing on a property, but require a significant bureaucratic process (including the equivalent of a public hearing) and can only be in place for a maximum of six years.

Considering other regulations

Provincial legislation has generated regulations used by other agencies that can impact local land use planning for housing.

- ***Drinking Water Protection Regulation***

If two or more dwellings are connected to the same water system, it must be approved by *Island Health*

- ***Sewerage System Regulation***

An authorized person must approve an on-site system to ensure it can handle the daily flow for the proposed occupancy of housing units

- ***Subdivision Approval***

Subdivision of rural property is considered for approval by an Approving Officer appointed by cabinet (and working within the Ministry of Transportation and Infrastructure), taking into account a range of factors. With respect to unserviced lots, the Health Authority sets the requirements for water systems and on-site sewage disposal. The minimum size of lots created by subdivision for properties served by on-site sewerage system and water supply is 1 ha to 2 ha based on slope, soil depth and percolation rate. Lots created by subdivisions will need to meet requirements for lot frontage and panhandles.

- ***Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation***

These give authority to the ALC to regulate land uses – such as housing - in the ALR

- ***BC Building Code***

Although Hornby Island does not have building inspection and permitting services, the BC Building Code still applies to all construction, including secondary suites.

Some regulatory opportunities

“The housing crisis faced by British Colombians looking for a place to rent, or even a chance to get into the housing market itself, is profound, and calls for some pretty urgent action at all levels of government.” - Premier David Eby, 2023

The constraints are balanced by a number of opportunities – some of them new – that can enable alternative approaches to planning for housing.

Multi-family zoning – specifying residential rental housing

In the past, local governments did not have authority to specify in zoning regulations that particular housing be made available for only residential rental use.

In 2018, the *Local Government Act* was amended to include a new provision for residential rental tenure (section 481) which states that “a zoning bylaw may limit the form of tenure to residential rental tenure within a zone or part of a zone for a location in relation to which multi-family residential use is permitted.”

Although this new provision was added to the *Act* with urban situations in mind, there is nothing to preclude it being used in rural areas, particularly as there is no set definition of “multi-family residential use”. This will enable a zone to be created in which additional dwellings are only permitted if used for residential rental purposes.

Covenants - specifying users of housing

In the past, it has been generally accepted that legally a local government may not regulate the users of property.

In 2020, the Appeal Court of BC (in 1120732 B.C. Ltd. v. Whistler) made a decision, upheld by the Supreme Court, ruling that the regulation of users is permitted as long as it is not unreasonably discriminatory in its effect. This case affirmed a 1998, the Appeal Court of BC decision (in North Vancouver v. Fawcett) which upheld that a section 219 covenant could require that residential units be occupied as by people of specified age.

Section 219 of the *Land Title Act* gives a local government authority to register a covenant with respect to the use of a building.

The District of Central Saanich uses section 219 covenants for the construction of a new Detached Accessory Dwelling Unit. The District’s Land Use Bylaw permits an owner to construct the new building only if the owner grants a covenant to the District on terms specified in a standard covenant stating the permitted occupancy of the building (property owners, family members, caregivers, caretakers, employees serving the property, or for rental housing purposes).

Thus a section 219 covenant can be used, in lieu of a housing agreement to require that a dwelling unit be used for residential tenancy purposes only. It involves a simpler process than a housing agreement, which must be adopted by bylaw.

Agricultural Land Reserve – secondary dwellings

In the past, the Agricultural Land Commission allowed a secondary dwelling in the form of a manufactured unit, only if required for farm purposes, on ALR land.

As of December 31, 2021, on a property 40 ha or less, where there is a principal residence of 500 m² or less, one 90m² additional residence may be permitted, subject to local government bylaws. The new ALC regulations continue to also permit one secondary suite within the principal residence.

Secondary suites – provincial government initiative

In the past, permitting additional dwellings was a purely local government decision.

In 2023, the BC Government announced that it will introduce legislation to legalize secondary suites across the Province.

Temporary Use Permits – on-going uses

In the past, Temporary Use Permits (TUPs) were used only to permit short-term commercial and industrial uses.

In 2010, the *Local Government Act* was amended to eliminate all references to commercial and industrial uses, enabling a TUP to allow any use that is not permitted by a zoning bylaw, including for example residential, agricultural and institutional uses.

Now, local governments across the Province are using TUPs to allow on-going uses such as housing or short term vacation rentals. While a permit can only be issued for three years and renewed for an additional three years, there is nothing in legislation to prevent a subsequent TUP being applied for and issued. (The renewal and reissue of a permit provide an opportunity to review whether the use is being carried out in accordance with permit conditions.)

A Refreshed Approach

“Policy direction to support affordable housing is essential to effectively encouraging solutions.”
- Affordable Housing in the Islands Trust Area Baseline Report, 2019

It has become clear that:

- a) The community’s affordable housing crisis has been on-going for a quarter century
- b) The market has not been able to provide needed housing
- c) Non-market housing has been challenging to achieve and will not be sufficient
- d) Regulatory opportunities, based on recommendations of housing reports, have not lead to uptake
- e) Necessary, but inadequate, accommodation is being provided through non-permitted housing units.

Additional options are needed and some existing ones need to be modified.

These need to be made known to the community.

Regulations should provide accountability (with respect to ensuring that permitted housing meets the intended housing need and to addressing possible impacts) but without being so bureaucratic that they discourage applications and perpetuate “illegal” solutions instead.

To address identified needs, options should include:

- Opportunities for residents to legally pursue some of the hitherto “illegal” solutions in appropriate situations.

(A broader and more accessible use of temporary use permits can support arrangements between particular landowners and particular residents.)

- Opportunities for house sharing, noting that 19 of the 69 people in immediate housing need are interested in sharing.

(Secondary suites should be a more accessible and better understood option.)

- Opportunities for small rental units, noting that 52 of the 69 people in immediate housing need require a one-bedroom unit.

(Attached or detached accessory dwelling units, limited by size and required to be used only for residential rentals, could help address this need.)

- Opportunities for family rental units.

(A new multi-family sub-zone, in which additional dwellings, required to be used for residential rental use, are permitted on suitable larger lots could provide opportunities)

- Opportunities for community and co-op initiatives

Policy should continue to support possibilities for community housing, temporary/emergency housing, special needs housing and supportive housing.

- Opportunities for affordable ownership housing arrangements

(In addition to larger-scale projects by a community organization or co-op, policy should enable consideration of small-scale initiatives to create ownership housing on shared land, including clustered housing or attached units.)

- Opportunities for density/subdivision re-configurations

Policy should continue to enable site-specific consideration of bonuses of subdivision capacity or density where these will enable a community housing opportunity (though there is limited potential for this as there are no sizable rural lots remaining).

As in the past, uptake of new opportunities is likely to be limited. But a range of opportunities could lead to some innovative initiatives.

Advisory Planning Commission recommendations

In 2022, the Hornby Island Advisory Planning Commission provided the Local Trust Committee with recommendations addressing housing and short term rentals. It made these recommendations for housing:

- 1. In Large Lot Residential zone, allow multi-family development through site-specific subdivision re-zoning. Limit the development to “residential rental tenure.”*

2. In Large Lot Residential zone, create a new zone permitting permanent second dwelling, Short Term Rental (STR) prohibited. The location of this new zone will be determined through community consultation.

3. Permit in all zones: site specific applications to permit a second dwelling for residential rental tenure, verifying proven septic, water, and lot coverage. The Province regulates septic capacity and identifies water use requirements, based on science-based evidence.

These recommendations have not been implemented.

This paper includes similar proposals, but as part of a comprehensive plan with 30 detailed recommendations.

PART D – Recommendations for a comprehensive approach

“If no action taken, housing crisis will elevate to a critical level. Without updating the OCP to strengthen the various policies and objectives that impact the conditions of housing (and its associated environmental, social, economic and cultural conditions), Hornby Island will no longer be able to provide healthy social, economic, environmental and cultural conditions for its residents. Furthermore, the island will no longer be able to maintain its character. Most importantly, if no action is taken, we will fail to implement the Trust Council’s mandate of preserving and protecting Hornby Island.” Hornby Island Local Trust Committee OCP Project Business Case, 2021

Summary of recommendations

What is proposed in these recommendations would result in a very comprehensive planning approach to housing, offering a variety of opportunities that can be summarized as followed:

To be enabled by Official Community Plan policies:

- **Community housing:** affordable ownership, low cost rental, movable home facility - **modified**
- **Social housing:** seniors’, supported living, emergency, hostel - **existing**
- **Land sharing:** co-operative, co-housing, land trust; clustered or attached housing – **modified / new**
- **Multi-family housing:** involving a mix of ownership housing and residential rental tenures - **new**
- **Secondary suites:** in all residential zones and the agricultural zone - **modified**
- **Accessory dwelling units:** attached or detached, for residential rental tenures - **new**
- **Density bonuses or transfer:** in exchange for enabling housing - **modified**

To be permitted in Land Use Bylaw regulations

- **Low income rental housing** (Beulah Creek) - **existing**
- **Seniors’ housing** (Elder Housing) - **existing**
- **Community housing, hostel** (Public Use Zone) - **existing**
- **Secondary suites** (in all zones) - **modified**
- **Accessory dwelling units on large lots** (requiring a covenant) - **new**
- **Accessory dwelling units on small lots** (requiring a temporary use permit) - **modified**

Enabling community initiatives

- Current policies and regulations; discussion

This refers to initiatives of community non-profit organizations.

Past, existing or conjectured community initiatives to create housing include:

- seniors' housing;
- affordable ownership housing;
- affordable rental housing, including for local workers;
- supportive living facility;
- emergency accommodation;
- temporary accommodation for summer workers and displaced residents;
- community-managed facility for siting mobile units or tiny homes.

These initiatives require land which could be:

- land already owned by a community housing provider;
- land within the "Public Use Zone";
- land yet to be identified and currently zoned for other residential uses.

- Initiatives on land owned by a community housing provider

This consists of:

- the Elder Housing property
- the Beulah Creek property

Both are zoned for "community housing". Changes in regulations could be pursued by the owners with the Hornby Island Local Trust Committee.

- Initiatives on land within the "Public Use" zone

Hornby Island is fortunate to have 98 hectares of land in the centre of the Island available for community services uses and zone as "Public Use".

This area consists of:

- property owned, leased or licensed by various entities, none of which have a housing purpose; (Comox Valley Regional District (Fire Hall, Recycling Depot), School District 71, HIRRA, Hornby Denman Health Care Society, New Horizons, Hornby Island Athletic Association, Mainroad North Island Contracting and Spark);
- Crown land not in the Ecosystem Management / Groundwater Recharge Zone;
- Crown land identified as settlement land in treaty negotiations with K'omoks First Nation

Policy 6.2.6 in the "Community Services Use" section of the Official Community Plan states:

The development of affordable rental housing or special needs housing for Island residents, including facilities for seniors, displaced year-round residents and summer workers, operated non-commercially, should be permitted on land designated Community Service Use and be regulated by land use bylaw regulations. Other residences should only be permitted for the purpose of accommodating a caretaker or operator,

The “Housing” section of the Official Community Plan has policies that enable the following housing uses in this area:

- housing, provided it is affordable housing or provides for persons with special needs;
- a non-commercial campsite
- a supported living facility,
- a hostel and other facility for providing emergency and/or temporary accommodation.

The Land Use Bylaw permits the following uses in this zone;

- one accessory residential unit per lot (2 where there is a police station)
- community housing
- hostel

(but does not provide size or density regulations)

Establishing a housing project in this area will require an organization with a housing purpose to either;

- come to an arrangement with an organization that occupies land in this area, or
- obtain the use of Crown land.

Already-occupied land may not be available because the organizations involved may have other plans/aspirations or because the terms of a Crown lease or licence do not permit the use.

Obtaining Crown land will require a sound proposal with local government and community support. Official Community Plan policy identifies the need for a master plan for this area and for ensuring that dispositions of Crown land are in accordance with such a plan. As a significant proportion of the Crown land has been identified as treaty settlement land, and because the remaining Crown land could be needed for a range of community services, a master plan (including potential community housing projects) should be prepared before any particular project for the area is proposed.

- Initiatives on land zoned for residential use

Land cannot be pre-zoned for housing initiatives before specific parcels have been identified as available, attainable and suitable. But policies in the OCP can enable re-zoning to be considered when these are identified. The only land potentially available is currently designated as rural residential.

Policy 6.3.5.2 enables suitable parcels to be considered for re-designation and rezoning for community housing:

Parcels designated Rural Residential (RR) that have demonstrated ability to meet Provincial Ministry standards of water, grey water (sewage and waste water) treatment and other health and environmental requirements, may be considered upon application for a site specific rezoning (see Section 7.3). A development plan is required upon application for rezoning that includes information regarding future development phases, projected densities, impacts on the land and neighbourhood including the provision of waste supply, waste disposal and retention of natural vegetation.

Policy 6.3.5.20 has similar wording with respect to special needs housing. (note: there are errors in these policies; policy 6.3.5.2 fails to mention community housing.)

Suggested changes to enable community initiatives

- Official Community Plan

1. Under “Community Service Use” policies, add this new policy (and delete advocacy policy 6.2.14):

The Local Trust Committee shall develop a master plan for future facilities and uses in the area designated for community service use in consultation with community organizations and should only support dispositions of Crown land for purposes that align with this plan.

2. Under “Affordable Housing” policies add:

A community-operated facility, involving the siting of mobile housing units or tiny homes for the affordable housing of community residents (especially those on the work force) and seasonally-employed workers, may be considered within the area designated for community service use.

3. Under “Community Housing” policies, replace policy 6.3.5.2 with:

Parcels in the Rural Residential land designation may be considered for site-specific rezoning to enable community housing. Applications should be accompanied by a development plan (see Section 7.3) that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities.

4. Under “Special needs Housing” policies, replace policy 6.3.5.2 with:

Parcels in the Rural Residential land designation may be considered for site-specific rezoning to enable special needs housing. Applications should be accompanied by a development plan (see Section 7.3) that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities.

- and under “Special needs Housing” policies, replace policy 6.3.5.2 with:

Parcels in the Rural Residential land designation may be considered for site-specific rezoning to enable special needs housing or temporary accommodation for summer workers and/or displaced residents. Applications should be accompanied by a development plan (see Section 7.3) that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities.

-Land Use Bylaw

5. Once a master plan has been completed for the Community Service Use area, amend the permitted use, siting, size and sub-zone regulations for the **Public Use Zone** to provide for housing uses identified in the Official Community Plan, such as **community housing** and a **mobile housing unit facility**.

Enabling shared-land initiatives

- Current policies and regulations; discussion

In the “Housing” section of the Official Community Plan, there is a sub-section on “Land Co-operatives”. One policy affirms that two properties have been designated as Land Co-operatives. Another policy enables other properties over 4 hectare to be considered for re-designation and rezoning as Land Co-operatives.

The Land Use Bylaw contains specific zones for the “Syzygy” and “Shire” land co-operatives and also for the “Downes Point” property which is a corporation that functions somewhat as a co-operative. The Co-ops could apply to have additional residential density applied to their properties (and in fact, the number of permitted dwellings was increased for the Syzygy property).

There is not the opportunity today for co-ops of the scale of Syzygy or The Shire to be created, given that there is a limited number of non-ALR residential lots over 4 ha remaining on the island. There is a good number of lots around 4 hectares in size.

However, much smaller-scale collaborative initiatives to share land and establish affordable ownership housing might be feasible, using one of a number of alternative tenure arrangements such as co-housing, land trusts, co-ops and tenants-in-common agreements. The housing could take a number of different forms: duplexes, attached housing or a cluster of small units – or involve non-owners siting small dwellings on the land.

Suggested changes to enable land-sharing initiatives

- Official Community Plan

6. In the “Housing” section of the OCP change the subsection “Land Co-operative Policies” to:
“Shared land housing policies”

7. Change policy 6.3.5.23 to:

Parcels 3.5 hectares or larger in the Rural Residential land designation may be considered for site-specific rezoning as a land co-operative. Applications should be accompanied by a development plan (see Section 7.3) that addresses projected densities, provision for water supply and waste treatment, impacts on the neighbourhood, retention of vegetation and a limited footprint on the land resulting from restricted size of dwellings and shared facilities.

8. Add the following policy:

Parcels over 1 hectare may be considered for re-designation as “rural residential / shared land housing” and rezoned to enable affordable ownership housing on suitable land with some increase in density, which may include duplexes, attached housing, or cluster housing and may utilize tenure arrangements such as co-housing, co-op housing and land trusts and may involve situations where non-owners who are community residents site a small dwelling (such as a tiny home or mobile unit) on the land. A development plan, a housing agreement, or a covenant may be required.

Enabling multi-family housing

- Current policies and regulations; discussion

At present, there is no “multi-family” land use designation or zone on Hornby Island. However, an objective for the Rural Residential land use designation is to provide some opportunity for land sharing. Zoning regulations permit 2 dwellings on lots 4 hectares and larger. Some of these lots contain additional dwellings occupied by community residents that are either not permitted or are lawfully non-conforming cabins (from the days when a cabin was permitted for each main dwelling on lots over 3.5 hectares).

As noted above, the *Local Government Act* was amended in 2018 to include a new provision for a multi-family zone in which the tenure of a dwelling can be limited to residential rental use.

This provision provides an opportunity to create a sub-zone within the large lot zone where lots can contain a mix of regular and small dwellings for ownership and residential use – in some cases “legalizing” what is already happening.

Eligible lots that are appropriate for rezoning as “multi-family” could be pre-identified on the basis of size, location, environmental sensitivity and known water issues. Rezoning applications from owners of pre-identified lots could be batched to reduce processing costs.

Lots could be limited to those over 4 hectares where two dwellings are permitted. An additional size-limited accessory dwelling unit would then be permitted for each dwelling with the requirement that either the principal or secondary dwelling be used for a residential rental tenure.

The total floor area of the primary and secondary dwellings could be limited to 300 metres square, which is the maximum currently permitted for a residential dwelling in the large lot zone.

Suggested changes to enable multi-family housing

- Official Community Plan

9. A new policy could be included in the “Housing” section of the OCP as follows:

Parcels within the rural residential designation where two dwellings are permitted may be rezoned for inclusion in a rural residential / multi-family housing sub-zone where a size-restricted accessory dwelling unit is permitted for each dwelling with a requirement that either the primary or secondary dwelling only be used for residential rental tenure.

- Land Use Bylaw

10. Under “**Definitions**” add definitions of “**multi family housing**” and “**accessory dwelling units**”.

11. When regulations are developed for a Multi-Family Housing Sub-zone, they should include the following requirements.

- one accessory dwelling unit is permitted for each permitted residential dwelling;
- either the primary dwelling or the associated secondary unit must be used only for residential rental tenancy;
- the floor area of a secondary dwelling unit should not exceed 100 square meters and the combined floor area of a primary and secondary dwelling should not exceed 300 square meters;
- vacation rentals are not permitted in the multi-family zone.

Enabling Secondary Suites

- Current policies and regulations; discussion

The rationale for allowing secondary suites in the current Official Community Plan and Land Use Bylaw was that:

- it would use existing buildings rather than requiring new ones to be built;
- 44% of households are 1 person households;
- one person is often living in a house that previously accommodated a family;
- having a suite to rent could help defray ownership costs;
- for some older people, having someone occupying a suite might support aging in place.

Two new factors are:

- in the 2023 Hornby Housing Report (Community First), 52 people in housing need are looking for a studio or one bedroom situation;
- in 2023, the Provincial government announced that it will legalize secondary suites across the Province and will offer loans to support the creation of such suites:

A pilot, three-year financial incentive program to help interested homeowners turn a portion of their home into a secondary or basement suite for the rental market.

Beginning in early 2024, homeowners will be able to access a forgivable loan of 50% of the cost of renovations, up to a maximum of \$40,000 over five years.

Over time, the loan can be forgiven if the homeowner meets all conditions laid out in the program, including renting their unit out at below market rates for a minimum of five years.

The pilot program is expected to be open to at least 3,000 homeowners for the first three years and will quickly help create new rental housing units within the existing housing supply, for much less than the cost to build a large-scale, multi-unit housing development.

More details on program criteria will be available well before the program is officially launched in April 2024, so potential applicants can do the appropriate planning.

At present, the OCP and LUB only permit secondary suites on lots 2 hectares or larger. Land use regulations require a Siting and Use Permit, compliance with the BC Building Code, confirmation of sewerage capacity by an authorized person, and a maximum size for the suite.

In most places in BC - eg Salt Spring Island, Courtenay - building inspection is in place and a building permit is required for a secondary suite. In the Comox Valley “secondary dwellings must have full

planning, building inspections, septic and water approvals”.

Siting and Use Permits are less onerous. However, the regulatory requirements could be simplified by addressing the requirements by other agencies (with respect to the Building Code and sewerage) through information notes rather than as part of land use regulations.

There may be more uptake if suites are permitted in all dwellings – as is the intent of the provincial government. This could present a challenge with respect to complying with Islands Trust Policy Statement policy 4.4.2. and the requirement to not increase use or density where there are known water problems, such as the small lot subdivisions on Hornby Island. At present, permitted uses on lots less than 1 hectare include Bed and Breakfast, involving 2 bedrooms (plus one or more for residents’ use), and Vacation Home Rental, involving 3 bedrooms. A parallel regulation could be included for secondary suites limiting the total number of bedrooms in the main dwelling and the suite to 2 or 3.

The current land use regulations for secondary suites are as follows:

- (1) Where a secondary suite is permitted in Part 8 of this Bylaw, the suite must:
 - (a) be authorized by a Siting and Use Permit;*
 - (b) meet all requirements of the British Columbia Building Code;*
 - (c) contain at least one bedroom and bathroom, a separate kitchen and living area;*
 - (d) be allocated at least one off-street parking area on the same lot, in addition to any parking requirements for the principle dwelling unit;*
 - (e) be located wholly within the principle residential dwelling;*
 - (f) be occupied by the owner or residential tenant; and*
 - (g) be limited in size to 40% of the floor area of the principal dwelling unit to a maximum floor area of 90 square metres.**
- (2) Where a secondary suite is permitted in Part 8 of this Bylaw, an authorized person as defined in the Sewage System Regulations under the Public Health Act must state in writing to the Islands Trust that the sewage disposal system to which the building accommodating the suite is connected to is capable of providing adequate sewage treatment for the principal dwelling and secondary suite.*
- (3) Despite Part 8 of this Bylaw, a secondary suite is not a permitted use in a dwelling on any lot within the heavily developed – high vulnerability aquifer designation as shown on Schedule D2 of the Hornby Island Official Community Plan Bylaw No. 149.*

Suggested changes to enable secondary suites

- Official Community Plan

12) Amend the OCP to require that short term rentals are only permitted through Temporary Use Permit.

13) In the “Rental Housing Policies” subsection of the “Housing” section of the OCP, change policy 6.3.5.13 to read:

A secondary suite, limited in size and contained within a permitted dwelling, may be permitted in residential zones to provide rental opportunities, provided the either the principal dwelling or the suite is occupied by a residential tenant.

- Land Use Bylaw

14) In “**Definitions**”, add a definition of “**residential rental tenure**”

15) Amend the LUB to discontinue vacation rentals as a permitted use under zoning regulations.

16) Allow secondary suites as a permitted use in all dwellings in zoning regulations for residential and agricultural zones R1, R2, R4, A1, A2, A3, A4.

17) Replace the regulations for Secondary Suites (3.8) with the following

(1) Where a secondary suite is permitted in Part 8 of this Bylaw, the suite must

(a) be authorized by a Siting and Use Permit;

(b) contain at least one bedroom and bathroom, a separate kitchen and living area;

(c) be allocated at least one off-street parking area on the same lot, in addition to any parking requirements for the principle dwelling unit;

(d) be located wholly within the principle residential dwelling;

(e) be occupied through a residential rental tenure; and

(f) be limited in size to 40% of the floor area of the principal dwelling unit to a maximum floor area of 90 square metres.

(2) On lots less than 1 hectare in size, the number of bedrooms within the main part of the dwelling and within the secondary suite must not total more than three.

Information note:

Secondary suites must meet the requirements of the British Columbia Building Code.

The Sewerage System Regulation requires the owner of a building to ensure the sewerage system is designed to accommodate sewage from that building. An increase in the number of bedrooms and/or kitchens may result in the need to upgrade the sewerage system. If in doubt, contact an Environmental Officer or an authorized person (as defined in the Sewage System Regulations)

Enabling accessory dwelling units

- Current policies and regulations; discussion

At present, accessory dwelling units (ADUs) are permitted through Temporary Use Permits. There has been zero uptake in terms of permits issued. But unpermitted accessory dwellings provide a significant proportion of attainable housing (including movable units sited on a property, but owned by the occupant rather than the landowner). These unpermitted situations occur in both the small lot and large lot zones. Enforcing them would be extremely disruptive and likely met with strong community resistance. An alternative approach is required.

There are three significant challenges in permitting ADUs:

- ensuring that they are used for residential purposes when there is a high demand for non-residential accommodation for paying and non-paying visitors;
- ensuring that water concerns and Islands Trust policy 4.4.2 are addressed if such units are permitted on small lots;
- ensuring that addressing the previous two concerns does not result in undue bureaucratic barriers to creating housing opportunities.

- ensuring residential rental use:

With respect to the first concern, the decisions of the Appeal Court of BC (mentioned above) open the door to Section 219 covenants being used to ensure that ADUs are used for their intended purpose.

The District of Saanich uses a standard covenant with these terms:

1. *The detached accessory dwelling unit is allowed for occupancy by property owners, family members, caregivers, caretakers, employees serving the property, or for rental housing purposes.*
2. *No other accessory dwelling units (including a secondary suite) are currently on the property and that no other accessory dwelling units (including a secondary suite) are permitted on the property.*
3. *The detached accessory dwelling unit cannot be subdivided, stratified, or legally separated from the principal dwelling.*
4. *No part of the accessory dwelling unit or principal dwelling can be used for short-term vacation rentals and/or Bed & Breakfast.*

A similar approach could be used on Hornby Island for larger lots.

As noted above, in 2022 the Agricultural Land Commission began allowing a secondary dwelling of 90 square meters or less where there is a principal dwelling of 500 square meters or less. The OCP and LUB need to be changed to align with this.

The Hornby Island OCP contains this policy under the “Rental Housing Policies” in the “Housing” section:

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

This has yet to be followed up.

- ensuring water concerns and policy 4.4.2 are addressed:

With respect to small lots, the guidelines for issuing Temporary Use Permits, the conditions included in permits, and the opportunity for review when a permit is being renewed (or re-applied for) can enable these concerns to be addressed.

The guidelines can specify that, unless both the primary dwelling and the secondary unit each have only one bedroom, information must be provided with respect to water supply and sewerage. The floor

area of an ADU can be limited and the combined floor area of the primary dwelling and ADU can be the same as that permitted for one residential dwelling (200 square meters).

With respect to water supply, although the *Drinking Water Protection Regulation* requires the approval of Island Health for two or more dwellings to be connected to the same water system, this is not pursued when it only involves two dwellings on the same lot. With respect to sewerage, if the number of bedrooms in the main dwelling are reduced and the number in an accessory dwelling kept to a minimum, his might keep the daily flow rate at a level that does not require additional treatment capacity.

- ensuring no undue barriers: – Temporary Use Permits (TUPs)

On larger lots on Hornby Island, ADUs could be permitted through zoning regulations as an alternative to secondary suites, with regulations including requiring a covenant to be signed before a Siting and Use Permit is issued.

The present policies and guidelines for TUPs need to be reviewed. There is a disconnect between the enabling policy in the Housing section of the OCP and the objectives for the TUP guidelines. The use of TUPs for housing opportunities should be expanded to include those situations where a landowner allows a community resident to site a removable unit on their property. As these are arrangements between a particular landowner and a particular resident at the present time, they are much more appropriately dealt with through a TUP rather than a permanent zoning change (and if that is desired, the “shared-land” provisions above would provide an opportunity for a zoning change).

The guidelines for TUPs are for a whole range of situations – including industrial and commercial uses – and some of them are not relevant for residential uses. A set of guidelines specifically for housing TUPs would be helpful.

Suggested changes to enable secondary dwelling units through zoning regulations

- Official Community Plan

18) In the Housing Section of the OCP, add this new policy to the Rental Housing Policies:

On larger lots within the rural residential designation, a size-restricted attached or detached accessory dwelling unit may be permitted instead of a secondary suite, provided the owner first grants a covenant to the Hornby Island Local Trust Committee that the unit only be used for residential rental tenure.

19) In the Agriculture Section of the OCP, replace policy 6.4.14. with the following:

On agricultural lots 2.0 hectares or greater, the following should be permitted: one dwelling with a secondary suite within the dwelling, plus an accessory dwelling unit 90m², provided the principal dwelling is 300m²* or less.

**** The ALC specifies 500 m² or less; in the Hornby Island Land Use Bylaw there is no maximum floor area for residential dwellings in the Agricultural zones, but the maximum in the Large Lot zone is 300 m².***

- Land Use Bylaw

20) Add the following under “Permitted Buildings, Structures and Densities” **for the Large Lot (R2) Zone and the Forest (R4) zone:**

One attached or detached accessory dwelling unit (in accordance with the regulations in Part 3) is permitted instead of a secondary suite on lots over 1 hectare

21) Amend the LUB to include the follow under “Permitted Buildings, Structures and Densities” **in the Large Lot (R2) Zone and the Forest (R4) zone:**

22) Replace 8.5(2)(b) with the following under “Permitted Buildings and Structures” **in the Agriculture (A1) Zone:**

On lots 2ha or greater, an accessory dwelling unit (in accordance with regulations in Part 3) is also permitted provided the floor area of the primary residential dwelling is no larger than 300m².

23) Amend the zoning regulations for relevant **Commercial zones** to permit accessory dwelling units for residential rental purposes (including employee housing) where this been established as appropriate.

24) In Part 3, add regulations for Accessory Dwelling Units:

- (1) Where an accessory dwelling unit is permitted in Part 8 of this Bylaw, the dwelling unit must**
 - (a) be authorized by a Siting and Use Permit;**
 - (b) be allocated at least one off-street parking area on the same lot, in addition to any parking requirements for the principle dwelling unit;**
 - (c) have a maximum floor area of 90 square metres.**
- (2) The accessory dwelling unit may be attached to detached from the primary dwelling.**
- (3) Before a Siting and Use Permit can be issued for an accessory dwelling unit, the owner must first grant a covenant to the Hornby Island Local Trust Committee that the unit only be used for residential rental tenure.**
- (4) The combined floor area of the primary residential dwelling unit and the accessory dwelling unit must not exceed the floor area permitted for a residential dwelling in the regulations for the zone.**

(Note that consideration can be given to varying the floor area of a building where there is a site-specific reason for doing so upon application for a Development Variance Permit.)

Suggested changes to enable secondary dwelling units through TUPs

- Official Community Plan

25. In the “Housing” section of the OCP under Rental Housing Plicies, policy 6.3.5.14 should be changed to read:

Where otherwise not permitted in zoning regulations, an attached or detached accessory dwelling unit, or the siting of a removable/mobile unit, may be permitted through a Temporary Use Permit (in accordance with guidelines specified in Section 6.10 – Temporary Use Permits) in order

provide non-permanent, size-restricted, residential accommodation for a relative or a caregiver of occupants of the primary residence, for a community member under the *Residential Tenancy Act*, or for a community member who provides their own removable/mobile unit to be sited on the property.

- Official Community Plan (6.10) and Land Use Bylaw (Part 10) – TUPs

26. In the “Objectives” for considering TUPs, change objective (6) to read:

(6) to consider allowing an attached or detached accessory dwelling unit, or the siting of a removable/mobile unit, in order to provide non-permanent size-restricted residential accommodation for the purposes stated in OCP Policy 6.3.5.14.

27. Add **housing-specific guidelines** for issuing a Temporary Use Permit to allow an accessory dwelling unit as follows:

10.3A Guidelines for a Temporary Use Permit to allow an attached or detached accessory dwelling unit or removable/mobile unit:

(1) Upon application, Temporary Use Permits may be considered in accordance with *Objective (6)* for all parcels of land within the Hornby Island Local Trust Area,

(2) Temporary Use Permits for parcels within the Agricultural Land Reserve should only be issued for uses that do not conflict with Agricultural Land Commission policies and regulations.

(3) An application to renew a Temporary Use Permit, or to obtain a subsequent permit for the same use, will be given favourable consideration if

- a) permit conditions have been met,**
- b) the dwelling unit has been continuously used in accordance with a purpose specified in OCP Policy 6.3.5.14.,**
- c) the same specific need for housing continues to exist, and**
- d) no legitimate problems resulting from the use have been reported**

(4) In the small lot zone, a subsequent application may not be considered if it is for a new use after the previous situation has concluded;

(5) The general conditions for issuing a Temporary Use Permit for such dwelling units are as follows:

- (a) adequate off-road parking is provided;**
- (b) proof of adequate sewerage system treatment capacity to address any increase in daily flow and of adequate water supply will be required if the combined number of bedrooms in the principal dwelling and in the accessory dwelling unit exceed two;**
- (c) sufficient setback to minimize impacts upon adjacent properties;**
- (d) the owner of the property may be required to provide an undertaking to remove a**

detached dwelling, or to convert it to non-residential use, when the housing use permitted in the permit concludes,

(e) the combined floor area of a principal dwelling and an additional attached, detached or removable unit should not exceed the maximum floor area of a residential dwelling in the regulations for the zone;

(f) the combined number of bedrooms in a principal dwelling and in an accessory dwelling unit should not exceed three on lots less than 0.2 hectares in size;

(g) vacation home rentals must not be carried out on the same lot;

(h) the local trust committee may require a covenant under section 219 of the *Land Title Act* to ensure the dwelling unit is used for the intended purpose.

Enabling density bonuses

- Current policies and regulations; discussion

Section 482 of the Local Government Act provides for a local government to establish different density rules in a zoning bylaw to entitle an owner to increase density if conditions are met with respect to the provision of affordable or social needs housing.

The Hornby Island Official Community Plan, in the section on “Objectives and Policies for Development”, includes this policy.

6.1.5 Applications for amenity rezoning or density transfer may be considered by the Local Trust Committee for purposes of environmental and groundwater protection, community housing, removing growth pressures and consolidating lots. Eligible situations include dedication of land for park purposes and donation of land for conservation or community land trust. It must be demonstrated that the property proposed for receiving the density can do so without significant impact upon the land base including water resources, environmental values and neighbourhood character.

This policy was followed once when the Land Use Bylaw was amended to allow different subdivision regulations for a particular property in relation to the amount of land donated for community housing. The owner took advantage of the density bonus opportunity and donated land at Beulah Creek, since rezoned for “community housing” to ISLA .

There are no parcels outside of the Agricultural Land Reserve of sufficient size that would enable a similar process to happen.

The OCP contains the following policy for the “Rural Residential” designation:

6.3.3.1 For subdivision of properties in the Rural Residential (RR) designation, a minimum lot size should be established within the Land Use Bylaw regulations to ensure that potential

growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character. A smaller minimum lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community land trust, or other community service use.

The current subdivision regulations allow a minimum size of 1 ha. and an average size of 2 ha. For lots created by subdivision. In the large lot zone, the majority of parcels appear to be plus or minus 4 hectares. Thus, two lots can be created from a 4 ha lot.

There might be some potential to secure land for housing through density bonusing, such as through density transfer. Because opportunities that might occur cannot be anticipated, it would be hard to include a provision in zoning regulations.

A policy in the “Housing” section of the OCP could support such a provision.

Subdivision potential should not be increased except where this can be provided as a bonus in exchange for conditions that enable a housing benefit. The 2ha average on Hornby Island is already the smallest average size for large rural residential lots on Hornby Island. A blanket allowance of additional subdivision will not, in and of itself, generate needed housing on Hornby Island; it will simply create more real estate.

(Section 514 of the *Local Government Act* enables a lot to be subdivided for a relative that would not otherwise be permissible through zoning regulations. On Hornby Island, Land Use Bylaw 86, 1993, provided for such subdivisions. But Land Use Bylaw 150, 2014, discontinued the provision. This is because, more often than not, the lots that were created were not used by a relative but were sold on the market and there was no regulatory way to prevent this. Most other local governments have excluded the “subdivision for a relative” provision for this reason.)

Suggested changes to enable density bonuses

- Official Community Plan

28. Under “Community Housing” add:

Zoning regulations may be amended to permit a bonus in density, or the transfer of density, in accordance with section 482 of the *Local Government Act* and policy 6.1.5 of the Official Community Plan, where this would enable the provision of community housing, special needs housing or affordable housing.

29. Amend policy 6.3.3.1 in the “Rural Residential” section to read as follows:

For subdivision of properties in the Rural Residential (RR) designation, a minimum lot size should be established within the Land Use Bylaw regulations to ensure that potential growth and development is compatible with the preservation and protection of the environment, natural amenities, resources and community character. A smaller minimum lot size than is established within the Land Use Bylaw may be considered if the subdivision is for the purpose of creating a park, ecological reserve, community housing, special need housing, affordable housing, or other community service use.

Bylaw enforcement standing resolution

- Current standing resolution; discussion

In October 2021, the Hornby Island Local Trust Committee adopted this Standing Resolution:

“That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2023.”

At some point, consideration will be given to discontinuing this policy and perhaps replacing in with a different one.

Here is what the Denman Island Local Trust Committee has adopted:

'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply:

a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property;

b) It appears that there is more than one unlawful dwelling on a lot;

c) An unlawful dwelling appears to be larger than 90 square meters; or

d) An unlawful dwelling appears to be located within a Development Permit Area;

and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.'

And that site inspections for the purpose of gathering information and communication with property owners will continue;

And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.

Here is what the Saturna Island Local Trust Committee has adopted:

The Saturna Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists:

- There is a complaint from an immediate neighbour; or

- there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement.

Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Saturna Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time

Having no policy in place could open the door to rampant enforcement and community reaction.

Having a policy could limit enforcement to situations causing impacts, but could also support and encourage applications to use new regulatory provisions to legalize non-permitted housing, making it more secure.

Suggested change for a bylaw enforcement standing resolution

30. Once new provisions for housing have been adopted in the Official Community Plan and Land Use Bylaw, the existing standing resolution could be replaced by something like;

The Hornby Island Local Trust Committee directs staff to only take enforcement action against unlawful dwellings if one or more of the following conditions exists:

- there is a complaint from an immediate neighbour;
- there is information to suggest the presence of health, safety or environmental issues;
- it appears that there is more than one unlawful dwelling on a lot;
- an unlawful dwelling appears to be larger than 90 square meters;
- an unlawful dwelling is being used for visitor accommodation.

Where enforcement action is initiated, staff is directed to encourage and support owners to make applications utilizing the available regulatory provisions for housing options.

Nothing in this enforcement policy should be interpreted as giving permission to violate the Hornby Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.

Landowners are strongly encouraged to make applications using provisions in the Official Community Plan and Land Use Bylaw for allowing housing opportunities

Implementation

There are many possible variations of what is recommended here, which is being presented as a starting point for examining potential changes to land use policy and regulation.

Implementation of these recommendations – or whatever else is arrived at after consultation with housing organizations/interests and the community in general – should be accompanied or followed by:

- on-going efforts to make the public aware of housing provisions;
- development of a master plan for the Public Use Area, including the potential location of proposed housing projects;
- participation in lobbying other levels of government to make regulatory changes and provide funding to support the housing opportunities;
- improvements in application processing so that it is not experienced as overly bureaucratic and full of obstacles.

These recommendations might give rise to concerns about potential impacts.
With respect to what is being proposed:

- The provisions for community housing, land-sharing housing and multi-family housing would all

require consideration of site-specific zoning amendments, at which time the potential benefits and potential impacts of particular proposals can be carefully assessed (attached units and clustering can limit impacts on the land).

- The provision for secondary suites is being mandated by the provincial government and involves only using existing buildings (recommendations suggest occupancy levels being limited on small lots so as to address water and sewerage concerns).
- The provision for accessory dwelling units on larger lots would require a covenant to ensure residential rental tenure use and regulations would limit the combined size of a primary and secondary unit to the maximum size permitted for one residential dwelling.
- The provision for accessory dwelling units on smaller lots would involve site-specific consideration of applications for Temporary Use Permits in accordance with guidelines that address water, sewerage and other factors.

Experience has shown that opportunities for housing initiatives enabled through land use planning and regulation do not generally lead to them actually happening. Current provisions, in place for five or more years, for community housing, special needs housing, emergency housing, secondary suites and accessory dwelling units have resulted in no uptake. For community or group initiatives: projects require land, money and organizational capacity. For landowners: making affordable housing available is not a financially rewarding proposition and thus involves a degree of altruism.

These recommendations enable a comprehensive spectrum of housing options that are reasonably accessible while providing appropriate accountability with respect to water, land and rural character. They are based on identified housing needs and anticipate a range of possible initiatives that might be pursued to address them.

Prepared by:

Tony Law

formerly

- Hornby Island Local Trustee
- Vice Chair, Islands Trust Council
- Chair, Islands Trust Fund Board (now Islands Trust Conservancy Board)
- Chair, Islands Trust Community Housing Task Force
- Appointee, Comox Valley Select Committee on Housing and Homelessness
- President, Islanders Secure Land Association (ISLA)
- Executive Director, Hornby Island Community Economic Enhancement Corporation (HICEEC)
- Organizer, *Housing Solutions for Small Communities* conference
- Author, *Secondary Accommodation Units: A Housing Option for Gulf Islands and Other Small Communities*

27 August, 2023



ISLANDS TRUST CONSERVANCY

News Release

200-1627 Fort Street, Victoria, B.C., V8R 1H8

Telephone: 250-405-5186

itcmail@islandstrust.bc.ca

islandstrust.bc.ca/conservancy

June 20, 2023

FOR IMMEDIATE RELEASE

New Conservation Area on Lasqueti Island Protects Mature Forest for Species at Risk

Lak'wānan, METULIYE/Victoria, B.C. — The Islands Trust Conservancy's new Livingstone Forest covenant protects 11.35 hectares of forest and wetland on Xwe'etay/Lasqueti Island. The covenant provides important habitat for species at risk including the Northern Red-legged Frog, Western Toad, and Little Brown Myotis Bat.

Christine Ferris and Doug Hopwood, long-standing conservation stewards, placed the conservation covenant on their land to ensure long-term protection of the property's biodiversity and carbon stores. Ferris and Hopwood chose to register the covenant through the Islands Trust's Natural Area Protection Tax Exemption Program (NAPTEP) which will lower future property taxes on the area protected by the covenant.

Lasqueti Island is located southwest of Texada Island in the Georgia Strait. The Livingstone Forest covenant is named after the Livingstone family, who stewarded the land for 60 years prior to Ferris and Hopwood's purchase of the property in 1992. In August, both families will gather to place a plaque on the property to commemorate Kate Livingstone, who settled on the land in 1912 and raised her six children there. Several of her grandchildren retain their connection to Lasqueti today. The Livingstone Forest NAPTEP covenant is located in the territory of Tla'amin Nation and Qualicum First Nation.

The covenant protects a mature and productive second-growth coastal forest ecosystem and a wetland. The forest, with tree species including Coastal Douglas-fir, Western redcedar, and Red alder, acts as a natural carbon sink, while the wetland is an important water source for local species and provides filtration for groundwater.

"For close to 25 years, Doug and I worked for the Islands Trust Conservancy annually monitoring conservation areas, and we saw how a covenant can allow landowners to protect conservation values while retaining the use of the land. We met many owners who were so grateful to know that the features that make their properties so special will be protected for the long term," said Christine Ferris. "A big factor in our decision to put a covenant on our land was our awareness of the climate emergency. Conserving forests, along with eliminating fossil fuels, is essential for the future of humanity and nature."

Protecting Islands in the Salish Sea

“Livingstone Forest NAPTEP covenant is the Islands Trust Conservancy’s first covenant on Lasqueti Island,” said Linda Adams, Chair of the Islands Trust Conservancy Board. “We hope that this gift from Christine Ferris and Doug Hopwood will open the doors to other Lasqueti Island landholders who may be considering conservation options.”

About Islands Trust Conservancy

Islands Trust Conservancy is the conservation land trust for over 450 islands of the Salish Sea and is a part of Islands Trust. Since 1990, the Islands Trust Conservancy has protected more than 1,360 hectares of island ecosystems. This success is thanks to the vision, support, and generosity of donors and partners. Learn more online at islandstrust.bc.ca/conservancy.

-END-

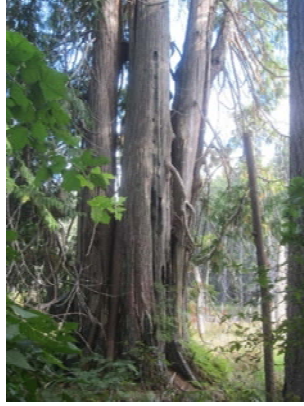
Quick Facts

- The Islands Trust Conservancy (ITC) protects natural landscapes across the Islands Trust region. The support of individuals and partners has helped to protect more than 1,375 ha of land within 33 nature reserves and 79 conservation covenants on islands in the Salish Sea.
- More than 65% of land on islands in the Salish Sea is privately held – meaning that individual, voluntary conservation actions are critical to protecting biodiversity and addressing impacts from climate change in the region.
- A conservation covenant is an agreement that is registered on a land title to protect natural features on privately held land. It is designed to be perpetual and to bind future landholders.
- The Natural Area Protection Tax Exemption Program (NAPTEP) offers a 65% property tax reduction on the protected portion of land when landholders place a conservation covenant on land with the Islands Trust Conservancy. The program is unique to the Islands Trust Area in British Columbia.
- B.C. is the most biologically-diverse province in Canada – but it is also a hotspot for biodiversity loss.
 - More than 100 species listed in the federal *Species at Risk Act* as being at risk of extinction are found in the Islands Trust Area. Protecting habitat is one of the best ways to prevent species from becoming at risk of extinction and aid in the recovery of those currently at risk.

Press Assets

Media has been made available for download to support this news release. You can [access these assets here](#).

Please use only the images identified in the **Islands Trust Conservancy Media Assets** gallery in support of this story with credit to appropriate authors (in the file name).



Contact

For all media enquiries please contact Micaela Yawney, Communications Specialist, Islands Trust Conservancy, 250-405-5183, myawney@islandstrust.bc.ca



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
HO-DVP-2022.4	Reg Pineiro	06-Apr-2022	PID: 000-157-503 To rebuild deck that is within the natural boundary. Civic address: 5905 Maclean Road, Hornby Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 07-Jun-2023

Applicant hiring Greenshores specialist to review proposed access stairs.

Status Date: 01-Feb-2023

Applicant proposing additional structures (access stairs) to natural boundary. Awaiting additional information.

Status Date: 09-Jan-2023

Site visit

Siting and use Permit

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

Planner: Stephen Baugh

Planning Status

Status Date: 05-Dec-2022

Building plans missing from application. Applicant to provide by end of March 2023.

Status Date: 25-Oct-2021

File transferred from Planner Cox to Stephen Baugh.

Status Date: 12-Oct-2021

No change in status.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.11	1427714 B.C. LTD., INC.NO. BC1427714 Planner: Bruce Belcher	22-Aug-2023	PID: 003-603-806 construction of SDF at 6555 Anderson Drive on Hornby Island.
Planning Status			

Status Date: 31-Aug-2023

K'omoks FN referral letter sent in regards to construction within 200m of the sea.

File Number	Applicant Name	Date Received	Purpose
HO-SUP-2023.1	Canthal & Foran, Mark & Lesley Planner: Bruce Belcher	09-May-2023	PID: 000-434-108 new construction of SFD and conversion of old cottage into workshop at 5285 Arthurs Rd on Hornby Island.
Planning Status			

Status Date: 29-Aug-2023

New drawings expected in the next 2 weeks.

Status Date: 19-May-2023

Applicant contacted requiring an updated site plan and building plans for the existing dwelling being converted into a workshop.

Subdivision

File Number	Applicant Name	Date Received	Purpose
HO-SUB-2023.1	Berman & Gray, Michael & Catherine Planner: Marlis McCargar	20-Jun-2023	PID: 000-095-826 subdivision of 10 acre lot into 2 5-acre parcels at 1305 Sollans Rd on Hornby Island.
Planning Status			

Status Date:

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending July 2023

635 Hornby	Invoices posted to Month ending July 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-635	LTC "Trustee Expenses"	244.00	0.00	244.00
LTC Local				
65200-635	LTC - Local Exp - LTC Meeting Expenses	861.00	1,036.40	-175.40
65210-635	LTC - Local Exp - APC Meeting Expenses	333.00	430.28	-97.28
65220-635	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-635	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>1,720.00</u>	<u>1,466.68</u>	<u>253.32</u>
Projects				
73001-635-2004	Hornby OCP/LUB	<u>15,000.00</u>	<u>260.30</u>	<u>14,739.70</u>
TOTAL Project Expenses		<u>15,000.00</u>	<u>260.30</u>	<u>14,739.70</u>

Hornby Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	January 27, 2017 <u>UPDATES-below:</u> September 28, 2018 November 6, 2020 October 8, 2021	HO-2017-011 <u>UPDATES-below:</u> HO-2018-070 HO-2020-081 HO-2021-053	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, 2018 or when the housing needs project is complete, whichever is the sooner.
2.	August 3, 2018	HO-2018-044	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.

No.	Meeting Date	Resolution No.	Issue	Policy
				- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms - The location of the proposed establishment and the subject site - The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - How public comments may be submitted to the Local Trust Committee.
3.	September 28, 2018	HO-2018-070 See HO-2017-011 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee extend the effective period of Standing Resolution HO-2017-011 to expire on October 31, 2020 or when the Housing Review Project is complete, whichever is the sooner.
4.	January 25, 2019	HO-2019-007	Notices of intention to apply for a federal cannabis license	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following standing resolution: “That the Hornby Island Local Trust Committee request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.”

No.	Meeting Date	Resolution No.	Issue	Policy
5.	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: - 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; - For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; - 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; - 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; - 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.
6.	January 24, 2020	HO-2020-013	Bylaw Enforcement to undertake proactive enforcement of non-compliant STVRs	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the following Standing Resolution: authorize proactive enforcement of the Hornby Island Land Use Bylaw No. 150 regulations for Vacation Home Rentals. Short Term Vacation Rentals that have one or more of the following characteristics, will be subject to proactive enforcement: - Non-compliant Short Term Vacation Rentals are advertised on the internet, newspapers or other media. - More than one dwelling on the lot is made available simultaneously for a Short Term Vacation Rental.

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

No.	Meeting Date	Resolution No.	Issue	Policy
9.	November 6, 2020	HO-2020-081 See HO-2017-011 HO-2018-070 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2021.
10.	October 8, 2021	HO-2021-053 See HO-2017-011 HO-2018-070 and HO-2020-081 above	Enforcement actions against three specific properties for unlawful dwellings	It was MOVED and SECONDED, that Hornby Island Local Trust Committee amend the expiration date of Standing Resolution No. HO-2017-011 to December 31, 2023.
11.	October 8, 2021	HO-2021-054	Enforcement actions on unlawful permanent dwellings – deferral	It was MOVED and SECONDED, that Hornby Island Local Trust Committee adopt the following Standing Resolution: That enforcement on unlawful permanent dwellings be deferred until such time that the Local Trust Committee can review the critical housing supply issue on Hornby Island or until December 31, 2023.
12.	September 9, 2022	HO-2022-053	Model Cell Tower Consultation Process	It was MOVED and SECONDED, that the Hornby Island Local Trust Committee adopt the Islands Trust Model Strategy for Antenna Systems.

BRIEFING

To:	Hornby Island Local Trust Committee	For the Meeting of:	September 8, 2023
From:	Trust Area Services	Date Prepared:	July 19, 2023
SUBJECT:	Census infographics		

PURPOSE: To provide local trust committees with infographics regarding trends in local trust areas and the Islands Trust Area.

BACKGROUND: Trust Area Services staff contracted Statistics Canada to provide a set of infographics for both the Trust Area and local trust areas/Bowen Island (see attached).

To develop the infographics, there was a need for Statistics Canada to undertake geocoding and custom tabulations of past Census years as local trust area Census boundaries have shifted through the decades. This work completes efforts that began in 2016 to identify trends in the Trust Area and improve Census data sets for the Islands Trust Area.

ATTACHMENTS:

1. 2021 Census Infographics – Hornby Island Local Trust Area
2. 2021 Census Infographics – comparisons across the Trust Area

FOLLOW-UP: These products will inform work throughout the Islands Trust including land use planning, communications, and advocacy. They can be found under the Trend Monitoring webpage on the website, and staff plan to feature the infographics on Islands Trust social media.

Since production of the infographics, planning staff have identified that it would be helpful to also seek an infographic showing the trend in number of dwellings in each jurisdiction over time. Staff intend to order this additional data set and associated infographics at a cost between \$275 and \$457 before applicable taxes.

Prepared By: Clare Frater, Director, Trust Area Services

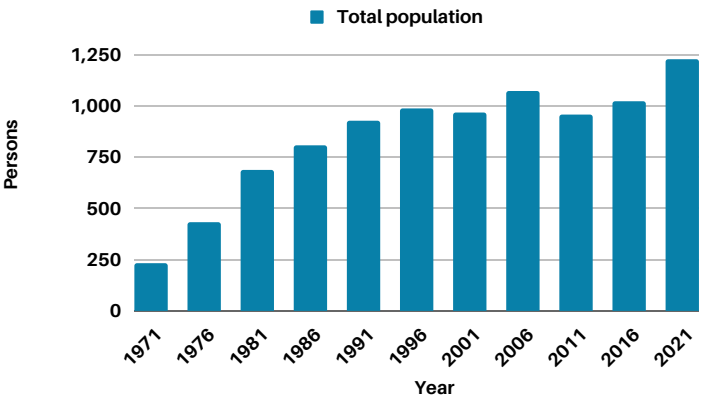
Reviewed By/Date: Renée Jamurat, Regional Planning Manager/August 8, 2023

2021 Census Profile

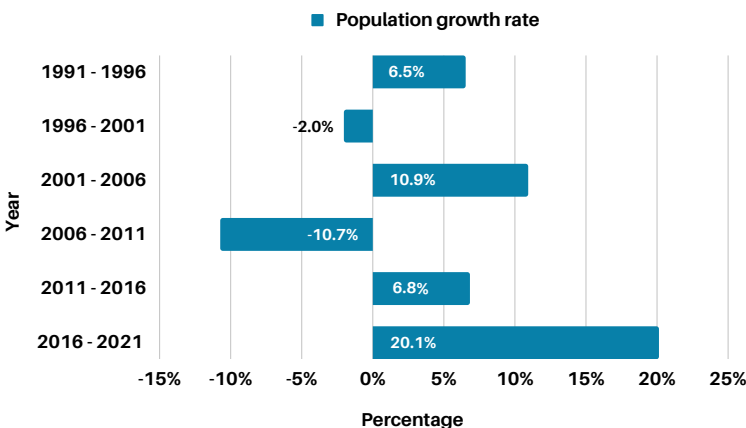
Hornby Island Local Trust Area

Total population

The total population of Hornby Island Local Trust Area was 1,225 in 2021.



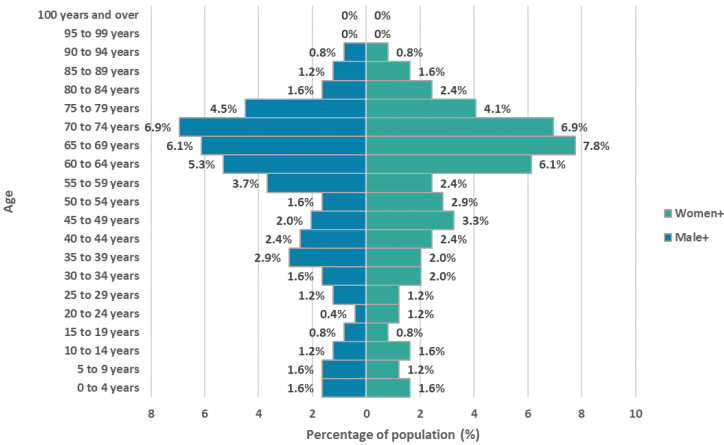
Total population growth rate



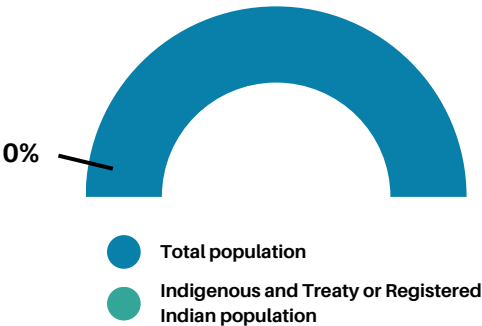
Between 1991 and 2021 the population of Hornby Island Local Trust Area grew by 32.4%.

Total population by gender, 2021

The median age of Hornby Island Local Trust Area was 62.8 in 2021.

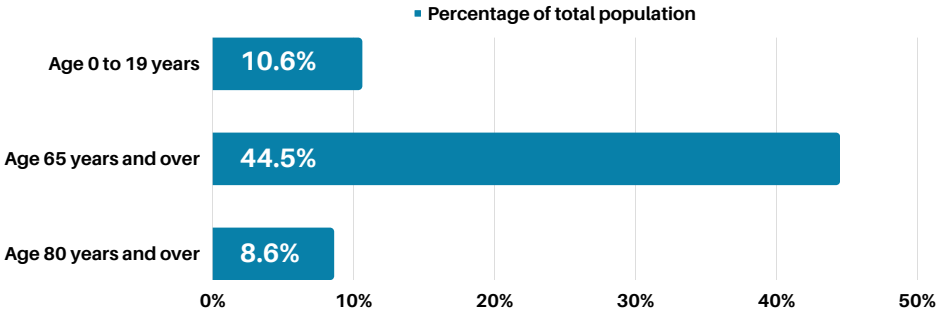


Population by Indigenous and Registered or Treaty Indian status, 2021

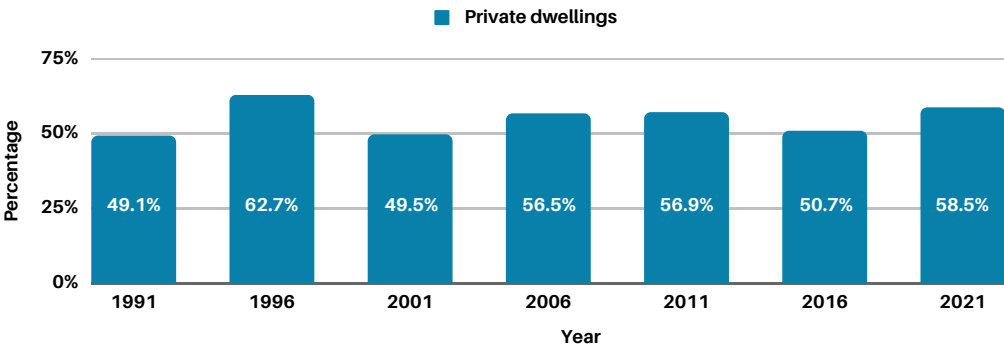


In 2021, 0% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1971 and 1976 Census, Hornby Island Local Trust Area split into Denman Island Local Trust Area and Hornby Island Local Trust Area by using the 1981 population and dwelling proportion.
- 1981 Census, about five-sixths of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

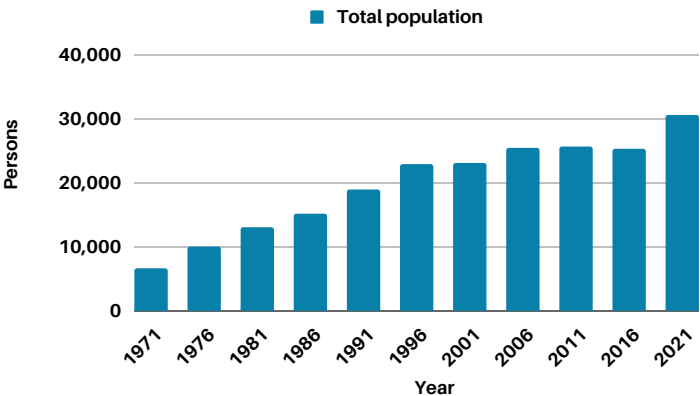
Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

2021 Census Profile

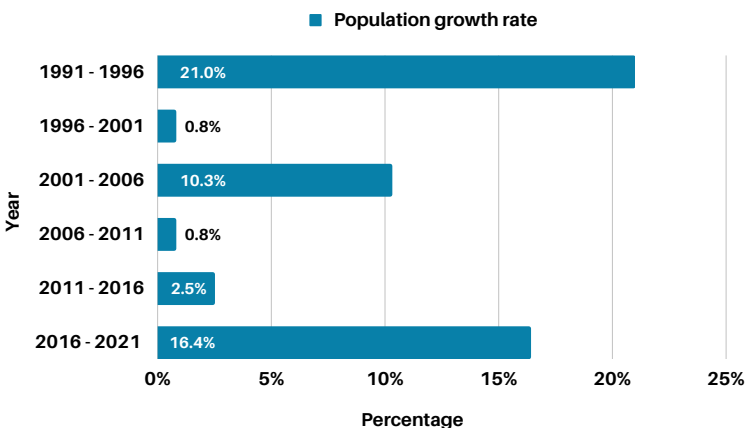
Islands Trust Area

Total population

The total population of Islands Trust Area was 30,510 in 2021.



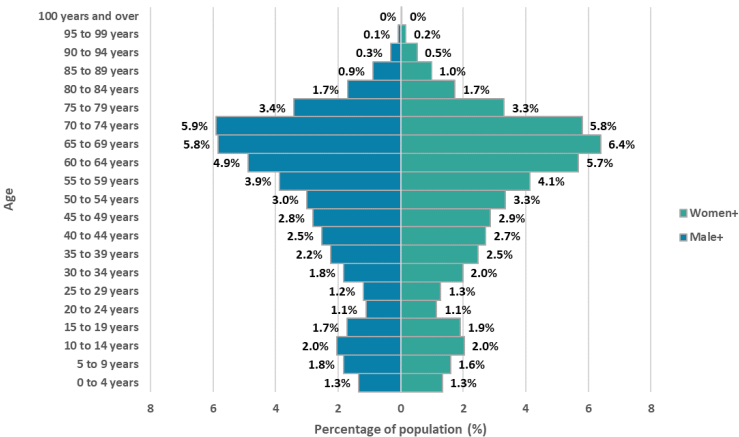
Total population growth rate



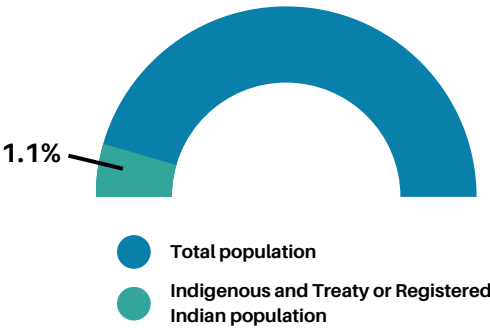
Between 1991 and 2021 the population of Islands Trust Area grew by 61.7%.

Total population by gender, 2021

The median age of Islands Trust Area was 58.8 in 2021.

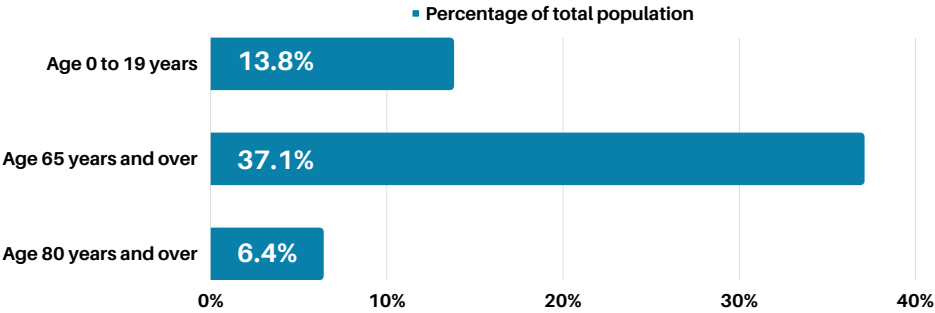


Population by Indigenous and Registered or Treaty Indian status, 2021

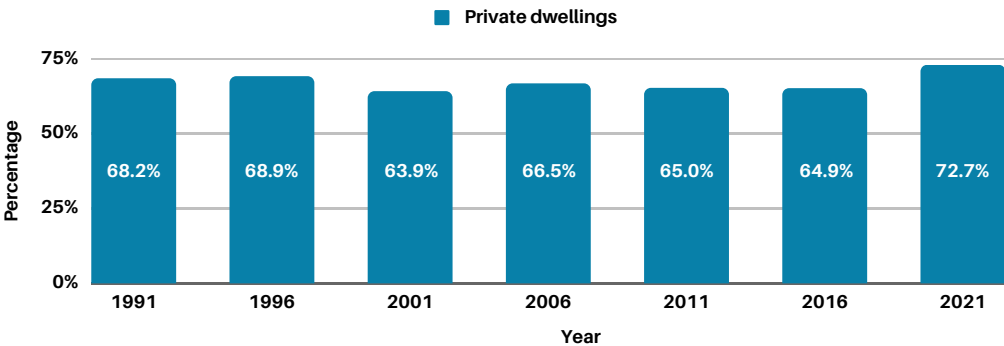


In 2021, 1.1% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1981 Census, about five-sixths of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10'. To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

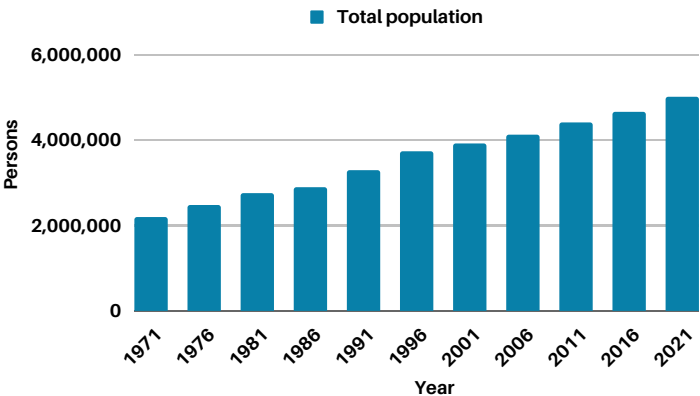
Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

2021 Census Profile

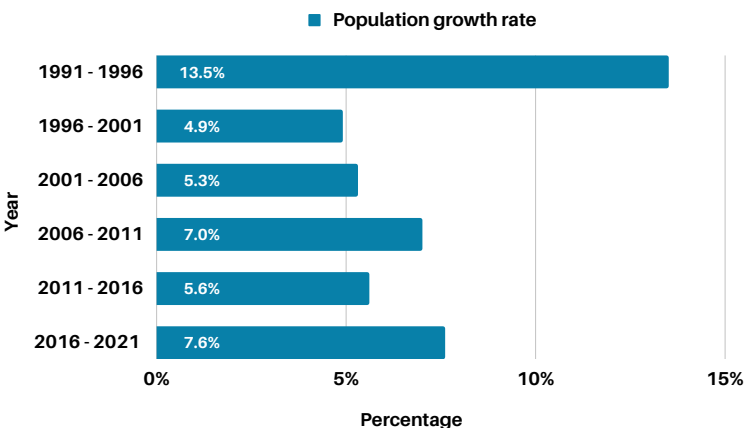
British Columbia

Total population

The total population of British Columbia was 5,000,875 in 2021.



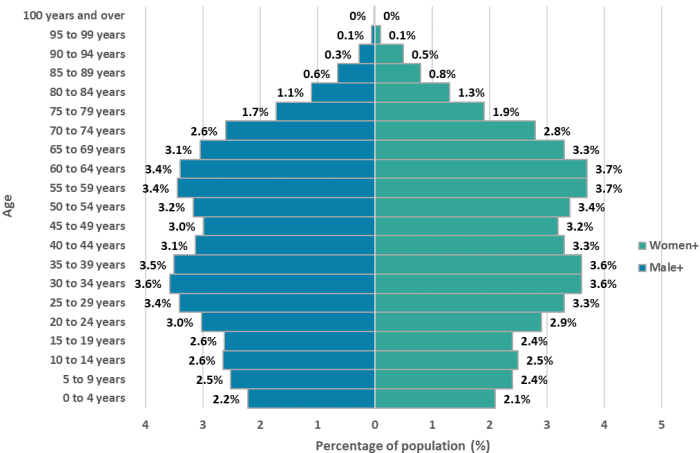
Total population growth rate



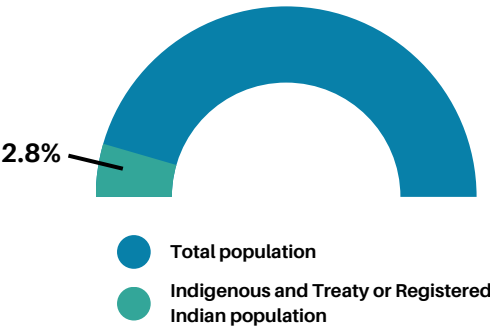
Between 1991 and 2021 the population of British Columbia grew by 52.4%.

Total population by gender, 2021

The median age of British Columbia was 42.8 in 2021.

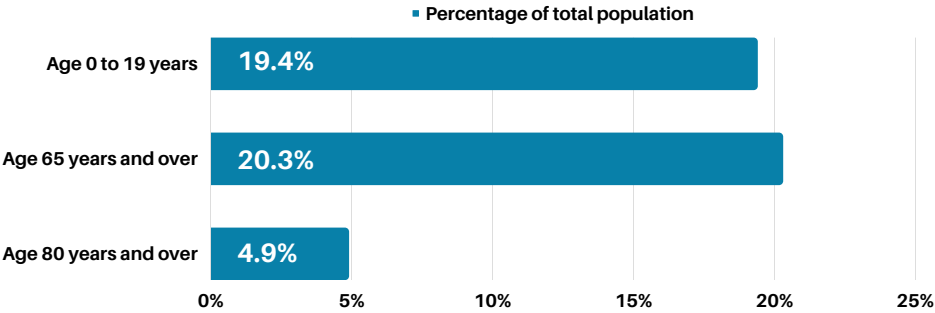


Population by Indigenous and Registered or Treaty Indian status, 2021

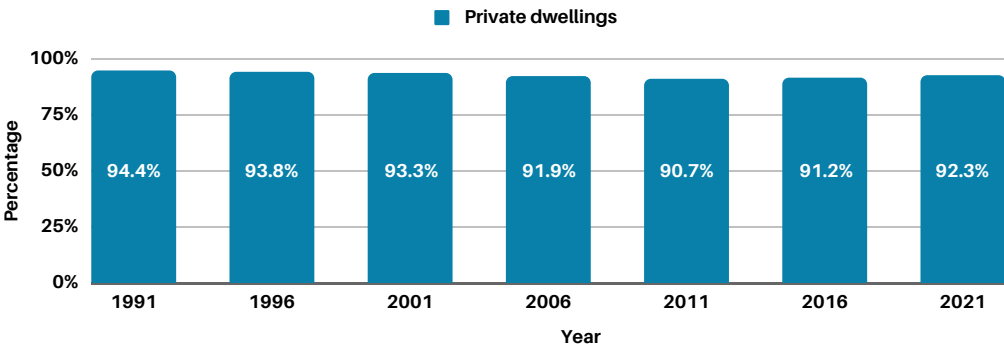


In 2021, 2.8% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Note:

- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10'. To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

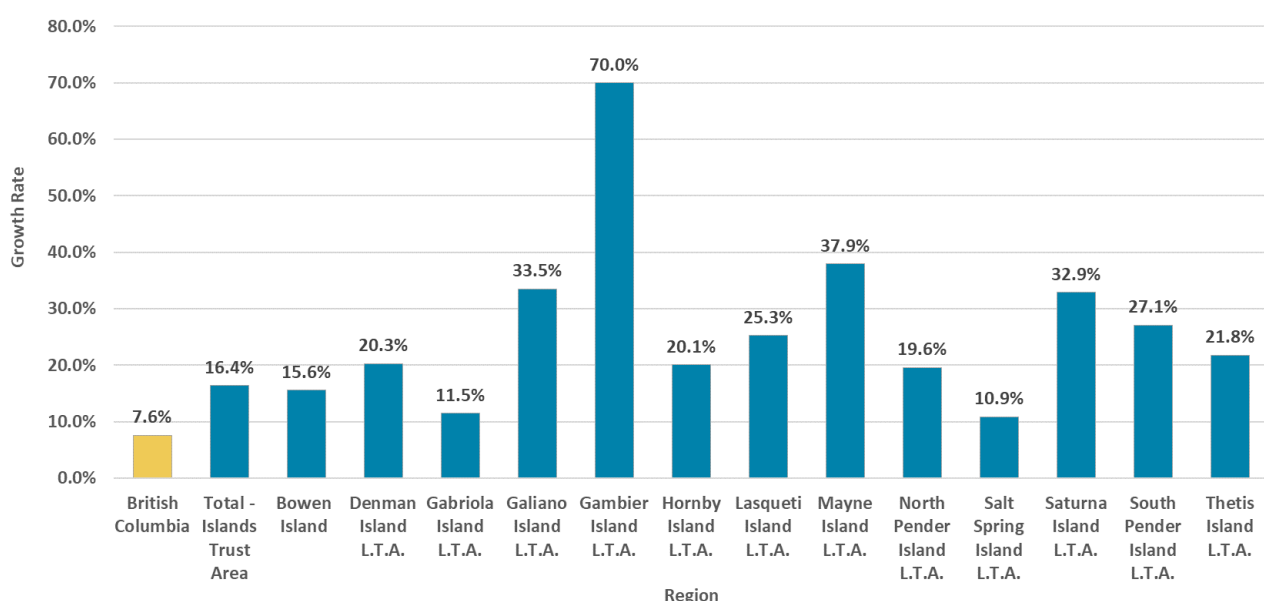
Sources: Statistics Canada, Census of Canada, 1971, vol. 1, part 2, table 14, (Catalogue 92-716); Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

Islands Trust Area Census Profile 2021

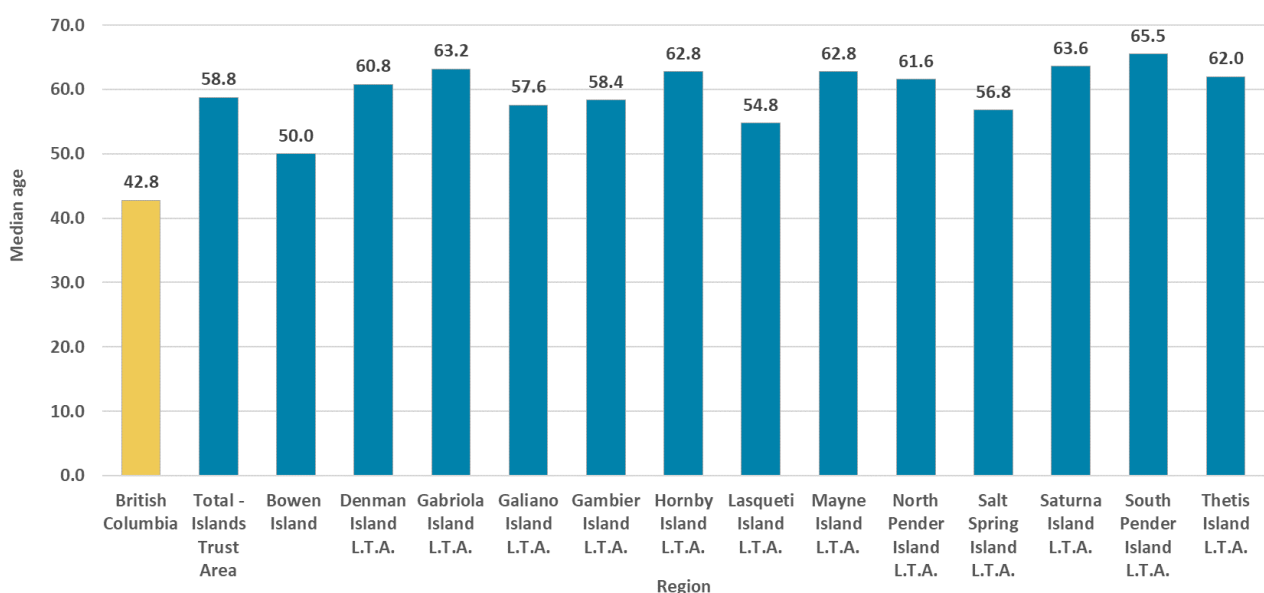


People

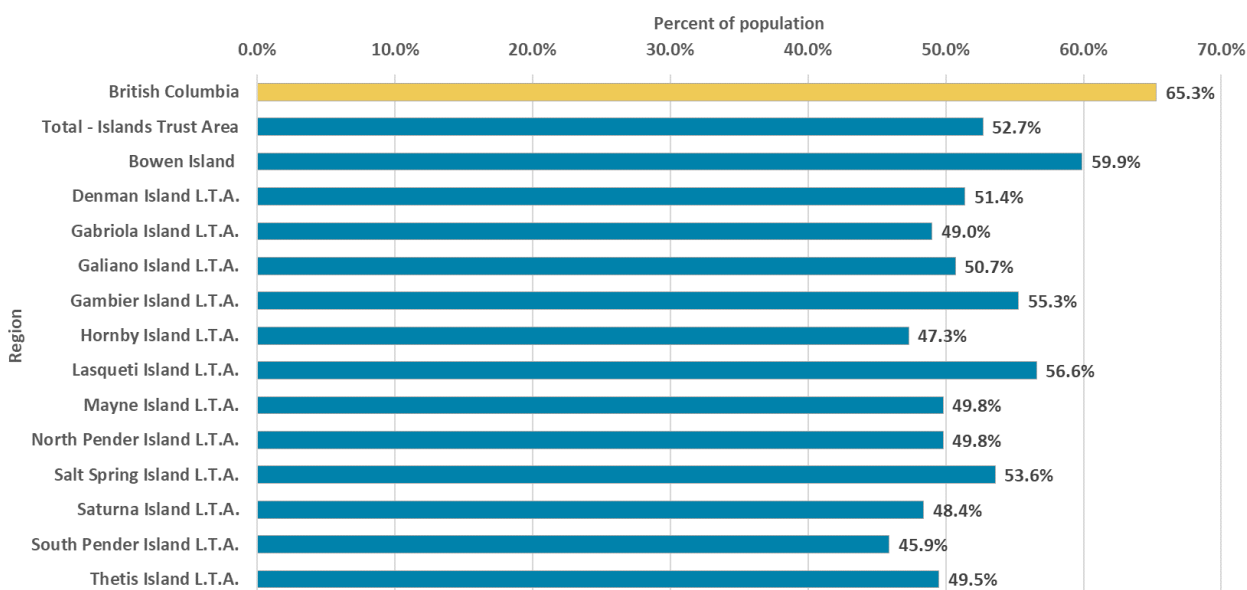
Population growth rate, 2016 to 2021



Median age of population, 2021

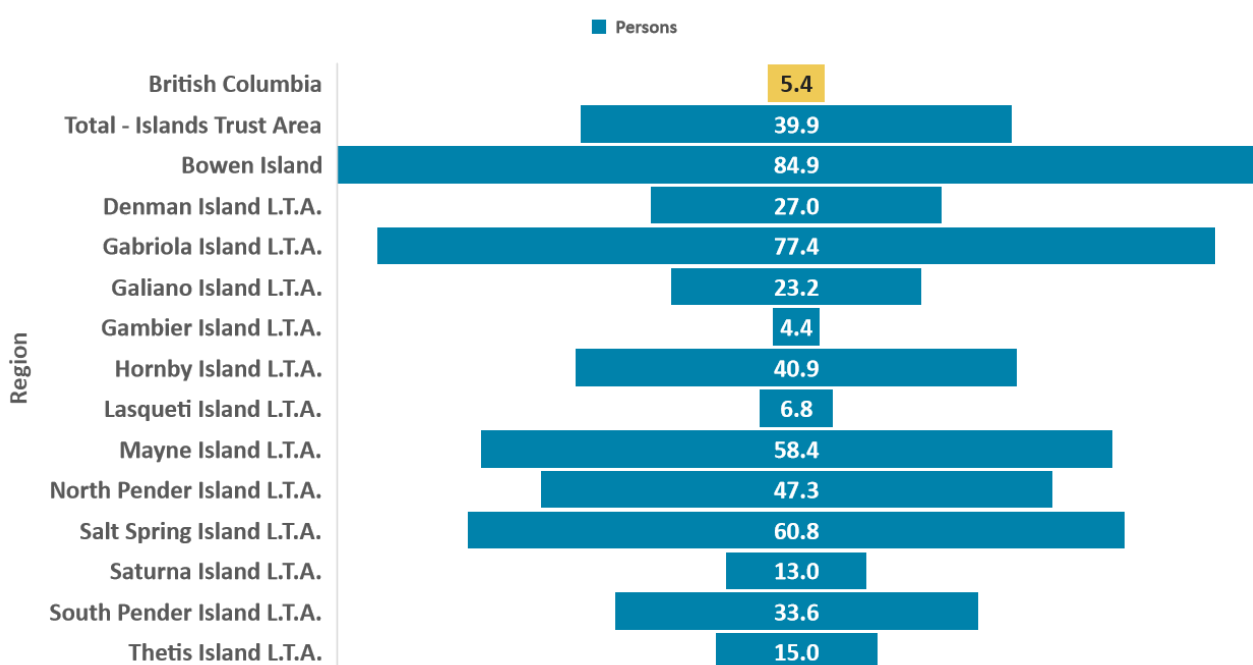


Working age population, 2021*



*Working age is 15 to 64 years old

Population density per square kilometer, 2021



Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



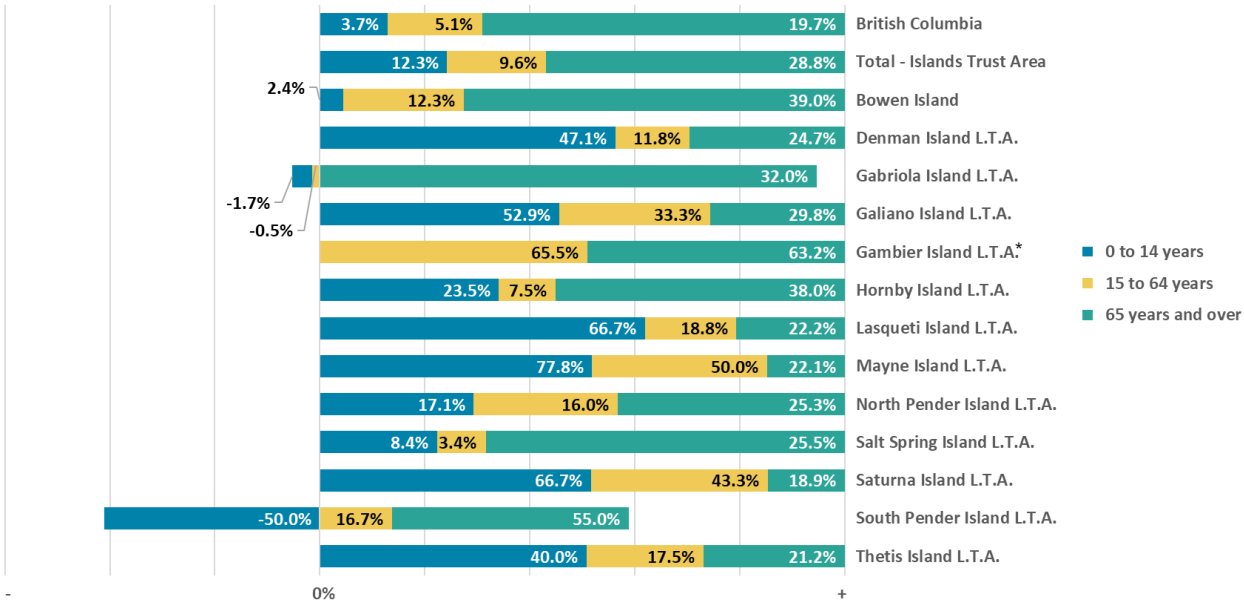
Statistics
Canada

Statistique
Canada

www.statcan.gc.ca

Canada171

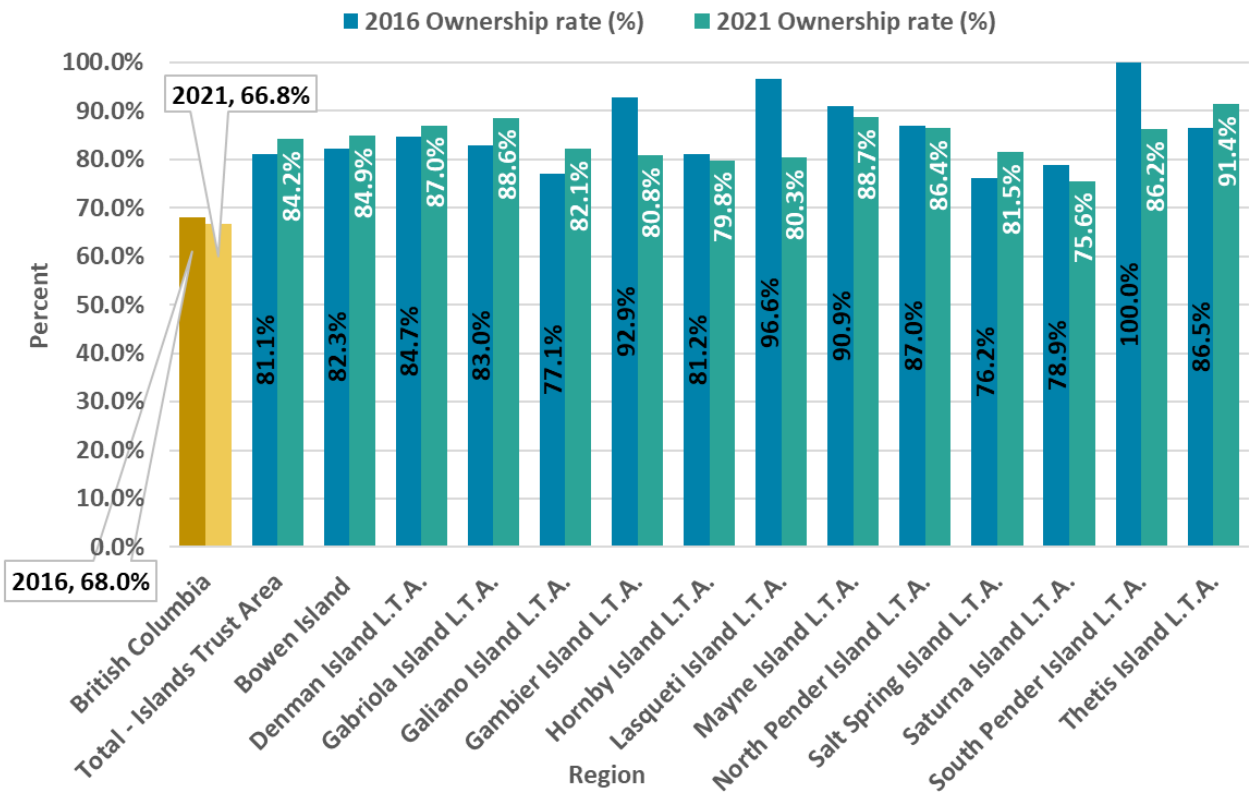
Population change by broad age group, 2016 to 2021



* The population change of 0 to 14 years age group was 250.0% in Gambier Island.

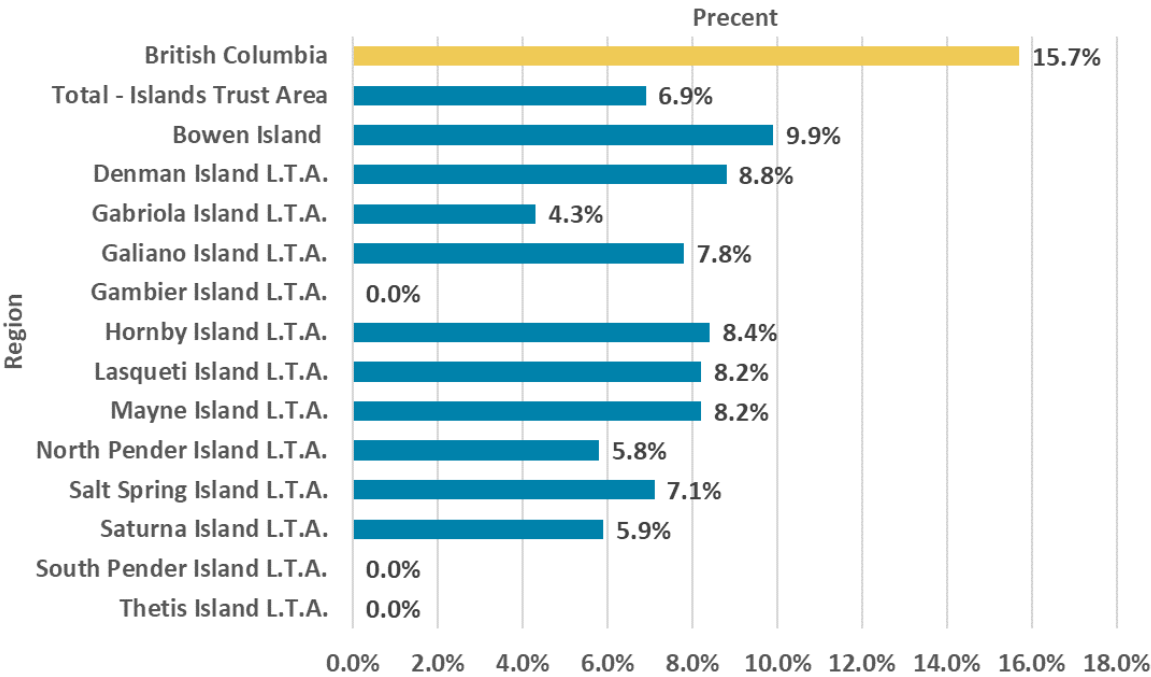
Dwelling

Homeownership rate, 2016 and 2021*

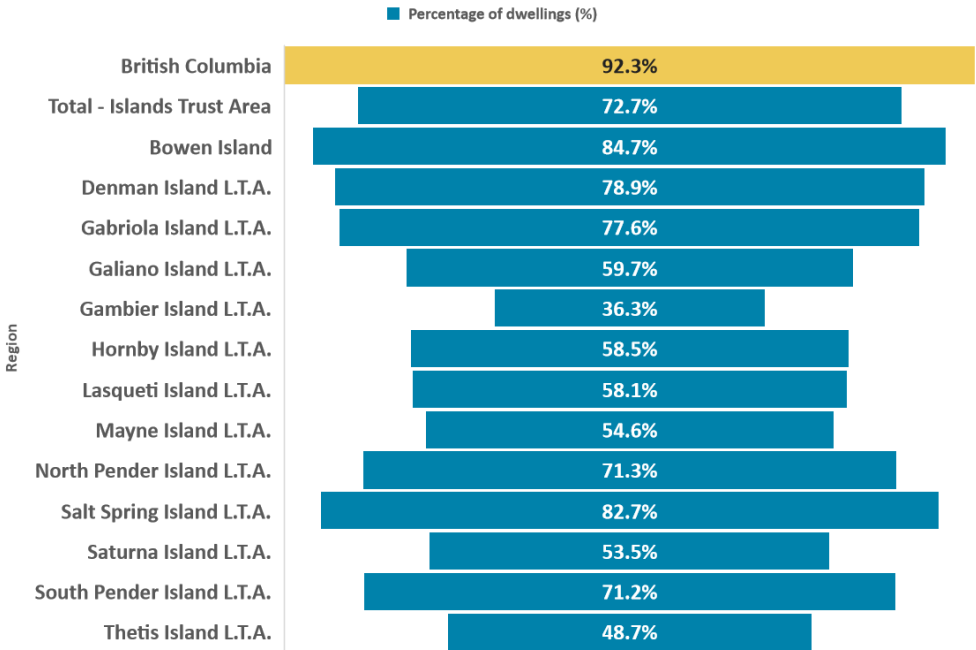


*Owner household refers to a private household where some member of the household owns the dwelling, even if it is still being paid for.

Homeownership rate among 25 to 39 year olds, 2021



Percentage of dwellings occupied by usual residents, 2021

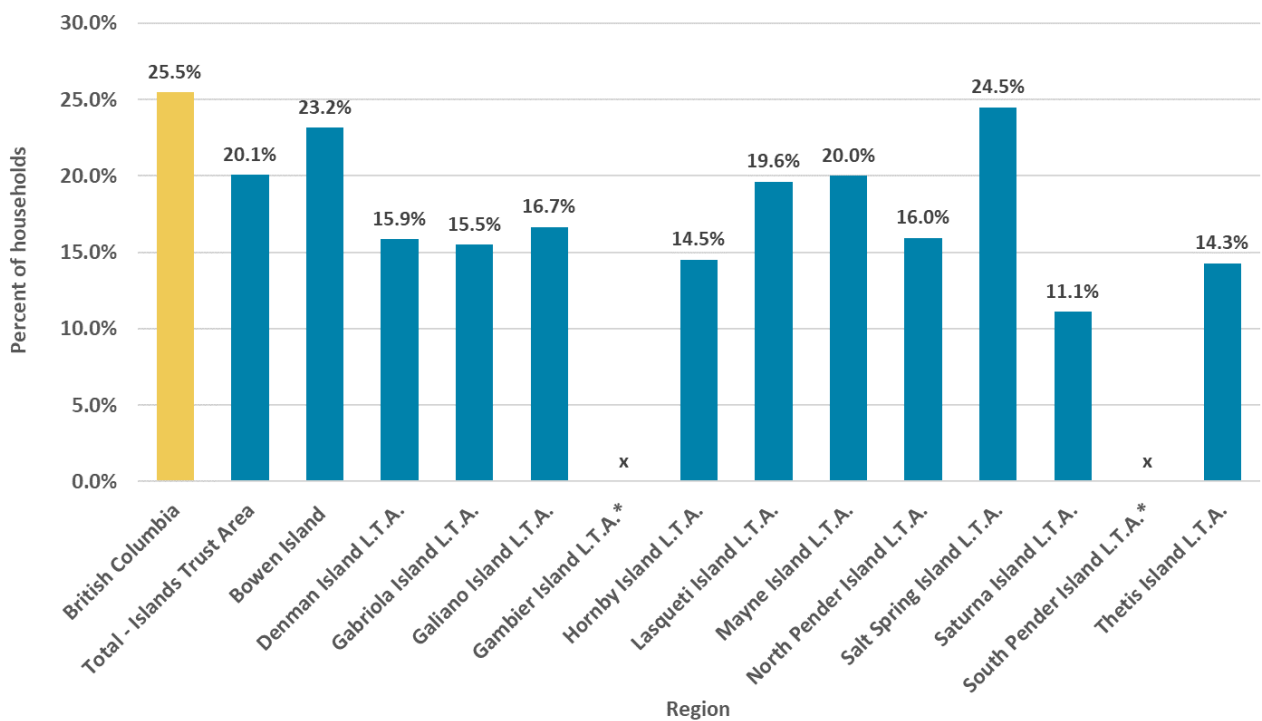


Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data

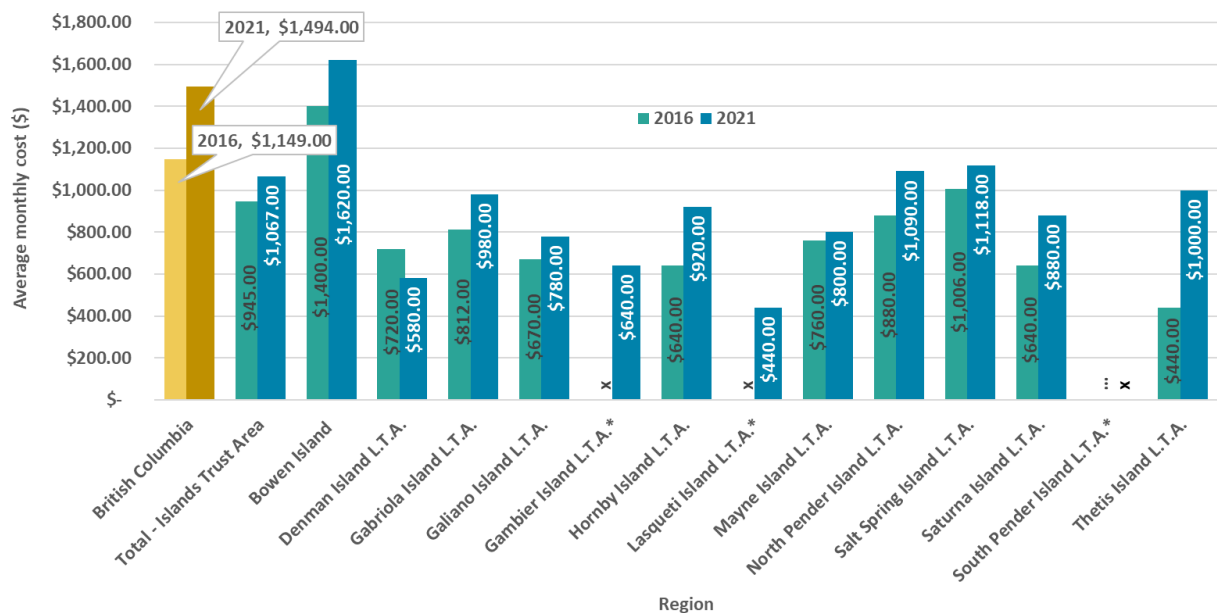
Percentage of households that spend 30% or more of income on shelter costs, 2021¹



*Data for Gambier Island Local Trust Area and South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

1. Total - Owner and tenant households with household total income greater than zero, in non-farm, non-reserve private dwellings by shelter-cost-to-income ratio.

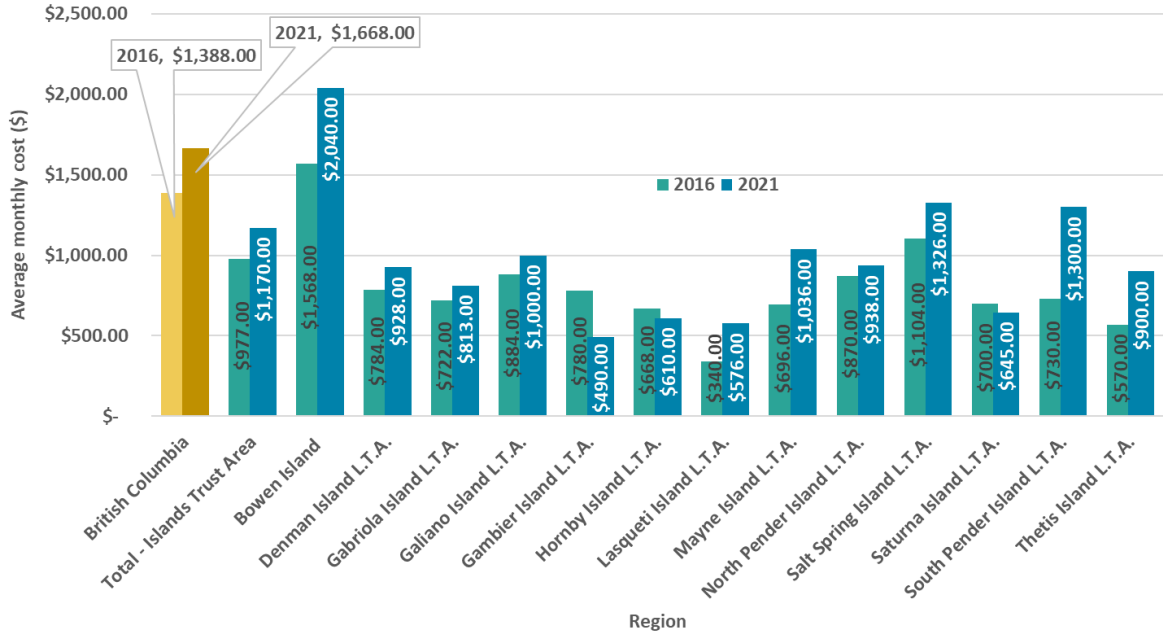
Average monthly shelter cost for renters, 2016 and 2021



Average monthly shelter costs for renters increased by 30.0% in B.C. while the Islands Trust Area saw an increase of 12.9%.

*2016 Census data for Gambier Island Local Trust Area and Lasqueti Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act. 2016 Census data for South Pender Island Local Trust Area not applicable (...). 2021 Census data for South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

Average monthly shelter cost for owners, 2016 and 2021



Average monthly shelter costs for owners increased by 20.2% in B.C. while the Islands Local Trust Area saw an increase of 19.8%.

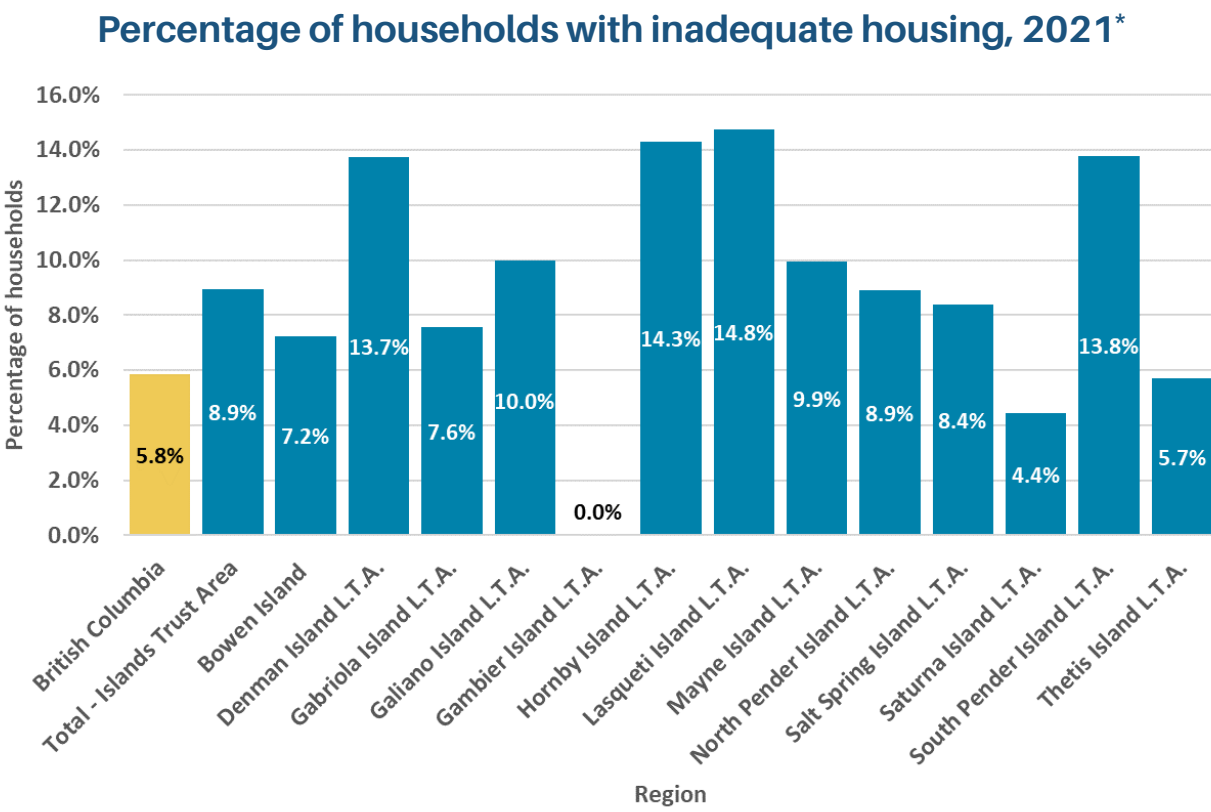
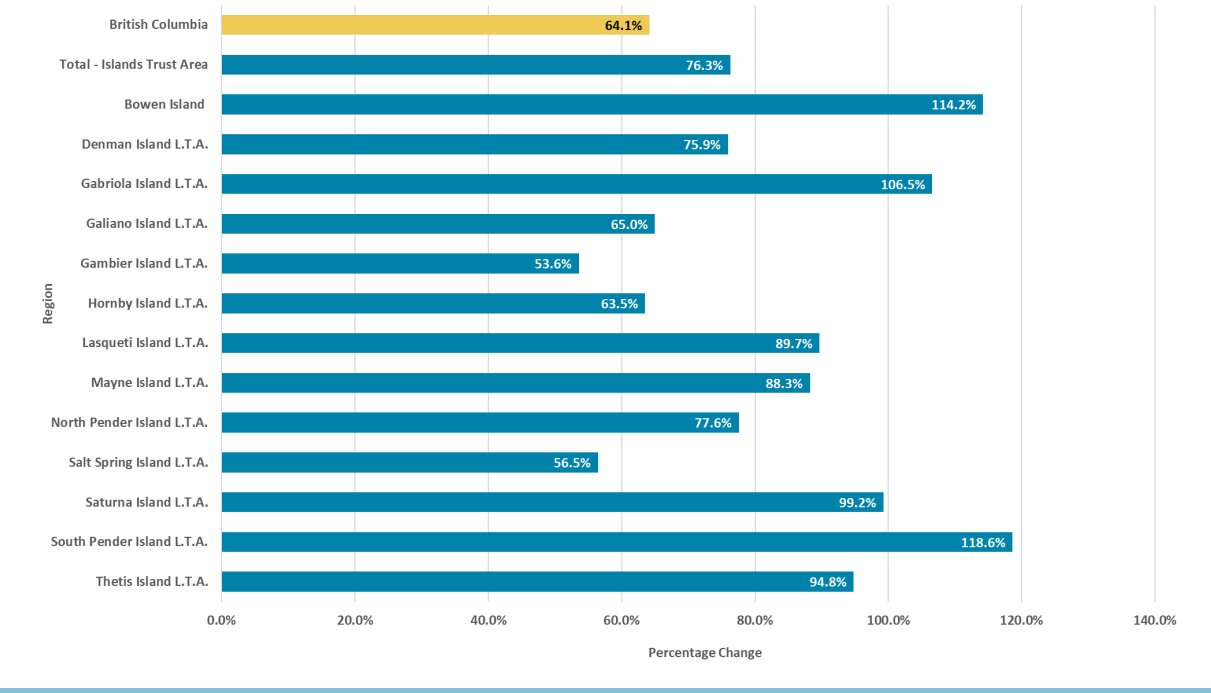
Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



Percentage change in private dwellings occupied by usual residents, 1991 to 2021

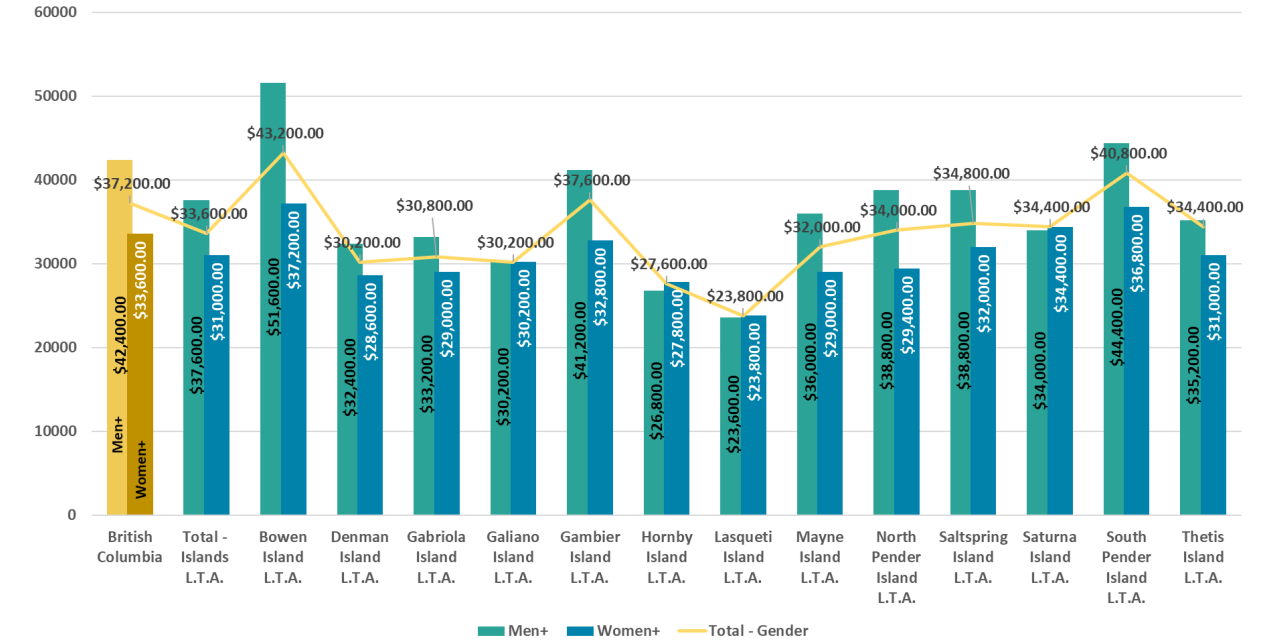


*Housing is considered adequate when it isn't in need of major repairs. Major repairs include defective plumbing or electrical wiring, or structural repairs to walls, floors, or ceilings.
<https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/core-housing-need/identifying-core-housing-need>



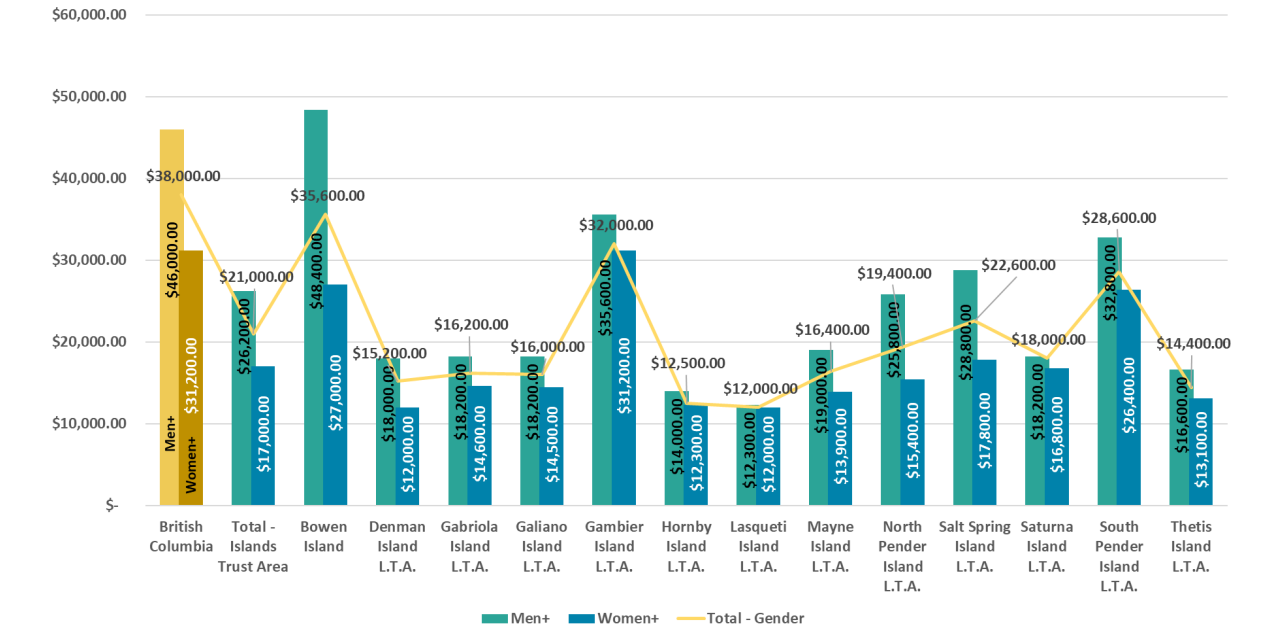
Income

Median after-tax income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

Median employment income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

- Notes:
- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
 - To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
 - The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data

Active Projects Report

Hornby Island

1. *Comprehensive OCP Review*

Responsible

Dates

Topic areas of focus: First Nations, Short Term Vacation Rentals, Housing, and the Riparian Areas DPA and that the project include APC recommendations regarding the LUB referenced in the March 26, 2021 LTC meeting agenda package. Update: add consideration of steep slope area regarding heritage portion of central road to ford cove and consideration of wetland categories.

Heather Kauer
Sonja Zupanec

Rec'd: 06-Nov-2020

Future Projects Report

Hornby Island

1. <i>OCP</i>	Responsible	Date Received
- Ford's Cove Neighbourhood and Transportation Plan - Aquifer Classification System: A review of the aquifer classification system as described in the email letter from Sadie Chezenko dated December 19, 2021 - Freshwater Sustainability: LTC project absorbed into regional project managed by RPC in 2018-2022 term		09-Sep-2022
2. <i>OCP & LUB</i>	Responsible	Date Received
- Climate Change: Address climate change through amendments of OCP policies and LUB regulations - Regional Conservation Plan: Consider amendments to the OCP and LUB that would make these documents consistent with the Regional Conservation Plan		09-Sep-2022
3. <i>Advocacy and Communications</i>	Responsible	Date Received
- Marine Protection: Ongoing participation in public education, advocacy and regional processes with respect to the marine environment and shoreline protection.		09-Sep-2022
4. <i>LUB</i>	Responsible	Date Received
Consider zoning amendments to allow chickens (but not roosters) in all zones. Consider excluding cisterns from setback regulations.		09-Sep-2022

Future Projects Report

Hornby Island

5. *Administrative*

Responsible

Date Received

- Establish a heritage registry.
- Consider the use of Covenants (enabled under S. 219 of the Land Title Act) in conjunction with rezoning applications, to reduce the direct impacts of development on Indigenous culturally sensitive areas.

20-Jan-2023

6. *Bylaw Enforcement*

Responsible

Date Received

7. *First Nations*

Responsible

Date Received

- Participate in heritage and traditional knowledge mapping with the K'omoks First Nation.
- Consider the use of covenants in conjunction with rezoning application to reduce the direct impacts of development on indigenous culturally sensitive areas.
- improve communications with K'omoks First Nation by setting up regular LTC/Chief and Council meetings to discuss a wide range of issues of mutual concern.
- Consider the development of an agreemetn similar to the qathet Regional District, City of Powell River and Tla'amin First Nation.
- Work with K'omoks First Nation to determine how they wish to be engaged, information circulated in review of development and policy plans.
- Consider inviting K'omoks representatives to attend as non voting members and Advisory Planning Commission and Local Trust Committee meetings.

05-May-2023